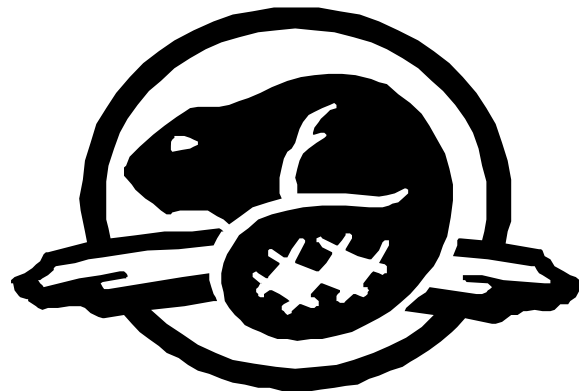


Parks Canada Agency Law Enforcement Administration and Operational Manual



Law Enforcement Branch
National Parks Directorate
Parks Canada Agency

February 2010

Parks Canada Agency Law Enforcement Administration and Operational Manual

For reference purposes, the official version of this manual shall be the version posted by the Law Enforcement Branch. Other electronic copies or hard copies will be considered to be unofficial, current only at the time of copying or printing and used for convenience purposes only.

APPROVAL PAGE

Submitted by
Director, Law Enforcement

Date

Submitted by
National Occupational Health and Safety Coordinator
Human Resources Directorate

Date

Approved by
Director General, National Parks

Date

Parks Canada Agency Law Enforcement Administration and Operational Manual

Table of Contents

Definitions and Acronyms	6
Part I - Administration.....	12
Section 1 - Program Accountabilities.....	13
1.1 Program Accountabilities	13
1.2. Governance.....	14
1.3. Roles and Responsibilities of the Law Enforcement Branch Staff.....	14
Section 2 - Powers and Authorities.....	18
2.1 Authorities	18
2.2 Ministerial Designation.....	19
2.3 Oath of Office	23
Text for Certificates of Designation.....	24
Section 3 - Planning, Audit and Evaluation.....	30
3.1 Prevention and Law Enforcement Planning Process	30
3.2 The Process.....	30
3.3 Service Delivery Agreements.....	32
3.4 Tactical Planning.....	33
3.5 Temporary Workplace Assignment.....	33
3.6 Interagency Cooperation.....	34
3.7 Evaluation and Audit.....	34
Section 4 - Human Resources	37
4.1 Occupational Requirements.....	37
4.2 Training	39
4.3 Licences and Other Required Certificates	42
4.4 Park Warden Code of Conduct.....	45
4.5 Public Complaint and Officer Redress	46
4.6 Critical Incident Counselling.....	55
4.7 Personal Liability.....	56
4.8 Officer Safety	60
4.9 Personal Protective Equipment	60
Part II – Operational	78
Section 5 - Scope of Law Enforcement Responsibilities	79
5.1 Heritage Resource Protection	79
5.2 Visitor Experience	81
5.3 Public Safety	82
5.4 Administration	82
5.5 <i>Criminal Code</i>	83
Section 6 - Operational Standards.....	85
6.1 Park Warden Uniform	85
6.2 Vehicle and Vessel Standards and Use	87
6.3 Facilities and Security	89
6.4 Information Management.....	90
6.5 Communications and Dispatch	95
6.6 Media Relations	96

Parks Canada Agency Law Enforcement Administration and Operational Manual

Section 7 – Law Enforcement Operations	97
7.1 Evictions.....	97
7.2 Highway Law Enforcement Activities and Marine Operations	98
7.3 Special Operations.....	101
7.4 Special Relationships.....	114
7.5 Patrols	117
Section 8 – Law Enforcement Procedures	120
8.1 Use of Force and Incident Intervention.....	120
8.2 Arrest.....	126
8.3 Conducting Search and Seizure	128
8.4 Initial Response	131
8.5 Investigations	131
8.6 Investigative Support	134
8.7 Specialized Equipment	144
REFERENCES.....	146
Legal	146
Procedural	146

Parks Canada Agency Law Enforcement Administration and Operational Manual

Definitions and Acronyms

Administrative Enforcement: refers to enforcement of non-compliance, the consequences of which is financial loss to the Parks Canada Agency as opposed to loss or damage to natural or cultural resources.

Agency Basic Sidearm Instructor: a Parks Canada Agency employee who has successfully completed the Royal Canadian Mounted Police Basic Firearm Instructor Course.

Agency Firearm: a firearm, including the Agency sidearm that the Parks Canada Agency owns for use by its authorized employees.

Bona fide Occupational Requirement: a standard or rule that is integral to carrying out the functions of a specific position.

Canadian Police Information Centre: a repository of police information. The information is contributed to and maintained by participating policing organizations within the system and is managed and administered by the Canadian Police Information Centre Advisory Committee represented by the Royal Canadian Mounted Police and other law enforcement organizations in Canada. The Parks Canada Agency is recognized as a Category II agency.

CAPRA (Clients, Acquiring and Analyzing information, Partnerships, Response, Assessment): a problem-solving model developed by the Royal Canadian Mounted Police. It is a continuous improvement approach that has a client, information, partnership and response and assessment focus.

Certificate of Designation: an authorization issued by a Minister to a person employed in the public service of Canada or by a provincial, municipal or local authority, whose duties include law enforcement, to enforce all or some provisions of federal acts and regulations, and for those purposes, those employees have the powers and are entitled to the protection provided by law to peace officers within the meaning of the *Criminal Code*.

Communications Framework: a cooperative mechanism to facilitate working with an outside organization law enforcement partner, when the outside organization does not agree to co-develop a Memorandum of Understanding.

Complaint: a written or oral allegation made to the appropriate authority respecting any law enforcement personnel's conduct of their duty.

Complaint Board: a review body established at the field or national level to investigate law enforcement complaints.

Compliance: conformity with laws, rules and regulations

Confidential Human Source: any person who supplies information related to law enforcement activities to the Parks Canada Agency on a confidential basis due to their personal situation whether or not for reward.

Criminal Offence: a violation of the *Criminal Code*.

Critical Incident: a situation that is traumatic for the front line worker involved. The incident causes the worker to experience unusually strong emotional reaction any time during or after the incident.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Custodian: a supervisor responsible for the issuance, tracking, control, storage, maintenance and transportation of firearms for a given geographical location.

Defensive Baton: an expandable intermediate weapon.

Dispatch Mechanism: a mechanism whereby law enforcement personnel activities are continuously monitored, information is disseminated, and assistance response is initiated.

Emergency Law Enforcement Vehicle: a Parks Canada Agency vehicle that, in accordance with provincial or territorial law, is equipped with emergency warning equipment as is required for a police vehicle.

Emergency Warning Equipment: a combination of flashing or rotating warning lights and siren or other electronic warning device(s) as required for police vehicles to comply with provincial or territorial law.

Enforcement officer: a person designated under section 19 of the *Canada National Parks Act* or the *Canada National Marine Conservation Areas Act*, or belonging to a class of persons or referred to in sections 12 and 13 of the *Saguenay-St. Lawrence Marine Parks Act*.

Firearm: any barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm (section 2 of the *Criminal Code*).

Firearm Identification Number: a number assigned to a firearm by the Registrar at the time the firearms is issued to the Parks Canada Agency under the *Firearms Act*, and is applicable to Public Agents.

Heritage Place: Federal land (including submerged land) and water as well as buildings and structures administered by the Parks Canada Agency, including:

- National Parks of Canada (including National Park Reserves of Canada),
- National Historic Sites of Canada administered by Parks Canada Agency (including historic canals),
- National Marine Conservation Areas of Canada (including Saguenay-St. Lawrence Marine Park, Fathom Five Marine Park and National Marine Conservation Areas Reserves of Canada), and
- Any other federal places administered by Parks Canada Agency.

IMIM/PDT Instructor: a person who has successfully completed the Royal Canadian Mounted Police Incident Management Intervention Model / Police Defensive Tactics (IMIM/PDT) instructor course.

Incident: an occurrence either human caused or by natural phenomena, that requires action by law enforcement personnel to prevent or minimize risk to public safety, loss of life or damage to property and/or natural or cultural resources.

Incident Management Intervention Model (IMIM): a model that defines appropriate intervention options for peace officers, based on situational factors, subject's demonstrated or perceived behaviour and tactical considerations.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Incidental Response: responding to a law enforcement matter for which the officer does not have primary responsibility as a result of being in the immediate vicinity because of other duties being performed.

Initial Response: the first action taken to actively intervene in an incident.

Intelligence Gathering: the active collection and analysis of information from a variety of sources to support an ongoing or future investigation.

Investigation: an in-depth inquiry into a particular incident, case, etc. where there is reason to suspect an offence may have occurred, may be occurring, or will occur in the future.

Joint Force Operation: a formal undertaking involving two or more organizations and is used to draw on the investigation expertise, equipment, financing and human resources of more than one organization.

Jurisdiction: defines the sphere of authority to make, enforce, and interpret laws and outlines the territorial and statutory limits within which any particular authority is exercised.

Law Enforcement: the exercise of legal authority and processes by designated authorities.

Law Enforcement Authority: a granting of specific powers that may include the authority to enforce laws and regulations.

Law Enforcement Branch: the organizational branch of the Parks Canada Agency responsible for delivering all aspects of law enforcement service related to the Parks Canada Agency mandate to Parks Canada Agency field operations and for representing the Parks Canada Agency in all interagency law enforcement matters.

Law Enforcement Program: means by which the Parks Canada Agency ensures compliance with the acts, regulations, and policies necessary to protect heritage resources, physical structures, visitors and the quality of their experience in heritage places.

Manager, Law Enforcement Operations: a person, reporting to the Director, Law Enforcement, responsible for managing the law enforcement operations and supervising Parks Canada Agency law enforcement personnel within assigned areas which may include multiple field units.

Manager, Resource Conservation: the field manager responsible for managing the Resource Conservation Function.

Marine Conservation Area Warden: a person designated under section 18 of the *Canada National Marine Conservation Areas Act* (Park Warden).

Memorandum of Understanding: a written understanding between the Parks Canada Agency and another organization that defines the terms, conditions, and responsibilities of the parties to accomplish prescribed mutual objectives.

Minister: the Minister responsible for the Parks Canada Agency, unless otherwise stated.

National Firearm Officer: a Parks Canada Agency employee who is designated in writing as a firearms officer by the Minister, and who will be the Parks Canada Agency's contact with the Registrar for the Law Enforcement Branch.

Parks Canada Agency Law Enforcement Administration and Operational Manual

National Law Enforcement Standards: law enforcement standards adopted by the Parks Canada Agency to ensure the professional delivery of law enforcement programs and the safety of park wardens and enforcement officers.

Oleoresin Capsicum (OC): a by-product derived from processing certain peppers and is used as the active ingredient in OC aerosols (pepper spray).

Park Warden: a person appointed under the *Parks Canada Agency Act* who is certified and whose duties include the enforcement of the *Canada National Parks Act*, the *Canada National Marine Conservation Areas Act* or the *Saguenay – St. Lawrence Marine Park Act*. This includes a person designated as a park warden under section 18 of the *Canada National Parks Act* and a marine conservation area warden under the *Canada National Marine Conservation Areas Act* or referred to in section 12 of the *Saguenay – St. Lawrence Marine Park Act*.

Partner: an organization that is in a working relationship with the Parks Canada Agency. This working relationship is based on mutual benefit and a clear agreement that sets out shared goals and objectives and the terms of the arrangement. Partners can be from the not-for-profit sector (e.g. non-governmental organizations, academia, cooperative associations), other governmental organizations and the for-profit sector.

Partnering: Working relationships between two or more organizations with separate identities and independent accountabilities, based on mutual benefit and a clear agreement that sets out the shared goals and objectives and the terms of the agreement. At the Parks Canada Agency, we refer to partnering with the for-profit sector as Corporate Engagement.

Patrol: travelling over or on lands, waterways and related facilities for the purpose of maintaining watch in order to accomplish law enforcement objectives.

Personal Protective Equipment: specialized clothing or equipment worn by employees for protection against health and safety hazards.

Physical Surveillance: a technique involving the observation of persons and their activities as a means of gathering evidence or intelligence.

Plain Clothes: general law enforcement or special operations duties where officers carry out investigations out of uniform, but using their own names and identification with no back up documentation.

Police Service of Jurisdiction: the primary law enforcement organization assigned the responsibility for the maintenance of the public peace within a specified jurisdiction (e.g., Royal Canadian Mounted Police, Ontario Provincial Police, Sûreté du Québec, Regional or Local, First Nations).

Prevention: proactive and reactive actions taken by appropriately trained Parks Canada Agency employees and partners to prevent negative incidents before they occur or to address them in a non-law enforcement manner in their early stages, ensuring that Parks Canada Agency heritage places are enjoyed in ways that leave them unimpaired for present and future generations and ensuring that every Parks Canada Agency visitor has a peaceful and enjoyable visit without being disturbed by others or causing a disturbance to others.

Prevention Personnel: employees of the Parks Canada Agency who have received prevention training, a contractor or another third party, who have the responsibility to participate in the prevention program.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Protected Firearm: a firearm that has come under the care and responsibility of the Parks Canada Agency (e.g., a firearm that was found, surrendered or seized).

Public Agency Identification Number: the number assigned to a public service organization under the *Public Agents Firearms Regulations, Section 7(1)(a)*, and is required by the Parks Canada Agency for the procurement of any firearm. Parks Canada Agency's Public Agency Identification Number remains protected.

Public Officer: a person employed in the federal public administration or by the government of a province or municipality who has the authority to possess, transfer and control a firearm, a prohibited weapon, a restricted device, any prohibited ammunition or an explosive substance in the course of their duties or employment.

Public Peace: social harmony and is referenced in federal (including portions of the *Canada National Parks Act, Canada National Marine Conservation Areas Act* and *Saguenay-St. Lawrence Marine Park Act*) and provincial/territorial legislation intended to control anti-social behaviour and uphold the law of the land.

Pursuit: interception and detainment of vehicles/vessels for the purposes of apprehending a person or persons who have violated the law or in order to lawfully search a person, persons or a vehicle/vessel.

Registrar: the Registrar of Firearms appointed under section 82 of the *Firearms Act*.

Restricted Firearm: A restricted firearm is:

- A handgun that is not a prohibited firearm;
- A firearm that is not a prohibited firearm, has a barrel less than 470 mm in length, and is capable of discharging centre fire ammunition in a semi-automatic manner;
- A firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise; or
- A firearm of any other kind that is prescribed to be a restricted firearm (subsection 84(1) of the *Criminal Code*).

Service Delivery Agreement: an agreement entered into between the Director, Law Enforcement and Field Unit Superintendents that provides for a type and level of law enforcement service to be delivered to the field unit by the Law Enforcement Branch for a specified period of time.

Special Law Enforcement Operations: an operation of finite duration that requires provision of resources and/or human power beyond the normal capabilities of a park or a region and which deals with a specific law enforcement problem.

Stakeholder: Refers to individuals or groups with an interest in, or influence upon, the Parks Canada Agency. Their interests are expressed in a variety of ways and may relate to our mandate, goals, values, and/or the impacts of our actions, perceived or real.

Superintendent: an officer appointed under the *Parks Canada Agency Act* who holds the office of Superintendent of a national park or of a national historic site of Canada and includes any person appointed under that Act who is authorized by such an officer to act on the officer's behalf.

Tactical Intelligence: intelligence that has a bearing upon an existing law enforcement condition, current operation, or only of interest to a specific park.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Tactical Re-positioning: an Incident Management Intervention Model option allowing an officer to create a greater reactionary gap between himself/herself and the threat, to permit more time to reassess the situation and determine the most effective course of action.

Targeted Law Enforcement: the concentration of law enforcement efforts on areas or categories of offences where there are actual or potentially significant problems or areas of distinct priority.

Third Party Rule: the practice of honouring the request by a contributor of information requests that dissemination of information be restricted. Such information is not disseminated without first clearing it with the originator.

Use of Force Instructor: a person who has successfully completed the Royal Canadian Mounted Police Use of Force Instructor Course, which encompasses the IMIM/PDT and Basic Firearm Instructor Course

Vehicle: all trucks, cars, over-snow vehicles, and all-terrain vehicles, unless individually specified, and is applied in the directive to the extent that it is possible.

Vessel: inboards, inboard-outboards, outboards, and non-powered craft, unless individually specified, and is applied in the directive to the extent that it is possible.

Violent Incident: an incident where a subject displays resistant or combative subject behaviour, or behaves in a manner that is likely to cause injury to another subject.

Violent Occurrence Reporting System: a component of the Occurrence Tracking System administered by the Parks Canada Agency that provides records of “use of force” incidents and annual summaries of assaults on law enforcement personnel, and any other violent incident.

Part I - Administration

Section 1 - Program Accountabilities

Contents

- 1.1 Program Accountabilities**
- 1.2 Governance**
- 1.3 Roles and Responsibilities**

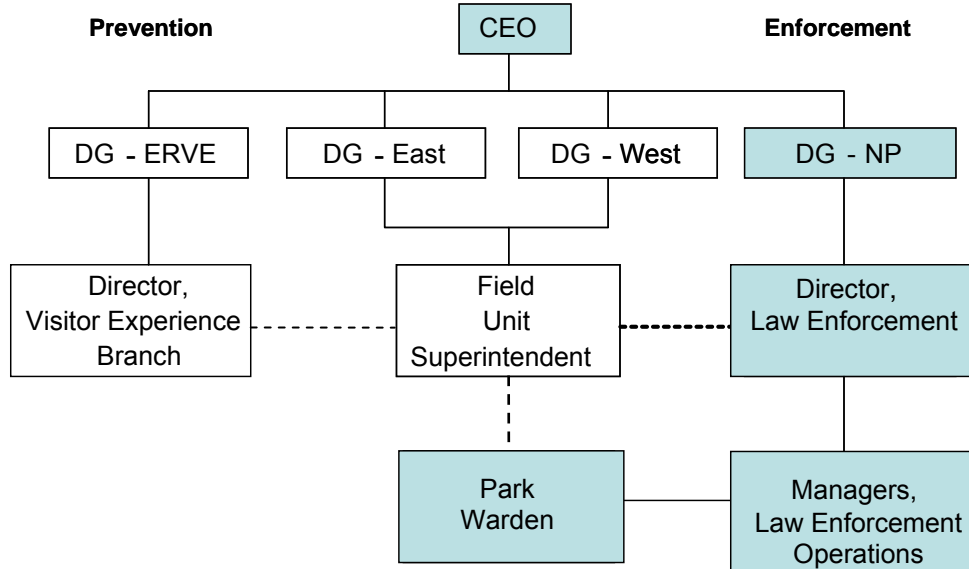
The Parks Canada Agency law enforcement program is centrally managed to ensure the highest standards of operation and service delivery as well as maximum flexibility to respond to emerging short-term law enforcement issues.

1.1 Program Accountabilities

- 1.1.1 The Director General, National Parks is accountable to the Chief Executive Officer for developing the law enforcement policy and for delivering law enforcement services.
- 1.1.2 The Director General, External Relations and Visitor Experience is accountable to the Chief Executive Officer for the Parks Canada Service - Prevention Guidelines.
- 1.1.3 The Field Unit Superintendent is accountable to the Chief Executive Officer for the management and operations of the field unit. This includes integrated prevention and law enforcement planning for natural and cultural resource protection to ensure employee safety and a safe and enjoyable visitor experience with a minimum of reliance on law enforcement actions by park wardens or other law enforcement organizations.
- 1.1.4 The Director, Law Enforcement is accountable to the Director General, National Parks for the provision of all law enforcement services and management of law enforcement personnel in heritage places and for professional and technical law enforcement advice delivered through service delivery agreements with field units.
- 1.1.5 Managers, Law Enforcement Operations are accountable for the development and implementation of service delivery agreements within assigned areas that may include multiple field units. They also supervise Parks Canada Agency park wardens within those units.
- 1.1.6 Park wardens are accountable for providing law enforcement services as set out in the service delivery agreements to support natural and cultural resource protection, public education and visitor experiences.

1.2. Governance

Figure 1 represents the reporting lines for the Parks Canada law enforcement program.



- 1.2.1. There is a direct flow of authority and accountability from the Chief Executive Officer through the Director General, National Parks, Director, Law Enforcement, Managers, Law Enforcement Operations to park wardens at the field unit level.
- 1.2.2. There is a functional relationship between Field Unit Superintendent and the Director, Law Enforcement that is exercised through a negotiated service delivery agreement.
- 1.2.3. Through the service delivery agreement process, the Field Unit Superintendent will identify the day-to-day field contact for the park wardens. This contact will ensure the smooth integration of law enforcement services in the field unit operations; resolving disputes; coordinating the integration of law enforcement programs; coordinating logistical issues; and generally representing law enforcement at the field unit management table.

1.3. Roles and Responsibilities of the Law Enforcement Branch Staff

Due to the direct line relationship, it is important to outline the roles and responsibilities of the Law Enforcement Branch. The following defines those areas of responsibility and provides for support at the field unit level in the development and delivery of the service delivery agreements.

1.3.1 Director, Law Enforcement

The following areas of responsibility are defined and supported through staff at national office.

1.3.1.1 Law Enforcement Training and Standards

- Establish and maintain human resources and training standards.
- Establish and maintain park warden recruitment process and training program.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Maintain internal and external training networks (e.g. Royal Canadian Mounted Police, other federal organizations).
- Establish networks with the External Relations and Visitor Experience Directorate and other Parks Canada Agency organizations to ensure integration of prevention strategies and initiatives in the development of law enforcement operational and service delivery agreements and monitoring and evaluation frameworks.
- Establish and maintain relationships with the police services of jurisdiction to support the negotiation and implementation of memorandum of understanding and coordinate national requirements.

1.3.1.2 Law Enforcement Policy

- Develop, review and update national policies, directives and procedures regarding the enforcement of the *Canada National Parks Act* and regulations, *Canada National Marine Conservation Areas Act*, *Saguenay-St. Lawrence Marine Park Act* and other federal conservation statutes to protect natural and cultural resources in national parks, national park reserves, national marine park reserves, national historic sites and national marine conservation areas.
- Provide expert law enforcement advice to support the advancement of legislative and regulatory initiatives to address operational and law enforcement needs in national parks, national historic sites and national marine conservation areas.
- Cooperate and create partnership agreements within the Parks Canada Agency and with other organizations related to policy level services.
- Provide policy direction and interpretation to law enforcement personnel, Law Enforcement Branch managers and senior Parks Canada Agency managers.
- Negotiate cooperative and partnership agreements at the policy level, including research, operational strategies and joint projects with governmental and private sector organizations to support law enforcement program planning and development requirements.

1.3.1.3 Law Enforcement Programs

- Establish and communicate national standards for specialized law enforcement equipment, including sidearm, law enforcement vehicles/vessels, secure communications and other mobile equipment.
- Negotiate and manage national equipment and acquisition contracts, and plan and provide national armoury services.
- Manage the database design and management systems for the recording and reporting of occurrences and activities by park wardens.
- Develop standards for Parks Canada Agency park warden uniforms through consultation with the National Uniform Working Group and personal protective equipment and clothing through consultation with the National Occupational Health and Safety Policy Committee.
- Establish internal and external networks with colleagues, professionals, partners across government at all levels and with professional groups/associations in the areas of law enforcement standards, recruitment and equipment to remain abreast of trends and best practices.

1.3.2 Manager, Law Enforcement Operations

- Plan implementation of law enforcement activities by working with Field Unit Superintendent to identify and prioritize law enforcement issues within national parks, national historic sites and/or national marine conservation areas in the assigned area; evaluate proposed law enforcement plans and proposals; develop service delivery agreements outlining the nature, scope, scheduling and availability of field unit law enforcement services; recommend changes to site/field unit law enforcement plans; and support prevention planning at the site level.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Coordinate, schedule and direct the delivery of law enforcement activities in the assigned area, including inspection, investigation and intelligence collection activities. Manage multiple law enforcement strategies and resources deployment plans to prevent, detect and respond to threats to cultural and natural resources and quality visitor experiences, and ensure law enforcement services are delivered as defined in service delivery agreements.
- Liaise, network, maintain relationships, and manage partnerships with partner and stakeholder organizations.
- Advise the Director, Law Enforcement on emerging law enforcement issues and requirements and participate in the development of strategies to mitigate and manage issues and facilitate the effective planning, management and delivery of law enforcement services.
- Analyze and disseminate information on law enforcement occurrences and incidents; develop law enforcement program reports for assigned area; and participate in national law enforcement program planning, reporting, evaluation and policy development activities.
- Ensure that national standards, policies and procedures for law enforcement training, equipment, occupational health and other relevant aspects of the law enforcement program are implemented and adhered to.
- Ensure that all employees cooperate to promote a healthy and safe work place while performing their duties in accordance with the *Canada Labour Code*, Part II.

1.3.3 Supervisor (Park warden)

- Coordinate and supervise daily law enforcement operations including work planning and scheduling, assigning duty rosters, providing guidance and direction, approving leave, and assessing performance.
- Provide advice on, review and sign off investigation and incident assessment reports prepared by park wardens.
- Support the field unit law enforcement planning processes; coordinate planning activities, including technical analysis, and review tables, charts and narrative technical reports for the use of Parks Canada Agency managers in planning, reporting and program management.
- Ensure that all employees cooperate to promote a healthy and safe work place while performing their duties in accordance with the *Canada Labour Code*, Part II.
- Carry out duties of a park warden as described below.

1.3.4 Park warden

- Assess observed or reported situations, gather additional information and take appropriate action to protect natural and cultural resources and the public within Parks Canada Agency boundaries; exercise peace officer authorities including the powers of arrest, detention, search and seizure to enforce the *Canada National Parks Act*, *Species at Risk Act* and other relevant federal and provincial legislation concerning the protection of natural and cultural resources and ensuring visitor experience; secure and exercise search warrants; seize and detain evidence; serve court documents; and participate in court activities.
- Conduct law enforcement investigations and prepare incident assessment, law enforcement and intervention reports; maintain law enforcement program information and prepare program status and activity reports.
- Collaborate with other organizations and Parks Canada Agency staff to coordinate law enforcement investigations and activities requiring external law enforcement support.
- Provide input to support client law enforcement program planning activities; conduct technical analysis and prepare tables, charts and components of narrative technical reports for the use of Parks Canada Agency managers in planning, reporting and program management.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Undertake law enforcement training; maintain professional law enforcement standards and qualifications; and maintain, use and secure law enforcement equipment in compliance with Parks Canada Agency policies, standards, and procedures.
- Provide law enforcement program support to other Parks Canada Agency functions and operations (e.g. law enforcement control in search and rescue operations, highway control services in emergency situations, targeted presence initiatives).
- Support the development and delivery of information to Parks Canada Agency staff, other organizations, the public, the Aboriginal community, and commercial, non-government and community groups/organizations; explain and promote Parks Canada Agency resource protection and law enforcement requirements; and support the development and delivery of law enforcement training.
- Understand and adhere to the Parks Canada Agency Code of Ethics and the Park Warden Code of Conduct.
- Cooperate to promote a healthy and safe work place while performing their duties in accordance with the *Canada Labour Code*, Part II.

Section 2 - Powers and Authorities

Contents

- 2.1 Authorities**
- 2.2 Ministerial Designation**

Legislation applicable to national parks, national park reserves, national historic sites, national marine conservation areas, and the Saguenay-St. Lawrence Marine Park requires that law enforcement personnel, as specified in the respective legislation, be officially designated by the Minister responsible for that legislation — the Minister of the Environment. This designation officially confers powers to those named officers. There is no automatic entitlement of powers prior to the designation. Law enforcement personnel on heritage canals must derive their authority through provincial legislation such as special constable designation in the Province of Ontario and Nova Scotia. The Director, Law Enforcement, must approve all such designations, in advance.

2.1 Authorities

- 2.1.1 Law enforcement is a strategic tool that is used as an integral component of Parks Canada Agency's programs and guidelines (*i.e.* resource protection and prevention).
- 2.1.2 The Parks Canada Agency's law enforcement program shall be managed and supervised in accordance with:
 - Laws and regulations;
 - Parks Canada Guiding Principles and Operational Policies;
 - National Law Enforcement Policy (Management Directive);
 - Parks Canada Agency Law Enforcement Administration and Operational Manual;
 - Service Delivery Agreements;
 - Human Resource Values and Principles; and
 - Parks Canada Agency Code of Ethics.
- 2.1.3 The following instruments, as amended from time-to-time, provide the Parks Canada Agency and its employees with the legal authority to manage park lands and waters and enforce the applicable legislation:
 - *Canada National Marine Conservation Areas Act*. S.C. 2001. C.18 ()
 - *Canada National Parks Act*. S.C. 2000. C.32 and Regulations
 - *Criminal Code*
 - *Department of Transport Act*. S.C. T-18
 - *Government Property Traffic Regulations*. C.R.C., c. 887
 - Historic Canal Regulations. SOR/93-220 May 1993
 - National Historic Parks Regulations. SOR/82-263
 - *Saguenay-St. Lawrence Marine Park Act*. S.C.1997. C.37
 - *Parks Canada Agency Act*. S.C. 1998. C.31
 - *Canada Labour Code*. R.S. 1985. c.L-2 (*Canada Labour Code*, Part II – January 2008)
 - Other legislation or references may be used from time-to-time.
- 2.1.4 The *Canada National Parks Act*, *Canada National Marine Conservation Areas Act* and the *Saguenay-St Lawrence Marine Parks Act* all grant the Minister authority to designate employees of the Parks Canada Agency as park wardens for the purposes of enforcing

Parks Canada Agency Law Enforcement Administration and Operational Manual

provisions of the Act(s). The Acts also grant and limit specific authorities that can be exercised in the course of law enforcement duties.

- 2.1.5 The *Saguenay-St Lawrence Marine Parks Act* provides that park wardens have the power, duties and protection, both inside and outside the park, provided by law to peace officers, for the purposes of the preservation and maintenance of the public peace in the park, and the enforcement of the *Saguenay-St Lawrence Marine Parks Act* and any other federal Act that they may be authorized to enforce, both inside and outside the park.
- 2.1.6 The *Species at Risk Act* provides the Minister of the Environment with the authority to enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a wildlife species listed as extirpated, threatened or endangered under the Act, any part of its residences, or critical habitat.
- 2.1.7 If required, park wardens may be appointed by Environment Canada as game officers under the *Migratory Birds Convention Act* and *Wild Animal and Plant Protection and Regulation of International and Inter-provincial Trade Act*. A national category appointment has not been given and, therefore, regional category appointment applications must be made under each Act.
- 2.1.8 Where applicable, a provincial solicitor general may agree to grant special constable status to park wardens. With this authority, park wardens are able to enforce other provincial legislation in heritage places within those provinces. For example, park wardens are able to enforce the Historic Canal Regulations in Ontario and Nova Scotia.
- 2.1.9 The Government Property Traffic Regulations deal with speeding, parking and signs. They apply to all Park Canada Agency's lands, except where those lands are listed in the *Canada National Parks Act* Schedule. On April 10, 2000, the Chief Executive Officer of the Parks Canada Agency authorized any enforcement officer as defined in the *Canada National Parks Act* or in the *Saguenay-St. Lawrence Marine Park Act*, and any other officer designated pursuant to the *Canada National Parks Act* or the *Saguenay-St. Lawrence Marine Park Act* to enforce the regulations.
- 2.1.10 All authorities are exercised within the policies and procedures approved by the Chief Executive Officer.

2.2 Ministerial Designation

There are two designations of law enforcement personnel. Under the *Canada National Parks Act* and the *Canada National Marine Conservation Areas Act*, the Minister may designate Parks Canada Agency employees whose duties include law enforcement as park wardens with full peace officer status. The Minister may also designate law enforcement officers of other organizations having the powers and protections of peace officers for specific purposes, times and locations.

2.2.1 Categories of Law Enforcement Personnel

2.2.1.1 Park Warden

- 2.2.1.1.1 All those individuals appointed under the *Parks Canada Agency Act* whose duties include enforcement of the *Canada National Parks Act* or the *Canada National Marine Conservation Areas Act* may be designated park warden for the enforcement of these two Acts and the maintenance of the public peace in those parks or marine parks, except in any portion of the marine parks situated within the exclusive economic zone of Canada. The powers of these park wardens are set out in the *Canada National Parks*

Parks Canada Agency Law Enforcement Administration and Operational Manual

Act and the *Canada National Marine Conservation Areas Act*. These park wardens are provided with a certificate of designation and a Parks Canada Agency PC-4 card.

- 2.2.1.1.2 The legislation states that a park warden is a peace officer within the meaning of the *Criminal Code* for the purpose of maintenance of the public peace in parks or marine conservation areas and in the enforcement of the *Canada National Parks Act* or the *Canada National Marine Conservation Areas Act*, as applicable.
- 2.2.1.1.3 The *Saguenay-St Lawrence Marine Park Act* states that for the purposes of the preservation and maintenance of the public peace in the park, and the enforcement of that Act and any other federal Act that they may be authorized to enforce, both inside and outside the park, a park warden has the powers, duties and protection provided by law to peace officers.

2.2.1.2 Enforcement Officer

- 2.2.1.2.1 This includes all those individuals or classes of individuals employed in the federal public administration, or by a provincial, municipal or local authority or an aboriginal government who have been designated by the Minister for the purpose of the enforcement of specific provisions of the *Canada National Parks Act* or the *Canada National Marine Conservation Areas Act*, or regulations made thereunder, in relation to specific parks or marine parks (e.g., at a specified park, for a specified period of time). The powers of the enforcement officers are described in the *Canada National Parks Act* or *Canada National Marine Conservation Areas Act*, and they are provided with a certificate of designation. Under the *Saguenay-St. Lawrence Marine Park Act*, enforcement officers who possess a law enforcement designation can enforce the Act.

2.2.2 General

- 2.2.2.1 Officer designation, known in legislation as the “certificate of designation”, will be provided to park warden and enforcement officers and will be legal proof to the courts that such a designation has occurred.
- 2.2.2.2 The *Canada National Parks Act* and the *Canada National Marine Conservation Areas Act* requires that park wardens subscribe an oath prescribed by the Minister. The oath of office is a promise made by the park warden that he or she will faithfully, honestly and impartially exercise and perform the duties of a park warden.
- 2.2.2.3 Park wardens will be authorized to exercise their powers once they have successfully met all of Parks Canada Agency’s requirements, as set out in Section 4.1 (Occupational Requirements), Section 4.2 (Training) and Section 4.3 (Licences and other required certificates) of this manual and in accordance with the Management Directive on law enforcement.
- 2.2.2.4 Enforcement officers from other organizations to be designated under the *Canada National Parks Act* or the *Canada National Marine Conservation Areas Act* will not be required to meet the Parks Canada Agency’s equivalency for training but must:
- Be certified as a peace officer by their home organization; and
 - Possess a certificate of designation from the Parks Canada Agency.
- 2.2.2.5 In order to continue to exercise their powers, park wardens must maintain their requirements as set out in Section 4.1 (Occupational Requirements), Section 4.2 (Training) and Section 4.3 (Licences and other required certificates) of this manual.

Parks Canada Agency Law Enforcement Administration and Operational Manual

2.2.2.6 In order to enforce the provision of the *Species at Risk Act*, park wardens must be designated under the *Species at Risk Act*. Such designations will occur once the park warden has successfully completed appropriate training.

2.2.3 Responsibilities

2.2.3.1 The Director, Law Enforcement, being responsible for the provision of national law enforcement services, will ensure that park wardens and enforcement officers are provided with the original certificate of designation bearing the Chief Executive Officer's signature.

2.2.3.2 The Director, Law Enforcement will manage and maintain the designation process and will:

- Act on the Chief Executive Officer's behalf to ensure designations legally occur;
- Ensure the designation process remains accountable;
- Manage designations, including issuance of the "certificate of designation," the PC-4 card and shield, to the park warden after verification that the employee meets all employment requirements; and
- Suspend, modify or terminate any designation.

2.2.4 Requirements and Procedure

2.2.4.1 Prior to the designation of park wardens, all accountability requirements and standards must be met with regard to:

- Occupational requirements;
-
- Training; and
- Licences and other required certificates.

2.2.4.2 Designation of a park warden requires:

- The signing of the "certificate of designation";
- The swearing or affirmation of an oath of office, and signing the attestation for the Parks Canada Code of Ethics and Park Warden Code of Conduct; and
- The issuing of a PC-4 card and peace officer shield.

2.2.4.3 Designation of an enforcement officer requires:

- A substantiated request and application that includes:
 - Name of requesting organization;
 - Names and addresses of the person(s) to be appointed;
 - Attestation that the person is a qualified peace officer;
 - Designation and powers requested;
 - Training completed related to the appointment; and
 - A statement of purpose, with the specified provisions of the legislated duties to be delegated, and limits to the use of such authority.
- Signing of the "certificate of designation" for individuals or for class or groups of individuals);
- Swearing or affirmation of an oath of office, and signing the attestation for the code of ethics; and
- Orientation to the *Canada National Parks Act*, the relevant heritage place, its law enforcement procedures, and relevant law enforcement issues as identified in the heritage place's prevention and law enforcement planning strategy.

2.2.4.4 Designation of a person under the *Species at Risk Act* is via a certificate of designation confirming their responsibility for enforcing the *Species at Risk Act*. Such designation requires:

Parks Canada Agency Law Enforcement Administration and Operational Manual

- A confirmation that the park warden has successfully completed the *Species at Risk Act* enforcement training program; and
- Signing of the “certificate of designation” for the individual.

2.2.4.5 The certificate of designation for park wardens (attached) is the approved standard.

2.2.4.6 The certificate of designation for enforcement officers (attached) is the approved standard.

2.2.5 Suspension / Revocation of park warden or enforcement officer Designation

2.2.5.1 When the performance of law enforcement duties by a park warden or enforcement officer is not in full compliance with established legal principles or policies, managers or supervisors will correct the situation through:

- Counselling;
- Training; and / or
- Suspension or revocation of the certificate of designation.

2.2.5.2 Causes for the suspension of a certificate of designation may include, but are not limited to:

- Wilfully and knowingly failing to comply with written Parks Canada Agency national or local law enforcement policies or directives;
- Deliberately omitting information, or knowingly making any untruthful statement before any court, judicial body, management, or the media;
- Excessive use of force;
- Misuse of confidential or protected law enforcement information;
- Unacceptable attitude in law enforcement contacts, such as verbal abuse, discourtesy, or failure to exercise reasonable and prudent judgment as documented by a supervisor or during the performance appraisal;
- Being the subject of a criminal investigation that may bring the Justice System or the Parks Canada Agency into disrepute;
- Where the result of a conviction affects the employee’s abilities to perform law enforcement duties and/or brings the Justice System or the Parks Canada Agency into disrepute;
- Failure to meet or maintain required training standards;
- Finding of psychological unfitness for law enforcement duties, based upon a professional examination conducted by a clinical psychologist or psychiatrist, upon the request of the Director, Law Enforcement; or
- Misuse of defensive equipment.

2.2.5.3 A Manager, Law Enforcement Operations, on their own authority, may suspend a certificate of designation for up to 30 days.

2.2.5.4 A Manager, Law Enforcement Operations may request an extension of suspension or permanent revocation of designation to the Director, Law Enforcement.

2.2.5.5 Should further corrective action be recommended, the Manager, Law Enforcement Operations shall prepare a report outlining the circumstances of the suspension, and suggested remedial action(s), and forward it to the Director, Law Enforcement.

2.2.5.6 Within 5 days of the receipt of this report, the Director, Law Enforcement will review the report and:

- Deny further extension and reinstate the law enforcement duties;
- Authorize an extension of the suspension for further investigation;
- Authorize an extension of the suspension as a corrective action; or
- Make a request to the Director General, National Parks for permanent revocation.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 2.2.5.7 A request for permanent revocation of the certificate of designation will be forwarded by the Director, Law Enforcement to the Director General National Parks for review and furtherance, if warranted, to the Chief Executive Officer.
- 2.2.5.8 The Director General, National Parks recommends to the Chief Executive Officer the permanent revocation of a certificate of designation.
- 2.2.5.9 The Director General, National Parks and the Director, Law Enforcement shall be notified immediately of all suspensions.
- 2.2.5.10 All permanently suspended Parks Canada Agency PC-4 cards and shields shall be forwarded to the National Office Law Enforcement Branch.

2.3 Oath of Office

- 2.3.1 The *Canada National Parks Act* and the *Canada National Marine Conservation Areas Act* requires that every park warden and enforcement officer take and subscribe an oath prescribed by the Minister. This oath is a promise by the park warden and enforcement officer to carry out the duties of the designation in accordance with the true intent of the *Canada National Parks Act* and *Canada National Marine Conservation Areas Act*. In addition, park wardens will adhere to the Parks Canada Code of Ethics as well as the Park Warden Code of Conduct.
- 2.3.2 The oath of office will be administered to all park wardens and enforcement officers designated under the *Canada National Parks Act* or under the *Canada National Marine Conservation Areas Act*;
- 2.3.3 The Park Warden Code of Conduct will accompany the oath of office and be read prior to the subscribing of the oath. Refer to Section 4.4 for details on the Park Warden Code of Conduct.
- 2.3.4 The oath of office will be administered by the Director General, National Parks or a designate.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Text for Certificates of Designation

PARK WARDEN CERTIFICATE OF DESIGNATION

I, _____ the Chief Executive Officer of the Parks Canada Agency, having control and management of lands and waters administered by the Agency, hereby designate, pursuant to Section 18 of the *Canada National Parks Act* (S.C. 2000, c. 32) or *Canada National Marine Conservation Areas Act* (S.C. 2001, c. 18),

_____ **[Insert Name of Officer]**

to be a park warden for the purposes of the enforcement of this Act and regulations made thereunder in any part of Canada and the preservation and maintenance of the public peace in parks. For those purposes, he/she is a peace officer within the meaning of the *Criminal Code*.

This designation and Shield Number

[Insert Number of Shield]

are granted for the period of

[Insert From date / Insert To date]

or until termination of employment with the Parks Canada Agency or until such time as this designation is suspended, modified or terminated.

Dated at the City of Gatineau this

[Insert Date]

Chief Executive Officer, Parks Canada Agency

OATH OF OFFICE

Section 20 of the *Canada National Parks Act* states that every designated park warden shall take and subscribe to an oath of office, as prescribed by the Minister.

I, _____ the undersigned, park warden and peace officer of the Parks Canada Agency, do solemnly swear (or do affirm) that to the best of my judgement and ability, I will faithfully, honestly and impartially fulfill, execute and perform the office and duties of such park warden and peace officer, according to the true intent and meaning of the *Canada National Parks Act* (*Canada National Marine Conservation Areas Act*) and regulations made thereunder, the Parks Canada Agency Law Enforcement policy and the Park Warden Code of Conduct.

Signature

Date

Signature

Date

Director General, National Parks
Parks Canada Agency or Other Delegated Witness

Parks Canada Agency Law Enforcement Administration and Operational Manual

**ENFORCEMENT OFFICER
CERTIFICATE OF DESIGNATION**

I, _____ the Chief Executive Officer responsible for the Parks Canada Agency, having control and management of lands and waters administered by the Agency, hereby exercise the authority vested in my pursuant to Section 19 of the *Canada National Parks Act* (S.C. 2000, c. 32) or *Canada National Marine Conservation Areas Act* (S.C. 2001, c. 18) to be an enforcement officer for the purpose of the enforcement of this Act and regulations.

_____ **[Insert Name of Officer]**

to be an enforcement officer for the purposes of the enforcement of specific provisions of this Act and regulations as specified herein:

[Specify limits (e.g., section of the Act that may be enforced, geographical extent, etc.)]

and for those purposes, he/she has the powers and protections provided by law to peace officers within the meaning of the *Criminal Code*.

Granted for the period:

From _____ to _____ [[Insert From date / Insert To date]

or until such time as this designation is suspended, modified or terminated.

Dated at the City of Gatineau this

[Insert Date]

Chief Executive Officer, Parks Canada Agency

**CERTIFICATE OF PARK WARDEN DESIGNATION
FOR SPECIES AT RISK ACT**

I, _____ the Chief Executive Officer of the Parks Canada Agency, having control and management of lands and waters administered by the Agency, hereby designate, pursuant to subsection 85(1) of the *Species at Risk Act* (S.C. 2002, c. 29),

_____ [Insert Name of Officer]

bearing shield number,

_____ [Insert Shield Number]

to act as an enforcement officer for the purposes of that Act in or on federal lands and waters administered by the Agency. For those purposes and in accordance with subsection 85(4) of the *Species at Risk Act*, he/she has all the powers of a peace officer within the meaning of the *Criminal Code* in any part of Canada.

This designation is granted for the period of

From _____ to _____ [Insert From date / Insert To date]

or until such time as this designation is suspended, modified or terminated.

Dated at the City of Gatineau this

[Insert Date]

Chief Executive Officer, Parks Canada Agency

**PARKS CANADA AGENCY
CERTIFICATE OF INDIVIDUAL DESIGNATION FOR ENFORCEMENT OFFICERS**

I, _____, Chief Executive Officer responsible for the Parks Canada Agency, having control and management of lands and waters administered, by the Parks Canada Agency hereby exercise the authority vested in me pursuant to Section 19 of the *(Name of Act)* to designate *(name)* to be an enforcement officer, for the purpose of the enforcement of this Act and regulations, or as specific provisions as specified herein *(insert one of a through d)*:

a) The *(Name of Act)* and regulations: _____

b) The *(Name of Act)* and regulations except _____

c) The *(Name of Act)* regulations except _____

d) Only those regulations as specified herein _____

in the park/site of or as specified herein _____ and for those purposes, has the powers and protections of a peace officer within the meaning of the *Criminal Code*.

This designation granted for the period of _____ to _____ or until such time as the Minister may suspend, modify or terminate.

Chief Executive Officer,
Parks Canada Agency

Date

OATH OF OFFICE for ENFORCEMENT OFFICERS

Section 20 of the *(Name of Act)*, states that every designated enforcement officer shall take and subscribe an oath, prescribed by the Minister:

I, _____ *(Insert name)* an enforcement officer of _____ *(Name of Outside Organization)* and designated by the Parks Canada Agency, do solemnly swear (or do affirm) that to the best on my judgment and ability, I will faithfully, honestly and impartially fulfill, execute and perform the office and duties of such enforcement officer according to the true intent and meaning of the _____ *(Name of Act)* and regulations made thereunder.

(Signature of Officer)

Date

Director General, National Parks
or Other Delegated Witness

Date

**PARKS CANADA AGENCY
CERTIFICATE OF CLASS DESIGNATION FOR ENFORCEMENT OFFICERS**

I, _____, Chief Executive Officer responsible for the Parks Canada Agency, having control and management of lands and waters administered, by the Parks Canada Agency hereby exercise the authority vested in me pursuant to Section 19 of the *(Name of Act)*, to designate *(class or group name)* to be enforcement officers, for the purpose of the enforcement of this Act and regulations, or as specific provisions as specified herein *(insert one of a through d)*:

- a) The *(Name of Act)* and regulations: _____
- b) The *(Name of Act)* and regulations except _____
- c) The Canada National Parks regulations except _____
- d) Only those regulations as specified herein _____

in the park/site of or as specified herein _____ and for those purposes, has the powers and protections of a peace officer within the meaning of the *Criminal Code*. This designation and card number _____ is granted for the period of _____ to _____, or until such time as the Minister may suspend, modify or terminate.

Chief Executive Officer,
Parks Canada Agency

Date

OATH OF OFFICE for ENFORCEMENT OFFICERS

Section 20 of the _____ (*Name of Act*), states that every designated enforcement officer shall take and subscribe an oath, as authorized by the Minister:

I, _____ (*Name*) an enforcement officer of the (*Name of organization*), do solemnly swear (or do affirm) that to the best on my judgment and ability, I will faithfully, honestly and impartially fulfill, execute and perform the office and duties of such enforcement officer according to the true intent and meaning of the (*Name of Act*) and regulations made thereunder.

Signature of Enforcement Officer

Date

Director General, National Parks
Parks Canada Agency,
or Other Delegated Witness

Date

Section 3 - Planning, Audit and Evaluation

Contents

3.1	Prevention and Law Enforcement Planning Process
3.2	The Process
3.3	Service Delivery Agreements
3.4	Tactical Planning
3.5	Temporary Workplace Assignment
3.6	Interagency Cooperation
3.7	Audit and Evaluation

3.1 Prevention and Law Enforcement Planning Process

3.1.1 The prevention and law enforcement planning process is based on the fundamental premise that effective preventative strategies including facility design, information and education and dissuasive measures will minimize the reliance on a law enforcement response. Clear goals, sound planning, and regular reviews are the key to effective and up-to-date prevention and law enforcement strategies. The principles that guide the process are:

- Service oriented to field units, partners and stakeholders – through effective and collaborative working relationships;
- Flows from and contributes to other existing processes;
- Results in actions focused on the Parks Canada Agency mandate for quality visitor experience and protection of resources;
- Results in clearly defined roles and responsibilities and accountabilities;
- Results in measurable objectives;
- Allows for adaptive management; and
- Timely and simple.

3.2 The Process

3.2.1 The prevention and law enforcement planning process is an issue based process that focuses on the highest priority natural and cultural resource, visitor experience, public safety and administrative non-compliance issues facing the field unit. A step-wise process is followed to identify the key issues (Figure 2).

3.2.2 The strategic goals for the field unit are defined using such documents as the Corporate Plan and Park Management Plan. These goals define where the field unit wants to be. Using a situation analysis and an environmental scan approach, the field unit then identifies what the current state of the park is. The situation analysis examines the current level of service and state of the resources and the environmental scan puts this examination in the context of emerging national and regional trends.

3.2.3 By comparing the strategic goals and the current situation, the field unit is able to identify the key issues that must be addressed in order to improve its level of service to resource protection and quality visitor services. These issues may be categorized as resource issues, visitor experience, public safety issues, or administrative issues. They are assigned a priority based on criteria such as degree of impact on ecological or cultural integrity, impact on visitor experience, ability to address, probability of success through prevention programs.

3.2.4 A key step is the options analysis. Here the field unit examines the different approaches and investments possible to address the issues. This includes the blend of prevention actions and law enforcement support needed and optimizes the use of different tools such as facility design alterations, communication and education, dissuasive actions and/or law enforcement response. The approach chosen for each issue then leads to prevention and law enforcement strategies.

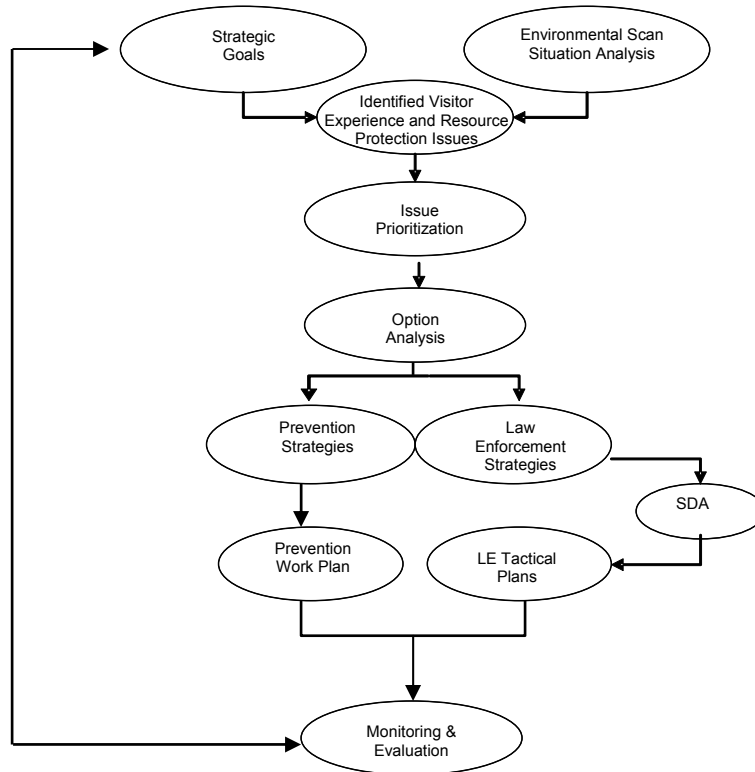


Figure 2: Prevention and Law Enforcement Planning Process

3.2.5 The service delivery agreement is derived from the prevention and law enforcement planning process wherein prioritized issues are identified that will require a law enforcement response. The specific law enforcement actions are guided by tactical plans that are designed to implement the law enforcement goals agreed to in the service delivery agreement with individual field units.

3.2.6 The Field Unit Superintendent and management team are responsible for working through the steps of the prevention and law enforcement planning process. The process is followed in early fall in sufficient time to reflect the priorities and resource allocations in the annual business plan. Occupational health and safety concerns should be identified and addressed in consultation with the local workplace occupational health and safety committee or representative.

3.2.7 Tactical plans are developed by park wardens, in consultation with the Managers, Law Enforcement Operations, to achieve the goals of the service delivery agreement. The tactical plans and work plans guide day-to-day operations.

3.3 Service Delivery Agreements

3.3.1 A service delivery agreement is a performance and accountability agreement established between the Field Unit Superintendent and the Director, Law Enforcement where a type and level of service is provided for a specified period of time and under specified conditions for the provision of law enforcement services, including prevention actions as defined appropriately in the scope of law enforcement responsibilities.

3.3.2 Each service delivery agreement will specify:

3.3.2.1 The priority issues that law enforcement personnel will address.

3.3.2.2 The level of law enforcement service to be provided by the Law Enforcement Branch to the heritage places within the field unit. This may be defined as:

- The number of park wardens to be stationed in the field unit on a year-round or seasonal basis;
- Minimum work schedule parameters;
- Provision of expert law enforcement advice to the field unit management team;
- Provision of knowledgeable client advice to heritage places that do not have park wardens stationed in the heritage places;
- Liaison services with the police service of jurisdiction.

3.3.2.3 Roles and responsibilities of Law Enforcement Branch and field unit personnel in the implementation of the service delivery agreement. The service delivery agreement will specify:

- The field unit manager responsible for the day-to-day liaison with the park warden and how law enforcement will be represented at the field unit management table;
- The responsibility for day-to-day liaison with the police service of jurisdiction;
- How law enforcement services fit into the field unit's emergency services program;
- The conflict resolution process between the field unit and the Law Enforcement Branch.

3.3.2.4 The provision of communications and dispatch services to Law Enforcement Branch personnel.

3.3.2.5 The provision by the field unit of staff housing, office space, mobile and other equipment, equipment storage, maintenance and services to the Law Enforcement Branch.

3.3.2.6 The mechanism through which priorities may be revised or adjusted during the operating season.

3.3.3 Service delivery agreements are established for a five-year period and will be reviewed annually by Field Unit Superintendent and Managers, Law Enforcement Operations on behalf of the Director, Law Enforcement to identify and correct any service delivery issues in the previous year.

3.3.4 The Field Unit Superintendent and the Director, Law Enforcement approves the initial service delivery agreement. Once the service delivery agreement has been established, regular liaison will be between the Field Unit Superintendent and the Manager, Law Enforcement Operations for the area covering the field unit.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 3.3.5 The effectiveness of the service delivery agreement will be evaluated as part of the program monitoring, evaluation and audit.
- 3.3.6 The park warden in consultation with the Manager, Law Enforcement Operations is responsible for developing tactical plans and work plans needed to implement the service delivery agreement. This includes establishing work and leave schedules.
- 3.3.7 Any issues related to the delivery on commitments within the service delivery agreement should always be resolved at the lowest level, while maintaining the integrity of the process by fitting the nature of the issue with the appropriate level of seriousness.

3.4 Tactical Planning

- 3.4.1 A tactical plan presents a comprehensive and proactive approach to addressing site-specific law enforcement issues.
- 3.4.2 Each tactical plan will include:
- A description of the issue;
 - The recommended prevention and law enforcement response strategy to address the issue;
 - Officer safety risk mitigation measures;
 - Scheduling and time lines for the current year schedule;
 - Issue specific training required;
 - Monitoring and reporting mechanisms to track progress;
 - Human and fiscal resource costs and budget allocation;
 - Duration of the plan (single vs. multi-year); and
 - Coordination requirements with personnel who do prevention activities
- 3.4.3 The park warden at the field unit is responsible for preparing tactical plans in cooperation with the field unit liaison, other field unit managers, the police service of jurisdiction or other organizations as appropriate.
- 3.4.4 Tactical plans may also be prepared in response to emergency or unplanned events that were not identified in service delivery agreements.
- 3.4.5 The Manager, Law Enforcement Operations, approves the tactical plan.

3.5 Temporary Workplace Assignment

- 3.5.1 A temporary workplace assignment refers to the tasking of park wardens to support extraordinary law enforcement requirements in a specific heritage place outside their normal work location, for a specified time and for a specified purpose. Temporary workplace assignments are generally for short periods of time (less than 2 weeks) to address specific law enforcement matters that require either additional personnel or personnel with specialized skills.
- 3.5.2 Temporary workplace assignments of one month or more will be approved by the Director, Law Enforcement.
- 3.5.3 Temporary workplace assignments requests are made by the Field Unit Superintendent or his delegate to the Manager, Law Enforcement Operations who initiates park warden assignments.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 3.5.4 Requests for temporary workplace assignments will be in writing and will include the following information:
- Summary of law enforcement matter requiring additional or specialized resources;
 -
 - Date and expected duration of assignment; and
 - Support services (equipment, housing, etc.) available from the site.
- 3.5.5 Personnel and travel costs associated with a temporary workplace assignments are the responsibility of the Law Enforcement Branch. Logistical support may be required from the field unit e.g. helicopter costs.
- 3.5.6 Field Units will assist with minimizing costs as appropriate (e.g. provisions of housing).
- 3.5.7 Manager, Law Enforcement Operations will maintain a log of all temporary workplace assignments.

3.6 *Interagency Cooperation*

- 3.6.1 A productive and cooperative working relationship with other law enforcement organizations is vital to a successful prevention and law enforcement program.
- 3.6.2 The Parks Canada Agency may call upon other organizations as required for assistance in carrying out investigations within its mandate.
- 3.6.3 The Parks Canada Agency will cooperate with other law enforcement organizations and may provide them with law enforcement and/or logistical assistance both inside and outside heritage places boundaries within our mandate.
- 3.6.4 The Law Enforcement Branch may, upon the request of another law enforcement organization, provide assistance to that organization, provided that the request:
- Does not unreasonably affect the level of service to a heritage place agreed upon in a service delivery agreement; or
 - Does not represent an ongoing or continuing commitment of heritage place resources.
- 3.6.5 In all cases, only park wardens who are trained and equipped for the relevant activities will provide law enforcement assistance. Prior to providing assistance, park wardens must ensure that they have the legal authorities required. Should there be limitations to their legal authority, park wardens will advise the other organization of these limitations prior to providing any assistance.
- 3.6.6 Park wardens will ensure that they have received Parks Canada Agency authorization by the Manager, Law Enforcement Operations to provide assistance outside the heritage places.
- 3.6.7 Unless specific exceptions are contained in a written agreement respecting the Parks Canada Agency's assistance to a law enforcement organization, all park wardens while assisting another organization shall follow the Parks Canada Agency's law enforcement policies.

3.7 *Evaluation and Audit*

3.7.1 *Monitoring*

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 3.7.1.1 Both for program management and accountability purposes, Parks Canada Agency will measure and monitor progress and results of the law enforcement program and the achievement of overall outcomes. Performance indicators, data sources and measurement frequency of key indicators for the outputs and outcomes are identified as follows.
- 3.7.1.2 The law enforcement program comprises three types of activities: those carried out by park wardens, those carried out by National Office administration staff and those where both groups are involved. Education and law enforcement activities are framed within the service delivery agreements – the “contract” that links park warden activities to the needs of the field units.
- 3.7.1.3 The law enforcement program produces a variety of outputs that can be regrouped as follows:
- Trained law enforcement staff, able to carry out their duties safely; this includes a subset of staff certified for specialized activities;
 - Education material and actions such as presentations and brochures;
 - On-site patrols and intelligence;
 - Results of law enforcement actions such as investigations, evictions, arrests, etc.;
 - Agreements that can take the form of service delivery agreements and memoranda of understanding with external partners;
 - Advice to field units and managers;
 - Reports on risks and law enforcement effectiveness;
 - Standardization documents such as standard operating procedures, directives and training manuals.

3.7.2 Outcomes

- 3.7.2.1 Immediate and intermediate outcomes are directly attributable to the action of the law enforcement program. The following identify those outcomes as part of the measures that are evaluated within the accountability framework.
- 3.7.2.1.1 Park wardens:
- Collectively, park wardens possess the expertise required to conduct their tasks effectively and safely.
- 3.7.2.1.2 Visitors
- Visitors are aware of the rules and regulations and feel safe.
- 3.7.2.1.3 Field Units
- Law enforcement incidents are detected and responded to in a timely fashion, within the terms of the service delivery agreements to ensure compliance with rules and regulations;
 - Internal partnerships are in place;
 - Useful advice is provided to field units and to management in a timely fashion;
 - Quality data is available to support decision making to ensure trends in risks and incidents are understood.
- 3.7.2.1.4 External partners
- External partnerships are in place and exchange of information is smooth to ensure they are better able to carry out their own work.
- 3.7.2.1.5 Program managers
- Provide advice to field units and to management in a timely fashion;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Ensure exchange of information between the prevention and law enforcement programs;
- Quality data is available to support decision making to ensure trends in risks and incidents and the effectiveness of law enforcement practices are understood.

3.7.3 Annual Reporting

- 3.7.3.1 The Director, Law Enforcement will provide an analysis of trends in law enforcement incidents to the Field Unit Superintendent to provide a basis for improvements to the heritage place's prevention and law enforcement planning process.
- 3.7.3.2 By April 30th, each Manager, Law Enforcement Operations will provide to each field unit in their area of responsibility a summary of law enforcement activity for the previous fiscal year.
- 3.7.3.3 Field Unit Superintendents will provide an annual report on their law enforcement program to their operational Director General by May 30th of each year for the previous fiscal year. This will include a one-page narrative describing park use, successes and failures in prevention and law enforcement, key problem areas and emerging trends.
- 3.7.3.4 The Director, Law Enforcement will provide an annual evaluation report to Executive Board for the previous fiscal year. An annual report will be provided to the National Occupational Health and Safety Policy Committee for the previous fiscal year.

3.7.4 Operational Reviews

- 3.7.4.1 The Director, Law Enforcement, will establish a program of rotating operational reviews to ensure that at least once in five years, a field unit or site law enforcement program is examined. Under the operational review, the Director, Law Enforcement, with the assistance of Managers, Law Enforcement Operations will ensure:
- Adherence to national policy, standards and procedures and deficiencies/ambiguities are identified and corrected in a timely fashion;
 - Adherence to Memorandum of Understanding, Letter of Agreements, or other agreements and deficiencies/ambiguities are corrected; and
 - Adherence to incident data quality standards and deficiencies/ambiguities in database management practices are corrected.

3.7.5 Program Audits

- 3.7.5.1 Every five years, the Chief Audit and Evaluation Executive will undertake an audit to ensure policy and standards are being adhered to and that deficiencies and ambiguities in national policy, standards and procedures are corrected in a timely fashion. Results will be reported to the Chief Executive Officer.
- 3.7.5.2 Within 90 days of receiving the results of the program audit, the Director, Law Enforcement will present a strategy to the Director General, National Parks to respond to the audit observations.

Section 4 - Human Resources

Contents

4.1	Occupational Requirements
4.2	Training
4.3	Licences and other required certificates
4.4	Park warden code of conduct
4.5	Public Complaint and Officer Redress
4.6	Critical Incident Counselling
4.7	Personal Liability
4.8	Officer Safety
4.9	Personal Protective Equipment

The Parks Canada Agency is committed to providing qualified and well-trained law enforcement personnel. These employees will carry proper certification and will be subject to an open and fair public complaint and officer redress process. They will have access to professional critical incident counselling as part of the Parks Canada Agency's Employee and Family Assistance program and appropriate personal liability protection. Finally, detailed guidelines designed to ensure officer safety are provided.

4.1 Occupational Requirements

Occupational requirements include *bona fide* occupational requirements and conditions of employment for all park wardens.

4.1.1 Bona Fide Occupational Requirements

4.1.1.1 Park wardens must meet and maintain the standards established for medical, physical and psychological requirements of the position. Occupational requirements are established to ensure that:

- Employees are able to work without detriment to their health and safety or that of others;
- The candidates meet the medical, physical and psychological requirements of the job prior to and in the course of employment

NOTE: Occupational health assessments related to the job duties are not intended to replace the medical examinations carried out by personal or family physicians.

4.1.2 Medical

4.1.2.1 A memorandum of understanding is established with the Workplace Health and Public Safety Program of Health Canada to conduct Category III pre-placement and periodic health assessment based on the requirements in the Occupational Health Assessment Guide for park wardens.

4.1.2.2 Park wardens will be required to complete a periodic health assessment every three years.

4.1.2.3 Park wardens must complete their medical assessment prior to ensuring compliance with the physical requirements.

4.1.3 Physical

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.1.3.1 Park wardens have a unique occupation with many physically demanding job duties. Physical fitness underlies the park warden's ability to perform these critical tasks safely and effectively.
- 4.1.3.2 Physical ability testing will be used to assess fitness for duty.
- 4.1.3.3 Park wardens will be required to successfully complete and pass the Physical Abilities Testing requirements every three years to ensure continued qualification requirements with the *Bona Fide* Occupational Requirement (refer to Occupation Health Assessment Guide category).
- 4.1.3.4 Time away from normal duties for physical activity
- 4.1.3.4.1 The purpose is to maintain fitness for duty and promote fitness for life. Physical activities performed during time away from normal duties should be in line with the objectives of the physical requirements for the duties. The time away from normal duty for physical activity cannot be accumulated or carried over from one week to another.
- Duty permitting, up to 120 minutes / week may be granted during regular working hours for fitness for duty.
 - The time should be divided in segments of 30 minutes as long as it does not exceed 120 minutes per shift week.
 - This time should be matched by the same amount of "personal " time towards fitness for duty.
 - The total time applies equally to shift work of 4 or 5 days.
- 4.1.3.4.2 Recommended physical activities:
- Those that ensure cardiovascular physical activities include, but are not limited to: brisk walking, running, in-line skating, cycling, swimming, rowing, paddling, cross-country skiing, snowshoeing.
 - Team sports or individual activities which include a greater risk of injury (i.e., hockey, football, downhill skiing) may be performed on own personal time but will not be considered physical activities for the purposes of cardiovascular maintenance.
 - Leisure activities that do not elicit a sufficient level of cardiovascular activity (e.g. bowling) may be performed on own personal time but will not be considered physical activities for the purposes of cardiovascular maintenance.
 - Those that relate to strength training programs should be appropriate to ability level, incorporate exercises for all major muscle groups and adhere to recognized training guidelines.
 - Those that relate to flexibility, balance and stability training may include yoga, stretching, tai chi, Pilates and other recognized form of activities.
- 4.1.4 Psychological**
- 4.1.4.1 Candidates must be psychologically assessed as per the category established in the Occupational Health Assessment Guide and must pass.
- 4.1.4.2 Manager, Law Enforcement Operations may request a periodic assessment if deemed appropriate based on the occupational requirements.
- 4.1.5 Conditions of employment**
- 4.1.5.1 Security Clearance: All park wardens must meet and maintain Reliability Security Clearance. Law Enforcement Branch personnel require security clearance to a level commensurate with their position as determined by the Director, Law Enforcement.

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.1.5.2 Criminal Record: An applicant for a law enforcement position within the Parks Canada Agency will be disqualified, if the background check reveals a criminal record. A park warden or other Law Enforcement Branch staff may be relieved of any or all duties if they acquire a criminal record.

4.2 Training

- 4.2.1 Parks Canada Agency employees must meet and maintain established minimum training and competency standards before they are eligible for designation as park wardens and authorized to carry and use protective equipment.
- 4.2.2 Law enforcement training in the Parks Canada Agency will be in line with the training offered in other federal law enforcement organizations whose peace officers carry a sidearm, i.e., to the same rigorous standards for design and delivery. It will be developed and delivered using national standards and in response to Parks Canada Agency needs.
- 4.2.3 The Parks Canada Agency's National Occupational Health and Safety Policy Committee will be consulted on training policy and standards before seeking management approval.
- 4.2.4 The Royal Canadian Mounted Police will be the primary service provider for technical training and instructor certification training. The Parks Canada Agency will use in-house instructors to the extent feasible. Certified instructors will deliver training.
- 4.2.5 Employees of the Law Enforcement Branch will be required to take the level of training commensurate with the nature of their duties.
- 4.2.6 Managers, Law Enforcement Operations are required to participate in Agency training dealing with safe handling and storage of firearms in order to carry out their role as custodian. This includes Canadian Restricted Firearm Safety Course and modules 1 and 2 of the Agency's Sidearm Training.
- 4.2.7 For designation as a park warden (i.e., before active duty and throughout employment), employees must meet mandatory Parks Canada Agency occupational and training requirements. They must also maintain skills proficiency in the use of protective equipment including sidearm throughout employment. Failure to do so will result in immediate withdrawal of authorization to carry law enforcement and protective equipment and removal from law enforcement duties.
- 4.2.8 The training, licences and other required certificates equivalency for candidates for the park warden position hired through an external/internal competitive process will be assessed on a case by case basis, as each candidate will bring different training standards as part of their past work experiences. The Law Enforcement Training and Standards group of the Law Enforcement Branch will perform the assessment for equivalency.
- 4.2.9 Upon approval of the Manager, Law Enforcement Training and Standards, only park wardens who have Parks Canada Agency-approved training in the use of and handling of sidearm and have achieved the required training standard will be authorized access and use of sidearms.

4.2.10 Roles and Responsibilities

- 4.2.10.1 Reporting to the Director, Law Enforcement, the Manager, Law Enforcement Training and Standards is responsible for developing and delivering law enforcement training.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.2.10.2 The Manager, Law Enforcement Operations is responsible for ensuring that all park wardens in his/her area meets the required training standards. For this purpose, he/she is required to maintain a personal/training file for each of the park wardens under his/her responsibility.
- 4.2.10.3 Park wardens will meet designation requirements related to training by fulfilling the mandatory law enforcement training requirements or equivalent as set out in this section.
- 4.2.10.4 Results of all training courses for designation purposes will be maintained by the Law Enforcement Training and Standards group of the Law Enforcement Branch.
- 4.2.10.5 All law enforcement training will be delivered using qualified instructors endorsed and supported by the Director, Law Enforcement. The following are the basic requirements for any instructor:
- Promotes new policy direction for law enforcement program in the Parks Canada Agency;
 - Possesses excellent communication and/or training skills; and
 - Demonstrates leadership and respect of peers.
- 4.2.10.6 Trainers for law enforcement training programs shall meet the following selection criteria:
- Experienced in law enforcement at the field level; and
 - Strong working knowledge of policy and legislation used in the Parks Canada Agency setting.

4.2.11 Use of Force Training (IMIM/PDT and Basic Firearm) Trainer Requirements

- 4.2.11.1 Use of Force Instructors for IMIM/Police Defensive Tactics and/or Basic Firearms must meet Royal Canadian Mounted Police standards for instructor certification.
- 4.2.11.2 The Manager, Law Enforcement Operations will ensure that Use of Force Instructors are certified in their area of expertise every 3 years.
- 4.2.11.3 Use of Force Instructors must deliver sufficient number of training courses to maintain expertise.

Park wardens who hold valid law enforcement designation are required to complete the following training and qualification.

4.2.12 Incident Management Intervention Model (IMIM) and Police Defensive Tactics (PDT) Training

- 4.2.12.1 Park wardens shall meet the Parks Canada Agency's standards as identified in the Parks Canada Agency IMIM/PDT Course Training Standards.
- 4.2.12.2 The Incident Management Intervention Model used by the Parks Canada Agency can be found in Section 8.1 (Use of Force and Incident Intervention).
- 4.2.12.3 The standard for maintaining certification in use of IMIM and Police Defensive Tactics is the successful completion of an annual 3-day training course.
- 4.2.12.4 A park warden who fails to meet the Parks Canada Agency standard in IMIM/PDT during certification training session must return his/her law enforcement equipment to the use of force or IMIM/PDT instructor immediately and will be removed from operational law enforcement duties.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.2.12.5 The certification session for IMIM/PDT will occur no sooner than 90 days prior and no later than 90 days after April 1st. A park warden who is unable to certify before the 90-day limit will return his/her law enforcement equipment to the site custodian or supervisor and will be removed from operational law enforcement duties.
- 4.2.12.6 A park warden who is on leave of absence or assignment will be required to maintain IMIM/PDT certification while on leave where possible.
- 4.2.12.7 If a park warden is on leave of absence or assignment and is still within 24 months of his/her last successful certification period, he/she can take the certification-training course. If he/she is successful, he/she is considered certified.
- 4.2.12.8 If more than 24 months have passed, the park warden will be required to participate in 2 days of remedial training with a use of force or IMIM/PDT instructor, prior to participating in the certification course.
- 4.2.12.9 The use of force or IMIM/PDT instructor will provide a report to each park warden's manager as soon as practical upon completion of each training session.

4.2.13 Sidearm Training

- 4.2.13.1 Park wardens shall meet the Parks Canada Agency's training standards identified in the Parks Canada Agency Sidearm Course Training standards.
- 4.2.13.2 The standard for maintaining certification in use of a sidearm is the successful completion of an annual one-day qualification shoot, overseen by a Parks Canada Agency Use of Force Instructor or Basic Sidearm Instructor.
- 4.2.13.3 The Manager, Law Enforcement Operations is responsible for ensuring park wardens are scheduled for training and qualification shoot as prescribed to ensure certification requirements.
- 4.2.13.4 The qualification shoot will occur no sooner than 90 days prior to and no later than 90 days after April 1st. A park warden who is unable to certify before the 90-day limit will return his/her law enforcement equipment to the site custodian or supervisor and will be removed from operational law enforcement duties.
- 4.2.13.5 Park wardens who fail to meet Parks Canada Agency standards during qualification shoot must return their law enforcement and protective equipment to the use of force or basic sidearm instructor immediately and will be removed from operational law enforcement duties.
- 4.2.13.6 A park warden who is on leave of absence or assignment will be required to maintain their sidearm qualifications while on leave where possible.
- 4.2.13.7 If a park warden is on leave of absence or assignment and is still within 24 months of his/her last successful certification period, he/she can participate in the qualification shoot. If he/she is successful, they are considered certified.
- 4.2.13.8 If more than 24 months have passed, the park warden will be required to take the basic sidearm course for certification.
- 4.2.13.9 The use of force or basic sidearm instructor will provide a report to each park warden's manager as soon as practical upon completion of each training session.

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.2.13.10 Park wardens will be scheduled for mandatory practice sessions twice per year, and will fire a minimum of 100 training rounds per session. Other non-mandatory practice sessions may take place on the park warden's own time, as long as the session is conducted in an approved shooting range or facility and safety standards established for discharge of a sidearm are followed.

4.2.13.11 Park wardens who are employed as seasonal will return all law enforcement equipment to site custodian or supervisor in accordance with their term of employment and will be removed from operational law enforcement duties until they are deemed on strength.

4.2.14 Prevention Training

4.2.14.1 Prevention training is developed, coordinated and delivered by the External Relations and Visitor Experience Directorate.

4.2.14.2 All park wardens will take the highest level of prevention training in order to understand:

- The goals of the prevention program and the principles of service excellence and personal safety; and
- The operational relationship between the prevention program and law enforcement services.

4.2.15 Species at Risk Training

4.2.15.1 All park wardens will complete the *Species at Risk Act* enforcement training course and must meet the Parks Canada Agency's standards as identified in the associated course training standards.

4.2.16 Specialized Law Enforcement Training

4.2.16.1 The Law Enforcement Branch will provide Parks Canada Agency approved specialty training opportunities via sister law enforcement organizations and/or other approved sources to park wardens when required for specific and specialized work to be performed by the park warden related to law enforcement (e.g., surrogate wildlife operations, advanced investigator training, etc.).

4.3 Licences and other required certificates

4.3.1 All park wardens must obtain and maintain the following:

- Valid driver's licence
- Standard First Aid Certificate or equivalent and Cardio Pulmonary Resuscitation (Level C certificate)
- Successful completion of the Canadian Firearm Safety Course for non-restricted firearms
- Successful completion of the Canadian Restricted Firearm Safety Course for restricted firearms
- Possession and Acquisition Licence (PAL)
- Pleasure Craft Operator's Card

4.3.2 Park wardens will not be involved in law enforcement unless they:

- Successfully meet Parks Canada Agency's occupational requirements defined in Section 4.1 (Occupational Requirements);
- Successfully complete required training;
- Possess the licences and other required certificates;
- Receive Parks Canada Agency designation as park warden; and
- Possess a valid Parks Canada Agency peace officer photo identification (PC-4) card.

4.3.3 Identification

4.3.3.1 Issuance of Certificate of Designation, PC-4 card and Shield

4.3.3.1.1 The Director, Law Enforcement will:

- Assign a park warden number;
- Arrange for the production of the PC-4 card; and
- Complete the “certificates of designations” for park wardens and enforcement officers, and have these signed by the Chief Executive Officer.

The park warden signature will be on the certificate of designation, oath of office and PC-4 card.

Enforcement officers from other law enforcement organizations will:

- Provide proof of law enforcement accreditation from his or her home organization;
- Receive orientation to the Parks Canada Agency’s Law Enforcement Branch; and
- Sign a certificate of designation by the Chief Executive Officer.

4.3.3.1.2 A park warden who is on a temporary assignment to a non-park warden position must return their certificate of designation, PC-4 card, shield and all equipment to the Manager, Law Enforcement Operations when they start the temporary assignment.

4.3.3.1.3 Upon return to his/her substantive position, the certificate of designation, PC-4 card, shield and all equipment will be returned, and the Manager, Law Enforcement Operations will authorize the park warden to perform law enforcement duties provided that all training is up-to-date

4.3.3.1.4 Seasonal park wardens must return their certificate of designation, PC-4 card, shield and all equipment to the Manager, Law Enforcement Operations when they are struck off strength.

4.3.3.1.5 The certificate of designation, PC-4 card, shield and all equipment will be returned as they come on strength the next year and the Manager, Law Enforcement Operations will authorize the park warden to perform law enforcement duties provided that all training is up-to-date.

4.3.3.1.6 If the person does not return to work for the Parks Canada Agency, the PC-4 card and shield will be returned to the National Office via protected cover for control.

4.3.3.1.7 Upon resignation or retirement, the Parks Canada Agency PC-4 card and shield will be returned to national office and destroyed or, in the case of the shield, be rendered inoperative by permanently encasing it in a presentation case.

4.3.3.1.8 A record of all PC-4 cards issued or destroyed will be maintained, on the national database.

4.3.3.1.9 National Office will maintain the national law enforcement database.

4.3.3.2 Loss or Theft of I.D / Shield

4.3.3.2.1 All park wardens are personally responsible for safeguarding their PC-4 card and shield.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.3.3.2.2 If a Parks Canada Agency PC-4 card and/or shield has been lost or stolen, the park warden responsible for that issued identification shall, at the earliest opportunity:
- Report the loss or theft to their supervisor;
 - Report the loss or theft to the police service of jurisdiction;
 - Complete a report outlining the circumstances surrounding the loss or theft, and forward the report to the applicable Manager, Law Enforcement Operations, specifying:
 - Date, and time of probable loss;
 - Location;
 - Reasons for loss;
 - Conditions at the time of loss;
 - All information on the PC-4 card, shield number; and
 - Whether an effort was made to locate the lost PC-4 card/shield.
- 4.3.3.2.3 The Manager, Law Enforcement Operations will forward the report to the national office.
- 4.3.3.2.4 The national office will:
- Arrange for a new PC-4 and shield with a new number to be issued; and
 - Ensure the National Peace Officer Database System is updated

4.3.3.3 Displaying the Authority

- 4.3.3.3.1 The “Certificate of Designation” is a legal document, it will remain in a park warden’s personnel file, and can be used as legal evidence in a court of law.
- 4.3.3.3.2 The PC-4 card is an administrative identification, to be carried, in a case provided by the Parks Canada Agency, and will be produced as proof of powers, to the public, upon their request.
- 4.3.3.3.3 The hat badge is numberless and considered a uniform item. Because it symbolizes law enforcement, it will only be worn on the Stetson or fur hat issued.
- 4.3.3.3.4 The park warden shield (only one issued), is proof of peace officer status, and is to be carried in a case provided by the Parks Canada Agency, and will be produced as proof of status to the public and courts upon request.

4.3.3.4 PC-4 Card Application Procedure

The following process shall be followed in order to facilitate issuing PC-4 card for park wardens. Three elements will have to be completed with each request:

- A Microsoft Word file containing personal data;
 - A digital photograph saved in a “JPEG” file; and
 - A scanned signature saved in a “JPEG” file.
- 4.3.3.4.1 Personal Data
- Requirements: A Microsoft Word data file will include the following variables:
 - Name, shield number, height in cm, weight in kg, hair colour, eye colour, expiry date.
 - File name: last name, followed by shield number then data.doc (e.g., Smith323data.doc).
- 4.3.3.4.2 Photograph
- Requirements: digital camera, green background, park warden wearing uniform long sleeve shirt and tie (no hat).

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Methods: Photographs must be taken with a digital camera and saved as a JPEG file. The picture in JPEG file format should be cropped so that the identification photo will cover the park warden from lower shoulders and above. It is best to be "slightly" further away when taking the picture to allow for cropping as required.
- File name: last name, followed by badge number then pic.jpg (e.g. Smith323pic.jpg)

4.3.3.4.3 Signature Block

- Signature will be scanned and submitted as a "JPEG" file in order to be processed. The signature will be signed within a border 1 cm by 3.8 cm (3/8" by 1-1/2") long block. Do not draw the box on the page for the signature. Realizing that this is not a large area, practice is needed, particularly with long last names. Use first name initials where length of name is a problem. Use a black fine-tipped felt writing pen, to provide the best results when scanning.
- Scan as a JPEG black and white drawing with high-resolution (600 d.p.i) for a clear signature.
- File name: last name, followed by badge number then sig.jpg (e.g. Smith323sig.jpg).

4.3.3.4.4 The Law Enforcement Training and Standards group is responsible for producing the PC-04 card.

4.4 *Park Warden Code of Conduct*

4.4.1 The purpose of this code is to articulate reasonable standards of behaviour both on and off duty, which park wardens are expected to meet. This document cannot be considered as exhaustive. Rather, it is to be used to establish the parameters of appropriate behaviour.

4.4.2 Park wardens who fail to respect the park warden code of conduct may be subject to disciplinary action, up to and including the termination of their employment with Parks Canada Agency.

4.4.3 The professional and personal activities of park wardens as peace officers reflect on the Parks Canada Agency and the Government of Canada. Park wardens are to conduct themselves at all times in a manner which will not discredit the Parks Canada Agency.

4.4.4 **Conduct**

4.4.4.1 Park wardens will faithfully abide by all laws, regulations and policies governing the performance of their duties and will commit no act that violates these laws, regulations or the spirit or intent of such laws and regulations while on or off duty.

4.4.4.2 Park wardens will never knowingly violate any provincial or federal law or regulation, recognizing the unique position of public trust that carries an inherent personal commitment to uphold laws and the integrity of the profession.

4.4.4.3 Park wardens are required to inform their supervisor without delay, should they be charged with any offence.

4.4.4.4 As a peace officer and representative of the Parks Canada Agency, park wardens will conduct all investigations and law enforcement functions impartially and thoroughly, and report to their supervisor the results therefore fully, objectively and with meticulous accuracy.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.4.4.5 In the investigative process, park wardens will be judicious at all times and will release information pertaining to official duties, orally or in writing, only in accordance with the law and established policy.
- 4.4.4.6 Park wardens shall not use their badge, title or authority to exert influence, obtain or appear to grant preferential treatment for themselves or any other person, group of persons or organization.
- 4.4.4.7 Park wardens shall refrain from engaging in any activities that may adversely affect or appear to affect the performance of their duties, or their dealings with other law enforcement organizations, or discredit the Parks Canada Agency.
- 4.4.4.8 Park wardens shall abide by all policies of the Parks Canada Agency, including those relating to health, safety and technical requirements of the position.
- 4.4.4.9 In conjunction with official duties, park wardens will accept no gift, gratuity or entertainment except as defined by the Parks Canada Agency Code of Ethics. Park wardens will not accept favoured treatment of any kind from any person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with official duties or hinder the Park wardens' effectiveness as a peace officer.
- 4.4.4.10 Park wardens will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mandate of Parks Canada Agency, or give the appearance of conflict of interest.
- 4.4.4.11 Park wardens shall not perform their duties while under the influence of either alcohol or illicit drugs or consume alcohol or illicit drugs while on duty. A park warden, who is required to take medication that may affect their ability to discharge their duties, shall inform their supervisor accordingly.
- 4.4.4.12 Park wardens shall present a professional image and bring credit upon Parks Canada Agency by adhering to all dress and department directives.

4.5 Public Complaint and Officer Redress

- 4.5.1 The public will have access to redress and park wardens will be held accountable through a publicly accessible complaint process.
- 4.5.2 These guidelines should be read in conjunction with the Parks Canada Agency Code of Ethics and the Park Warden Code of Conduct.
- 4.5.3 Where complaints are made with respect to enforcement officers, the complaint will be forwarded to the appropriate authority for their consideration.
- 4.5.4 Nothing in this chapter precludes a park warden's right to independent legal and/or union representation.
- 4.5.5 The Parks Canada Agency public complaint process will:
- Be fair, impartial, timely and accessible;
 - Contribute to and promotes public confidence in law enforcement services;
 - Support the responsibility of the Chief Executive Officer to manage the Parks Canada Agency's law enforcement services;
 - Maintain a balance between the powers of the law enforcement services and the right of citizens to be protected against the abuse of those powers;
 - Hold park wardens publicly accountable for their actions;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Be in the public's interest by avoiding duplicating of administrative tasks;
- Not interfere with the due process of law;
- Respect the Parks Canada Agency Code of Ethics;
- Respect the Park Warden Code of Conduct;
- Respect the Parks Canada Agency's human resource and collective agreement procedures; and
- Always attempt to resolve the complaint at the lowest level, while maintaining the integrity of the process by fitting the nature of the complaint with the appropriate level of seriousness.

4.5.6 Lodging of Complaints

- 4.5.6.1 Any person not satisfied with an action/decision of a park warden will be referred to the appropriate Manager, Law Enforcement Operations (with contact name, phone number and work address) or if preferred, the Manager, Law Enforcement Operations will contact the complainant directly. The Complaint Form in Annex 1 will be provided to the complainant to record their concerns. This is the first course of action for all complaints to ensure continuity of command and control operations. However, it is imperative that access to the process be as open and easy as possible. If requested, complaints may also be provided orally or in writing to the park warden's supervisor (if applicable).
- 4.5.6.2 The complainant may also contact another policing organization (e.g., the police service of jurisdiction) for major breaches of the Park Warden Code of Conduct or Parks Canada Agency Code of Ethics (e.g., unlawful activities, threats, violence, etc).
- 4.5.6.3 An oral complaint to the supervisor will be recorded by the supervisor and signed by the complainant attesting to its accuracy and attached to the incident related to the Occurrence Tracking System.
- 4.5.6.4 The complaint information, including the complainant's particulars, will be immediately classed as protected "C" and forwarded to the Manager, Law Enforcement Operations.
- 4.5.6.5 The Manager, Law Enforcement Operations will start a protected "C" file for the complaint and will maintain a registry of all complaints. The control form in Annex 2 will be used to track a complaint.
- 4.5.6.6 Where applicable, the Manager, Law Enforcement Operations shall notify the Field Unit Superintendent of the complaint.

4.5.7 Screening Complaints

The Manager, Law Enforcement Operations will screen all complaints and determine one of the following courses of action:

- 4.5.7.1 **Complaint Dismissed** - see Dismissal of Complaint (4.5.14)
- 4.5.7.2 **Complaint Accepted** to be dealt with through informal resolution or through an appropriate means determined by the Manager, Law Enforcement Operations as presiding officer (Level 1);
- 4.5.7.3 **Complaint Accepted** to be dealt with off site through an appropriate means as determined by the Director, Law Enforcement as presiding officer (Level 2);
- 4.5.7.4 **Complaint Accepted** to be referred for Chief Executive Officer review.

4.5.8 Notification

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.5.8.1 The park warden against whom the complaint is lodged will be immediately notified of the complaint and will be advised of every step in the process until it is concluded. The exception to this rule would be if it were determined that notification would compromise the investigation of a case involving alleged criminal activities.

4.5.8.2 The complainant will be contacted by double-registered mail by the Manager, Law Enforcement Operations. The mail package must include an explanation of Parks Canada Agency's process with regard to this matter and a copy of the complaint form.

4.5.9 Informal Resolution

4.5.9.1 Wherever possible, an informal resolution approach will be sought by the Manager, Law Enforcement Operations, in collaboration with the local park warden supervisor (as applicable) to resolve the matter.

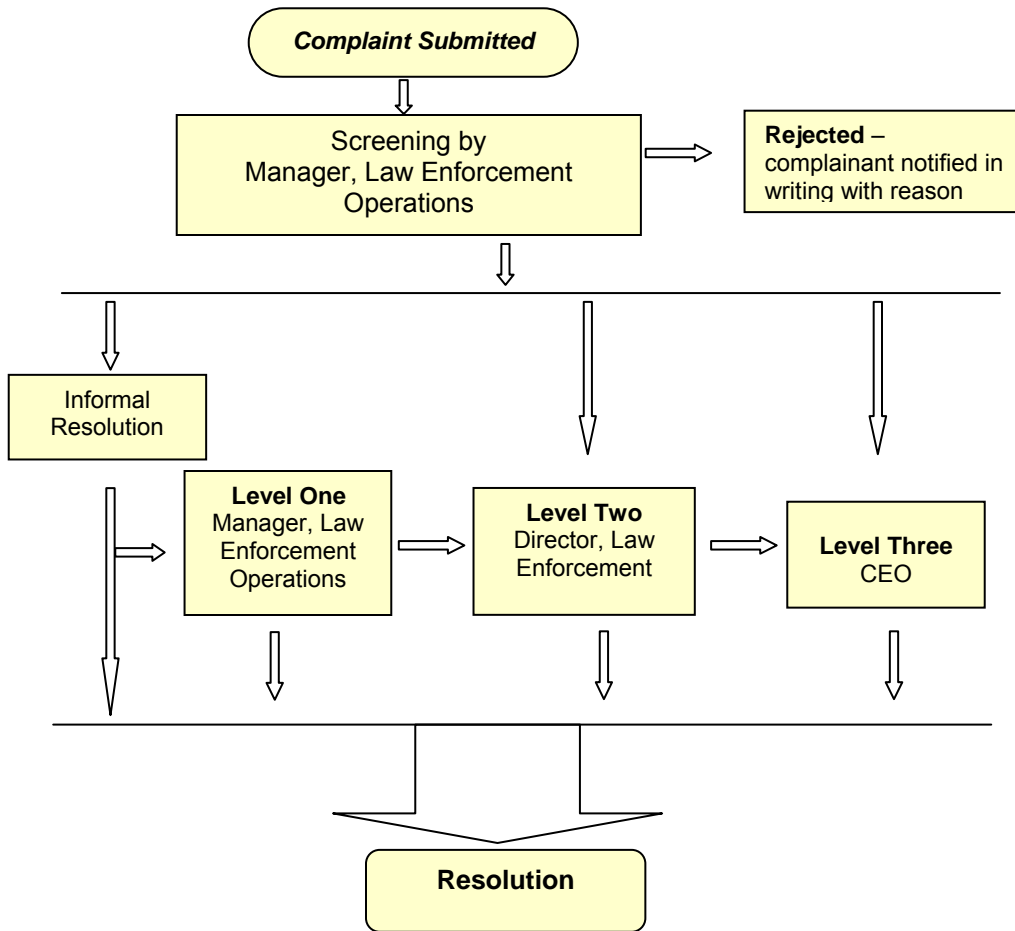
4.5.9.2 Whenever a resolution has been reached informally, the results of the resolution will be documented in the complaint file.

4.5.10 Public Complaints Process

4.5.10.1 In order to accomplish all the specified principles for a proper complaints process and be able to accommodate the public, the Parks Canada Agency will use a three-tiered complaint process that includes:

- Local Level;
- National Level; and
- Chief Executive Officer Review.

Figure 3: Complaint Process



4.5.11 Complaints Levels

The three levels of complaint are:

- Level One: local level (appointed by Manager, Law Enforcement Operations);
- Level Two: National level (appointed by Director, Law Enforcement); and
- Level Three: Agency level (appointed by Chief Executive Officer)

4.5.11.1 Level One Complaint – presiding officer: Manager, Law Enforcement Operations

4.5.11.1.1 Nature of Complaint

Examples include but are not limited to:

- Breach of conduct related to not adhering to local or national directives or procedures;
- Demonstrates poor judgement when exercising their lawful duties
- Use of improper law enforcement procedures
- Minor violations of the code of ethics (e.g., People Qualities: perceived to lack courtesy in dealings with citizens or colleagues).

4.5.11.1.2 Level One Criteria

- Complaints are easily and quickly investigated and resolved at this level.
- The responsibility of the Manager, Law Enforcement Operations is to decide whether to resolve the complaint and redress locally or refer it to a higher level.

4.5.11.2 Level Two Complaint – presiding officer: Director, Law Enforcement

4.5.11.2.1 Complaints may be referred to this level through the Manager, Law Enforcement Operations screening or by a Level One Complaint review.

4.5.11.2.2 Nature of Complaint

Examples include but are not limited to:

- Breach of conduct related to improper use of force;
- Violations of the peace officer authority.
- Major violations of the Code of Ethics
- Misuse of badge or authority to exert influence
- Inappropriate use of alcohol or drugs
- Unlawful activities

4.5.11.2.3 Level Two Criteria

- Need to remove bias or the perception of bias pertaining to the officer involved.
- The seriousness of the complaint requires an off-site solution using an in-depth and thorough investigation.
- Complaints where there is a strong possibility of being resolved at the second level.
- The complainant will not accept the findings of the level one review and has re-lodged the complaint.

4.5.11.2.4 The responsibility of the Director, Law Enforcement is to conduct a thorough investigation, resolve the complaint or refer it for a Chief Executive Officer review.

4.5.11.3 Level Three Complaint Board– presiding officer: Chief Executive Officer

4.5.11.3.1 Nature of Complaint

- Involves suspected serious criminal charges; or
- May involve improper use of force causing serious injury.

4.5.11.3.2 Level Three Criteria

- The complaint may involve suspected criminal activity.
- The seriousness of the complaint goes beyond the Parks Canada Agency's internal review capabilities.
- Having an independent review will remove Parks Canada Agency bias, thus enhancing credibility.
- The complainant is not satisfied with the disposition from a level 2 and wishes to appeal to the Chief Executive Officer review mechanism.

4.5.12 Investigation Teams

4.5.12.1 The presiding officer may identify and appoint an investigation team to review all facts surrounding the complaint. A human resource advisor will also be consulted at these levels to ensure any action taken towards the park warden is appropriate and respects the Parks Canada Agency Delegation of Human Resources Authorities.

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.5.12.2 Investigation team may be comprised of, but not limited to:

- Director, Law Enforcement Branch
- Manager, Law Enforcement Operations
- Park warden;
- Superintendent for the site
- IMIM/PDT instructor (if applicable)

4.5.12.3 No officer having any connection with the incident resulting in the complaint will be involved. A National Law Enforcement Training Advisor or an IMIM/PDT instructor may also be assigned to the team as applicable.

4.5.12.4 An investigation team appointed at the Level Three Complaint by the Chief Executive Officer may involve law enforcement specialists from an external organization (third party review) if that would enhance the credibility of the investigation.

4.5.12.5 The investigation team will send interim progress reports and a final report to the presiding officer.

4.5.13 Disposal of Complaints

4.5.13.1 A complaint may be disposed of using one of four courses of action:

- Dismiss complaint;
- Mediate a resolution;
- Arbitrate a solution; or
- Referral of the complaint to the next level (in the case of levels 1 and 2).

4.5.13.2 If, at any level, the investigation produces evidence that a criminal act has taken place, the matter will be referred to the police service of jurisdiction.

4.5.14 Dismissal of Complaint

4.5.14.1 A presiding officer (Manager, Law Enforcement Operations, Director, Law Enforcement or Chief Executive Officer) may at any time (and at any level) refuse to conduct an investigation if:

- The complaint is found to be frivolous, vexatious, concerns a trivial matter or is made in bad faith;
- The complaint is unfounded, false and obviously cannot succeed; or
- The complainant refuses to cooperate in the investigation.

4.5.14.2 Complaints may also be dismissed if the complainant simply did not understand (or at the time, was unwilling to accept) the authority and/or role of the park warden. This may be resolved directly with communications between the Manager, Law Enforcement Operations and the complainant. The results of this type of resolution will be recorded as “dismissed” in the complaint file.

4.5.14.3 A notice of dismissal must be sent to the subject against whom the complaint is lodged and to the complainant.

4.5.14.4 The complainant may seek a review of the decision within 30 days of receipt of the decision. The subject of the complaint will be notified that a review of its decision is being sought at the next level.

4.5.15 Informal Resolution

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.5.15.1 Informal resolution uses a process such as Alternative Dispute Resolution (ADR). It is designed to deal effectively with cases where parties are willing to find a solution.
- 4.5.15.2 Resolution is arrived at and agreed to by both the complainant and the park warden. This will create an environment wherein officers and complainant can discuss the incident in a more open manner.
- 4.5.15.3 All statements made in this process will be protected from being used in other proceedings.
- 4.5.15.4 Informal resolution may be attempted at any time during any of the three levels of complaint review.
- 4.5.15.5 Unless disciplinary actions need to be taken, the results of an informal resolution will not be entered on a park warden's personnel file. Those disciplinary actions will be kept as a "protected C" complaint and a copy will be sent to the Manager, Law Enforcement Operations.

4.5.16 Arbitration of Solution

- 4.5.16.1 The presiding officer in consultation with the applicable investigative team members will determine the resolution. The presiding officer will notify the complainant and the park warden involved in writing of the decision.
- 4.5.16.2 Upon making a decision, the presiding officer will send a letter of disposition to the parties. The letter will include:
 - A summary of the allegations contained in the complaint;
 - The findings in relation to each allegation;
 - The rights of the complainant, and a reference to, the review process; and
 - The rights of the park warden.
- 4.5.16.3 The letter of disposition will also be included in the Manager, Law Enforcement Operations' registry. It will include:
 - A summary of the allegations contained in the complaint;
 - An outline of the investigative process;
 - A summary of any witness statements and documentary evidence relied on;
 - The findings in relation to each allegation;
 - A summary of action taken; and
 - Recommendations for any disciplinary actions.

4.5.17 Referral to Next Level

- 4.5.17.1 The complaint may be referred to the next level of review where the presiding officer believes, after investigation, that the matter is serious enough to warrant the next level of review.
- 4.5.17.2 Where a referral takes place, any ensuing investigation team must be made up of members not involved in any previous aspects of the case under review.
- 4.5.17.3 Any final disposition will be documented as set out under Arbitration of Solution (above).
- 4.5.17.4 Should the course of action be to close this matter and case file, the complainant will be notified that they have the right to pursue this matter through the federal court process.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Annex 1

Complaint Form

		Confidential When Completed
Parks Canada Agency – Law Enforcement Branch Public Complaint Form		
Complainant		
Name		
Address:		
Telephone (Home)	Telephone (Office)	
Date Complaint Filed (dd/mm/yyyy)		
Complaint		
Date of Incident: dd/mm/yyyy	Location of Incident (Park, Site, Canal)	
Name of the Officer		
Badge or PC-4 Card Number		
Details of the Incident (Describe in detail the circumstances surrounding the incident, actions taken by the officer, injuries sustained; reason for lodging the complaint. Use back of form if necessary)		
Signature of Complainant		Date (dd/mm/yyyy)
Name of Supervisor/Officer taking Complaint		
Title/Position		
Address		
Telephone No.	Email:	
Signature:	Date:	
Action Taken:		
Occurrence No.		

Parks Canada Agency Law Enforcement Administration and Operational Manual

Confidential When Completed	
Occurrence No.	
Annex 2 Parks Canada Agency – Law Enforcement Branch Complaint Registry Form	
Complainant	
Name	
Address:	
Telephone (Home)	Telephone (Office)
Date Complaint Filed (dd/mm/yyyy)	
Disposition	
Level 1 (Manager, Law Enforcement Operations)	Date Received:
Action Taken:	
Disposition	
Signature	Date:
Position	
Level 2 (Director, Law Enforcement)	Date Received:
Action Taken:	
Disposition	
Signature	Date:
Position	
Level 3 (Chief Executive Officer)	Date Received:
Action Taken:	
Disposition	
Signature	Date:
Position	

4.6 Critical Incident Counselling

4.6.1 A critical incident is sudden, unexpected and personally upsetting to park wardens that may be involved. Such incidents may cause the person to experience unusually strong emotional reaction at any point during or after the incident. The Parks Canada Agency is committed to providing an immediate, organized and professional response to critical incidents through the use of the Employee Assistance Services of Health Canada and by providing appropriate support for employees and their family who are affected by the incident.

4.6.2 The following events are examples of serious incidents that may cause individuals to suffer from critical incident stress:

- Major natural disaster;
- Any incident in a work context resulting in serious injuries or fatalities;
- Continued or prolonged exposure to apparent danger combined with a perceived lack of control;
- Any sort of serious incident, accident or fatality relating to the employee's peer group, family, or to young children; or
- Incident involving lethal use of force.

4.6.3 Critical incident response should be assessed and monitored by a qualified person. Counseling services and critical incident response is available for individuals or groups through the Memorandum of Understanding with the Workplace Health and Public Safety Program of Health Canada.

4.6.4 Reporting

4.6.4.1 Upon hearing of a reported incident, the manager/supervisor must ensure that the employee(s) be provided with appropriate assistance, including critical incident assistance available through the Employee Assistance Services at 1-888-366-8213.

4.6.4.2 Employees shall notify their supervisors when a Parks Canada Agency employee has been involved in a serious incident or when symptoms of stress manifest themselves in the daily routine of any employee.

4.6.5 Intervention

4.6.5.1 Supervisors should be able to recognize potential or possible instances where attending park wardens or other Parks Canada Agency staff may require a debriefing or additional assistance when reviewing a hazardous occurrence investigation report or verbal/written notification of occurrences.

4.6.5.2 All serious incidents will be subject to an internal debriefing by a supervisor as soon as possible following the incident to determine the scope of the issue and the need for a critical incident intervention.

4.6.5.3 Upon hearing of report of an incident or observing critical incident symptoms, a supervisor will immediately provide the opportunity to the employee to discuss circumstances and remind the employee of confidential services available.

4.6.5.4 Where available, external service providers may also be considered (i.e. police service of jurisdiction, municipal/provincial programs)

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.7 Personal Liability

- 4.7.1 The aim of this chapter is to provide guidance to the park warden who, while on duty, becomes involved in an incident that could result in a claim for damages being made against the Crown or the park warden himself by a third party.
- 4.7.2 Incidents referred to in this chapter can be of any type and magnitude (e.g., motor vehicle accident, motor vessel accident, accidental destruction or damage to third party personal equipment).
- 4.7.3 The park warden is to never admit liability under any circumstances. The park warden's obligation should be to advise the involved party of the proper channels to follow should they wish to pursue the matter with regard to compensation.
- 4.7.4 The park warden shall, at the earliest opportunity inform his/her supervisor of the circumstances of the incident.
- 4.7.5 The park warden involved should take every precaution to ensure detailed documentation of such incidents in cases there is a claim against the Crown.
- 4.7.6 The park warden shall provide the following to his/her immediate supervisor:
- A full statement of his/her actions and, where government equipment is involved, detailed information regarding how it was used and the authority for such use;
 - A statement setting forth the circumstances as he/she knows them, including a statement as to whether or not he/she was, at the time of the incident, acting within the scope of his/her duties;
 - A description of the incident and any other information (e.g., sketches or photographs) as may be necessary to understand the exact nature of the incident; and
 - Any further information and material that the supervisor may require.
- 4.7.7 Upon receipt of the above information, the supervisor will ensure that it is passed on to the appropriate authorities. If a claim for damages is received at a later date, the Parks Canada Agency will be in a position to deal with it in an appropriate manner.

4.7.8 Civil and Criminal Litigation

The Parks Canada Agency provides protection for its employees from civil and criminal litigation resulting from actions taken in course of performing their duties.

4.7.9 Loss / Damage / Theft of Crown Property

- 4.7.9.1 The Parks Canada Agency law enforcement personnel will be bound by the same requirement as other federal government employees with regard to the care and control of equipment.
- 4.7.9.2 Some law enforcement equipment has the potential to cause injury to individuals who misuse this equipment or other parties. All loss, damage, or theft of equipment will be dealt with according to the procedures set out in the Law Enforcement Administration and Operational Manual.

4.7.10 Claims by or Against the Crown

With respect to civil liability under the *Crown Liability and Proceedings Act*, in accordance with applicable policies, the Parks Canada Agency will indemnify park wardens against personal civil

Parks Canada Agency Law Enforcement Administration and Operational Manual

liability so incurred provided they acted honestly and without malice within their scope of duties and employment.

4.7.11 Civil Actions or Statutory Offences

- 4.7.11.1 An employee shall, in accordance with this subsection, report the circumstances of any incident when, as a result of the performance of their duties, they are:
- Involved in a civil action;
 - Charged with a statutory offence; or
 - Implicated in any investigation, inquiry or inquest that may lead to legal proceedings being taken against him/her or the Crown.
- 4.7.11.2 Authority to approve a request for legal services at public expense has been delegated to the Chief Executive Officer. An employee may request the provision of legal services at public expense when he or she is:
- Sued or threatened to be sued in the civil courts;
 - Charged with an offence; or
 - Interviewed by public authorities in circumstances in conjunction with a judicial, investigative or other inquest or inquiry, including a Board that is formed under the authority of this manual.
- 4.7.11.3 Point 4.7.11.2 has no application to an employee who:
- Is a party to or intervenes in internal proceedings such as disciplinary actions, administrative reviews and grievances;
 - Has initiated charges; or
 - Has initiated civil or other actions.
- 4.7.11.4 For the purposes of this section, employees include former park wardens if the incident occurred during their employment with the Parks Canada Agency.

4.7.12 Request for Legal Services

- 4.7.12.1 An employee may make a request for legal services by completing the application form in Schedules I and II.
- 4.7.12.2 Approval of a request for the provision of legal services at public expense, will consider whether the employee:
- Was acting within the scope of his or her duties and employment;
 - Was engaged in carrying out an act or function authorized by the Parks Canada Agency; or
 - Was carrying out acts or functions similar in nature to those previously authorized or carried out.
- 4.7.12.3 If the employee was acting beyond the scope of his or her duties, he or she is not entitled to legal counsel at public expense.
- 4.7.12.4 If the employer is liable for the actions of the employee, the employer's potential liability may justify the expenditure of public funds.
- 4.7.12.5 Before approving the request for legal services, the officer must seek the opinion of the Department of Justice Canada on the need for a lawyer and the appropriateness of engaging a private lawyer.
- The request for legal opinion will be directed to the Legal Services section of the Department of Justice Canada, responsible for service to the Parks Canada Agency.

4.7.13 Civil Actions (see Schedule II)

- 4.7.13.1 If a civil action against an employee arose from the performance of the employee's duties, the Department of Justice Canada will assign a lawyer to act on the employee's behalf.
- If provincial legislation prohibits attendance in court by a lawyer, the Department of Justice Canada will assign a lawyer or provide legal assistance to the employee to the extent the court will allow.
 - When a lawyer is assigned by the Department of Justice Canada, legal fees and the judgment, if any, will be paid from public funds.

4.7.14 Employee Responsibilities

- 4.7.14.1 If a civil action is initiated against an employee on any matter arising from the performance of his or her duties, he or she will forward a report of the situation to his or her manager, including:
- The names and address of the plaintiff and, if applicable, the plaintiff's lawyer;
 - The names and address of all defendants named in the action;
 - The court where the action is initiated;
 - The number of the court action;
 - A summary of the circumstances that gave rise to the action; and
 - Whether or not he or she wishes to have the actions defended by and on the instructions of the Department of the Attorney General of Canada, Department of Justice Canada.
- 4.7.14.2 If the employee retains his or her own lawyer or has the action defended personally, he or she must be prepared to pay any adverse judgments and legal fees.

4.7.15 Department of Justice - Procuring Prosecution Services

- 4.7.15.1 Protocol is not presently defined in a current federal/national policy.
- 4.7.15.2 Procuring prosecution services will vary from provincial and local court jurisdictions.
- 4.7.15.3 Parks and sites will consult with their local court jurisdictions and the Parks Canada Agency's Department of Justice representative.

AUTHORIZATION FOR LEGAL REPRESENTATION FORM

SCHEDULE I AUTHORIZATION

I, __ (name) _____ of the __ (Parks Canada Agency) _____, in the __ (city, town, etc) _____ of _____, defendant in the action in the (Court or Tribunal) wherein is Plaintiff, hereby authorize the Attorney General of Canada, or such other person as may be designated by the Attorney General or a designate thereof, to defend the action on my behalf and to take such action and conduct such proceedings as the Attorney General may consider necessary to defend such action on my behalf and to protect the interest of the Crown

Dated at _____, this _____ day of _____, A.D., 20__

SCHEDULE II AUTHORIZATION

I, _____ of the _____, in the _____ of _____, hereby authorize the Attorney General of Canada, or such other person as may be designated by the Attorney General or a designate thereof, to defend the (claim or proceeding) of against me based upon (here describe the allegations or other basis of claim) and to take such actions and conduct such proceedings as the Attorney General may consider necessary to defend such (claim or proceeding) on my behalf and to protect the interest of the Crown.

Dated at _____, this _____ day of _____, A.D., 20__

4.8 *Officer Safety*

- 4.8.1 In the course of their duties, park wardens may be exposed to certain risks while protecting the public interest. Park wardens must constantly weigh their own training, experience, knowledge, individual ability, judgement and available tools against the often rapidly changing circumstances present in each situation when deciding if they should continue with a law enforcement activity or disengage.
- 4.8.2 Park wardens shall disengage from any law enforcement activities where risk mitigation measures, as determined by their risk assessment, are not in place. Disengagement from law enforcement activities is usually temporary until circumstances change or until mitigation measures are put in place.
- 4.8.3 Park wardens shall disengage from law enforcement activities where there is no method of communication and dispatch is not aware of the location and circumstances of the activity.
- 4.8.4 Park wardens shall continuously evaluate risk to their safety and the safety of others, as prescribed by the Incident Management Intervention Model. The following are examples of effective risk mitigation measures associated with conducting law enforcement activities:
- Ensuring functional communications are available;
 - Using an effective check-in/dispatch system to ensure regular contact for the duration of the task being performed;
 - Exercising the option of tactical repositioning when faced with perceived/potential risk;
 - Use of personal protective equipment;
 - Additional law enforcement support.
- 4.8.5 A single park warden will require assistance from other park wardens, the police service of jurisdiction or enforcement officers while conducting the following law enforcement activities:
- Executing arrest and search warrants;
 - Conducting decoy operations.
- 4.8.6 Tactical plans will identify and incorporate risk mitigation measures specific to the law enforcement activities prescribed in the plans.
- 4.8.7 For unplanned incidents, park wardens shall continuously evaluate risk to their safety and the safety of others, as prescribed by the Incident Management Intervention Model.
- 4.8.8 In circumstances where identified risk mitigation measures are unavailable, intervention will be limited to observing, recording and reporting the incident.

4.9 *Personal Protective Equipment*

- 4.9.1 Park wardens use a variety of issued equipment in the course of their law enforcement duties. As a federal agency with law enforcement responsibilities, the Parks Canada Agency uses accepted federal law enforcement standards when testing, selecting and acquiring law enforcement equipment.
- 4.9.2 Park wardens will only carry personal protective equipment approved and issued by the Parks Canada Agency.
- 4.9.3 All personal protective equipment related to law enforcement activities will be purchased, issued, cared for, maintained, stored, used and worn according to the standards defined in this section.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.9.4 The Manager, Law Enforcement Operations shall ensure:
- An inventory of issue items in his or her charge and record the temporary loan of equipment in accordance with standard material management practices;
 - Individuals requesting the loan of the equipment meet the standards established by this manual;
 - To return the equipment by the specified date; and
 - To validate the inventory of equipment issued on an annual basis.
- 4.9.5 The Director, Law Enforcement is responsible for ensuring that a national armament inventory is maintained.
- 4.9.6 The park warden will retain permanent issue, even if the work location changes.
- 4.9.7 Each employee issued protective equipment is responsible for:
- Its security while on and off duty;
 - Keeping it clean and fully operational at all times;
 - Adhering to the equipment use guidelines as specified in this manual; and
 - Ensuring there is no unauthorized access to or use of the equipment.
- 4.9.8 Any loss or theft of equipment must be reported to the Manager, Law Enforcement Operations as soon as possible.
- 4.9.9 The following personal protective equipment will be issued to all park wardens:
- Sidearm and holster
 - Handcuffs
 - OC Spray
 - Defensive baton
 - Soft body armour (with external carrier)
 - Search gloves
 - Duty ammunition, 3 magazines and 2 magazine holsters.
- 4.9.10 Protective equipment will be issued following completion of appropriate training and acquisition of required licences and other certificates. Refer to Section 4.2 (Training) and Section 4.3 (Licences and other required certificates).

4.9.11 Sidearm

This element addresses the acquisition, disposal, possession, use, control, storage, maintenance and transportation of firearms. The legislative requirements of the *Criminal Code* and of the *Firearms Act* must be applied to promote safe firearm handling and personal safety.

4.9.11.1 Responsibilities

4.9.11.1.1 Parks Canada Agency Law Enforcement Branch National Firearm Officer

- The Parks Canada Agency Law Enforcement Branch National Firearm Officer is responsible for coordinating and controlling the implementation and provisions of the Public Agents Firearms Regulations, and any other applicable laws.
- The Law Enforcement Branch National Firearm Officer is responsible for obtaining the Agency Identification Number from the Registrar of Firearms; maintaining the Parks Canada Agency database of all Law Enforcement Branch firearms; and providing to the

Parks Canada Agency Law Enforcement Administration and Operational Manual

Registrar of Firearms all information that the Parks Canada Agency must provide under the Public Agents Firearms Regulations and under any other applicable laws.

- The Law Enforcement Branch National Firearm Officer shall work with Managers, Law Enforcement Operations to verify all data and information regarding the Law Enforcement Branch's and protected firearms prior to sending the information to the Registrar.
- The Law Enforcement Branch National Firearm Officer will also administer the Parks Canada Agency's law enforcement firearm program and oversee the related policy and participate actively in the development and overall candidate qualification for the law enforcement firearm training programs.

4.9.11.1.2 Director, Law Enforcement

The Director approves the sidearm acquisitions and is responsible for national implementation of the Parks Canada Agency's law enforcement services. The Director is also responsible for leading inquiries related to intentional/accidental discharges of law enforcement firearms whether by Parks Canada Agency law enforcement personnel or others.

4.9.11.1.3 Manager, Law Enforcement Operations

Each Manager, Law Enforcement Operations is responsible for:

- Making the official requests to the Director, Law Enforcement concerning the acquisition, transfer or destruction of Parks Canada Agency Law Enforcement Branch firearms.
- Assuring compliance with training standards, licences and other required certificates, and occupational requirements by all park wardens in his or her area of responsibility;
- Requesting firearm related training from the national Law Enforcement Training and Standards group.
- Reporting protected firearms to the Registrar for the field units under his/her responsibility.
- The physical issuance of the sidearm and associated equipment to park wardens;
- Acting as site custodian and will be responsible for site Law Enforcement Branch firearms and related equipment inventory, servicing and tracking, including ammunition caches; and
- Matters relating to sidearm training and certification needs of the field unit(s) park wardens.

4.9.11.1.4 Park warden

The Park warden, who is also a holder of a sidearm, must ensure the possession, use, control, storage, maintenance, and transport of duty firearms are in accordance with the *Firearms Act*, the Public Agents Firearms Regulations and the *Criminal Code*. Where required by this manual, the holder must also comply with the Storage, Display, Transportation and Handling by Individuals Regulations of the *Firearms Act*.

4.9.12 Procedures

4.9.12.1 Acquisition, Approval and Authorization of Parks Canada Agency Sidearm

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 4.9.12.1.1 Only Parks Canada Agency approved sidearm and ammunition will be purchased and issued. (See Annex 2 for Parks Canada Agency standards.)
- 4.9.12.1.2 The Director, Law Enforcement on the recommendation of the Law Enforcement Branch National Firearm Officer, must approve all acquisition of sidearm.
- 4.9.12.1.3 The Manager, Law Enforcement Operations using the form in Annex 4, will make the request for acquisition.
- 4.9.12.1.4 The Law Enforcement Branch National Firearms Officer will be responsible for the purchase of sidearm and provide the information listed in Annex 4 when advising the Registrar of all new Parks Canada Agency sidearm acquisitions.

4.9.12.2 Registration of Sidearm

- 4.9.12.2.1 The Law Enforcement Branch National Firearms Officer must ensure that all sidearm are registered in accordance with the provisions of the *Firearms Act*.

4.9.12.3 Issuance of Sidearm

- 4.9.12.3.1 Prior to the issuing a sidearm:
 - The Director, Human Resources or delegate confirms to the Manager of Law Enforcement Training and Standards in writing that the park warden has successfully completed the required occupational requirements prior to engaging in required training; and
 - The Law Enforcement Training and Standards Manager must confirm in writing to the concerned Manager, Law Enforcement Operations that the park warden has successfully completed and met applicable Parks Canada Agency approved training and qualification; and
 - The park warden (supervisor) confirms to his/her Manager, Law Enforcement Operations that the park warden's workplace and home comply with the Parks Canada Agency's sidearm storage requirements.
- 4.9.12.3.2 The issuance of sidearm and associated equipment will take place upon the park warden completing and/or meeting the requisite training, licences and other required certificates, and occupational requirements either at the field unit level, by the Manager, Law Enforcement Operations (or delegate) or at the training location by the Parks Canada Agency training coordinator or a Law Enforcement Branch representative.
- 4.9.12.3.3 The following equipment will be the Parks Canada Agency standard as it applies to sidearm equipment:
 - Holster (Safariland level II plus)
 - 2 magazines and associated holsters (as defined in annex 2)
 - 1 approved security container or locker for the park warden's residence
 - 1 approved security container or locker for the park warden's office
 - 1 transport case approved for use on commercial airlines
 - 2 trigger locks or cable locks
 - 1 sidearm (as defined in annex 2)
 - Duty ammunition (as defined in annex 2)
 - Training ammunition (as defined in annex 2)
 - Two chamber plugs for the sidearm (workplace and residence)
 - One pair of industry approved safety glasses
 - Industry approved hearing protection (earmuffs)
 - A complete cleaning kit for the sidearm

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.9.12.4 Use of Sidearm

- 4.9.12.4.1 Parks Canada Agency park wardens shall only use sidearm for the purpose of and in the context of their duties. Park wardens are only authorized to use their sidearm as outlined in Annex 2 and may only carry one sidearm at a time.
- 4.9.12.4.2 Park wardens may also be required to have access to and use other Parks Canada Agency firearms, for resource conservation purposes. The Parks Canada Agency long arms policy, operational procedures and training standards will govern the issue and use of these firearms for all Parks Canada Agency staff who require their access and use, including park wardens for resource conservation purposes.
- 4.9.12.4.3 Park wardens must possess/use only approved Parks Canada Agency firearms and ammunition for the purposes of and in the context of their duties, training and employment. The possession/use of any other firearm or ammunition is prohibited while performing official duties.
- 4.9.12.4.4 A sidearm carried by a park warden while on duty will be fully loaded, with one cartridge in chamber. The park warden will not top up the magazine upon chambering a round.
- 4.9.12.4.5 The loading and unloading of sidearm will take place in an approved loading and unloading station. When a station is not available, the park warden will be required to load and unload their sidearm as per instructions received during their sidearm training.
- 4.9.12.4.6 Park wardens shall not alter or modify Parks Canada Agency firearms.
- 4.9.12.4.7 Park wardens performing administrative duties are not required to carry a sidearm, unless there is an operational requirement. For the purpose of this policy, administrative duties include but are not limited to:
- Presence in court;
 - Visits to regional or national offices;
 - Office duties for which the park warden is not on call or required to respond to incidents;
 - School visits;
 - Participation in parades or conferences;
 - Others reasons determined by the supervisor or Manager, Law Enforcement Operations or Director, Law Enforcement.
- 4.9.12.4.8 A park warden, as trained under the IMIM, may draw or discharge a Parks Canada Agency sidearm only if one or more of the following conditions exists:
- When faced with the threat of grievous bodily harm or death to self or other, and other means have already been used or would be inadequate;
 - During training or shooting practice sessions in an authorized shooting range or field;
 - In order to euthanize a seriously wounded or dangerous animal, as a last resort:
 - When resource conservation staff are not in a position to provide this service; or
 - While responding to a law enforcement incident, where it would be inappropriate for non-law enforcement staff to be present.

4.9.12.5 Transportation of Parks Canada Agency Sidearm

- 4.9.12.5.1 Parks Canada Agency sidearm will only be transported or carried when required for official duties, training and/or practice sessions and in compliance with the *Firearms Act*, the Public Agents Firearms Regulations and any other applicable law.

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.9.12.5.2 The following must be observed when transporting a Parks Canada Agency sidearm:

- The Parks Canada Agency sidearm must not be loaded unless necessary to perform duties;
- If the sidearm is to be used as an operational firearm located in a vehicle or vessel, the sidearm must be locked in a secure locking mechanism, which has either a keyed entry or a combination of electronic and keyed entry; and
- If the sidearm is not transported for operational requirements (e.g., for training purposes only) it must be unloaded, locked with a trigger lock or cable lock and kept in an approved locked container. The container must not be visible from outside the vehicle or vessel.

4.9.12.5.3 Any employee transporting a sidearm on a scheduled commercial aircraft must comply with the following requirements:

- The sidearm must be made inoperable by a secure locking device such as a trigger lock or cable lock;
- The employee must store the sidearm in an opaque (non-transparent) container and must lock the container;
- Sidearm and ammunition must be stored in different locked containers.
- The opaque container and ammunition must be stored with checked baggage.
- At the time of check-in, the firearm declaration must be submitted to the airline company;
- In the event of baggage loss, baggage must be properly marked with the employee's name and address;
- The employee must immediately advise the airline and the authorities listed under point 4.9.16 (Reporting Lost or Stolen Sidearms) of any loss; and
- Any additional specific requirements of the airline company.

4.9.12.5.4 Sidearm that are transported by other means than a scheduled commercial aircraft, must comply with the *Firearms Act* and its regulations and the *Criminal Code* and its regulations. Parks Canada Agency holders must also comply with the Storage, Display, Transportation and Handling of Firearms by Individuals Regulations. A designated carrier company that is licensed under the *Firearms Act* to transport such items must ship sidearms.

4.9.13 Safe Storage of Sidearm and Ammunition

4.9.13.1 General:

- Park wardens who store their sidearm in their home, workplace, vehicle, vessel or temporary work location must follow the same storage rules that apply to other individuals, as outlined in the Storage, Display, Transportation and Handling by Individuals Regulations under the *Firearms Act*.
- It is an offence under Section 109 of the *Firearms Act* and Section 86 of the *Criminal Code* to store a sidearm in a way that has not been authorized or that breaches the required standards as contained in the Regulations.
- Sidearms must be stored unloaded, without cartridges, and they must be rendered inoperable by activating a secure locking device, removing the bolt or bolt-carrier or storing the unloaded firearm in a securely locked container. All stored sidearms must have a chamber plug inserted in the chamber.
- Sidearms and associated ammunition not being used must be returned to the site custodian (Manager, Law Enforcement Operations or delegate).
- All sidearms, ammunition and prohibited devices must be stored in a container, vault, safe or securely locked room.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Seized sidearms and ammunition must not be stored with Parks Canada Agency firearms and ammunition.

4.9.13.2 In the home:

- The Parks Canada Agency will provide an industry approved storage device to all park wardens for assuring the safe storage of sidearms at the home. The device is to be permanently attached to the floor or wall in a secure and safe location in the park warden's residence in accordance with the prescribed standards.
- Where storage is permitted and installed, the Manager, Law Enforcement Operations is responsible to inspect and report to the local workplace health and safety committee or representative at the worksite of the park warden on an annual basis.

4.9.13.3 In the workplace:

- The Parks Canada Agency will provide an industry approved storage device to park wardens for assuring the safe storage of sidearms in the workplace. The device is to be permanently attached to the floor or wall in a secure and safe location in the park warden office. A locker or cabinet that can accommodate several sidearms may be used for park warden offices.

4.9.13.4 While on Travel Status:

- The Parks Canada Agency will provide an industry approved travel/storage device to all park wardens for assuring the safe storage of their sidearm when on travel status. This will include backcountry travel within a heritage place. When possible, such a device should be permanently attached to the building or facility belonging to the Parks Canada Agency (e.g., Parks Canada Agency owned backcountry cabin). While at a hotel, the use of a room safe could be deemed appropriate for the sidearm and ammunition.

4.9.13.5 In a vehicle:

- Parks Canada Agency employees who must store their sidearm in a vehicle will do so by placing the sidearm in the approved travel container and will place it in the locked trunk or area of the vehicle that is not visible to the public.

4.9.13.6 In a vessel:

- Parks Canada Agency employees who must store their sidearm in a vessel will do so by placing the sidearm in the approved travel container and will place it in the locked compartment that is not visible to the public.

4.9.14 Administration

4.9.14.1 The Law Enforcement Branch National Firearms Officer must control the distribution, storage and disposal of sidearms by:

- Recording with the Registrar all Parks Canada Agency sidearms in the name of the Parks Canada Agency;
- Keeping a registry of all sidearms giving the make, model, type, action, serial number or firearm identification number, barrel, shots, calibre or gauge, inventory number, name of the holder and location of storage for each sidearm (see Annex 3);
- Keeping a registry of persons authorized to possess/use a sidearm; and
- Ensuring that all sidearms are in good working condition by tracking the maintenance records of each sidearm (see Annex 3).

Parks Canada Agency Law Enforcement Administration and Operational Manual

4.9.14.2 Any costs related to the administration of the sidearms, as well as those related to training, will be paid by the Parks Canada Agency.

4.9.14.3 All surpluses, damaged or outdated sidearms will be disposed of in accordance with the *Firearms Act* and all other applicable laws and regulations, particularly the Public Agents Firearms Regulations.

4.9.14.4 The Law Enforcement Branch National Firearm Officer supported by the Managers, Law Enforcement Operations will conduct random audits to ensure compliance with this policy.

4.9.15 Reporting of sidearms

4.9.15.1 The Law Enforcement branch National Firearms Officer or Manager, Law Enforcement Operations shall make a report to the Registrar of any sidearm that comes into the possession of the Parks Canada Agency, within 30 days of taking possession and before transfer or disposal of the sidearm.

4.9.15.2 The report shall include:

- The department's name (Parks Canada Agency Law Enforcement Branch) and identification number;
- The serial number, firearm identification number or details as per Annex 4;
- Information specifying if the sidearm was found, detained, seized or surrendered; and
- The case reference or file reference respecting the sidearm, if applicable.

4.9.15.3 Where the sidearm has neither a serial number sufficient to distinguish it from another sidearm or a firearm identification number, the Law Enforcement Branch National Firearm Officer or Manager, Law Enforcement Operations will attach to a visible place on the sidearm frame or receiver, the sticker issued by the Registrar bearing the firearm identification number assigned to the sidearm.

4.9.16 Reporting Lost or Stolen Sidearms

4.9.16.1 Should loss or theft of a sidearm occur or should the Parks Canada Agency receive a report of the loss or theft of a sidearm under section 105 of the *Criminal Code*, the holder or officer responsible must report the event to the police service of jurisdiction and Manager, Law Enforcement Operations who will notify the Law Enforcement Branch National Firearms Officer and the Director, Law Enforcement and include:

- The department's name and identification number;
- As much of the information referred to in Annex 4 as is available; and
- The case reference or file reference respecting the sidearm, if applicable.

4.9.17 Transfers of Sidearms between Public Organizations

4.9.17.1 When the Parks Canada Agency transfers possession of a sidearm to another public service organization, the Law Enforcement Branch National Firearm Officer shall notify the Registrar of the transaction and provide the following information:

- The names and agency identification of both parties to the transaction; and
- With respect to the sidearm, its serial number if any or if there is none, its firearm identification number or if not known, the information referred to in Annex 4.

4.9.18 Disposal of Sidearms

4.9.18.1 The Parks Canada Agency shall dispose of a sidearm in the following manner:

Parks Canada Agency Law Enforcement Administration and Operational Manual

- By offering the sidearm to the Chief Firearms Officer of the province in which the sidearm is stored;
- If refused, by offering the sidearm to the Registrar for:
 - Destruction;
 - Any scientific, research or educational purposes;
 - Preservation as an historic object.
- If refused by both of the above, by having the sidearm destroyed; or
- By giving or selling the sidearm to another public service organization.

4.9.18.2 Before disposing of a sidearm, the Parks Canada Agency Law Enforcement Branch National Firearm Officer will advise the Registrar by providing the information listed in Annex 4. If the sidearm is destroyed, include the date and place of destruction.

4.9.19 Sidearms Maintenance

4.9.19.1 The holder of a sidearm can make no alterations or repairs.

4.9.19.2 The holder of a sidearm must keep the sidearm in good working order at all times. All potential problems must reported to the supervisor to ensure corrections be done as soon as possible or the sidearm must be removed from use.

4.9.19.3 All sidearms are to be serviced or repaired by the designated armories only.

4.9.19.4 When a sidearm is being serviced or repaired, the custodian will provide a replacement sidearm to the park warden.

4.9.19.5 Sidearms will be serviced on a 10-year cycle and will be inspected on a regular basis by the custodian or holder. The inspections should take place at each practice and qualification shoot.

4.9.20 Reporting - Discharge or Use without Discharging of a Sidearm

4.9.20.1 In the event that a sidearm is used without discharging or is discharged in the line of duty for other than authorized training or wildlife management purposes, the park warden and the supervisor will follow the reporting procedure as outlined in Section 8.1 (Use of Force and Incident Intervention).

4.9.20.2 The Manager, Law Enforcement Operations will consult with the police service of jurisdiction and ask for an investigation if required.

4.9.20.3 The Director, Law Enforcement and Field Unit Superintendent (where applicable) will be informed of the incident by the Manager, Law Enforcement Operations as required by the Hazardous Occurrence Recording, Reporting and Investigating Policy and the Management Directive related to reporting serious incidents.

4.9.20.4 A representative of their choice may assist any person interviewed in relation to a sidearms incident.

Forms and Annexes

- a. Annex 1: Sidearm Acquisition Request Form
- b. Annex 2: Parks Canada Agency Approved Sidearm and Ammunition
- c. Annex 3: Law Enforcement Branch Sidearm Registry and Sidearm Control Annual Report
- d. Annex 4: Reporting of Sidearms
- e. Annex 5: Sidearms Use Report

Parks Canada Agency Law Enforcement Administration and Operational Manual

Annex 1 Sidearm Acquisition Request Form (fill electronically)

(Note 1: all requests for sidearm acquisitions are to be sent electronically to the Law Enforcement Branch National Firearm Officer, by the Manager, Law Enforcement Operations using the Parks Canada Agency e-mail service)

Manager, Law Enforcement Operations making the request:

Region:

Contact information:

Sidearm(s) requested for what field unit(s) or park(s), (specify reasoning as well as sidearm description and number of sidearms requested for each field unit/park)

Site custodian for each field unit(s) or park(s):

Field unit/park:

Name:

Contact information:

Recommendation to the Director, Law Enforcement from the Law Enforcement Branch National Firearm Officer:

Approve request as is

More details required

Request denied

Comments:

Law Enforcement Branch National Firearm Officer Signature:

Date:

Recommendation of the Director, Law Enforcement:

Request approved

More details required

Request denied

Comments:

Director, Law Enforcement Signature:

Date:

(Note 2: A paper copy of the approved request will be sent to the Manager, Law Enforcement Operations and Law Enforcement Branch National Firearm Officer. The Law Enforcement Branch National Firearm Officer will proceed with purchase on behalf of the Law Enforcement Branch if request accepted.)

Annex 2

Parks Canada Agency Approved Sidearm and Ammunition

Sidearm and ammunition Standard	Description	Quantity Issued
<ul style="list-style-type: none"> Sidearm Make and Model: Heckler and Koch, P2000, V5 	<ul style="list-style-type: none"> German 9 mm semi-automatic pistol intended primarily for law enforcement and paramilitary markets. The P2000 was designed specifically with improved ergonomic characteristic; it has features that reduce the handling related to stresses, while at the same time increasing user handling and shooter comfort. 	<ul style="list-style-type: none"> 1 sidearm per park warden, (a small amount of replacement sidearms will be kept at site level under the custody of the site supervisor)
<ul style="list-style-type: none"> Approved Sidearm Ammunition: Winchester (Olin), Remington JHP Subsonic Golden Saber, Federal 147 grain JHP 	<ul style="list-style-type: none"> 9mm (9 x 19) Calibre 147 grain Jacketed Hollow Point 	<ul style="list-style-type: none"> 50 duty rounds per park warden
<ul style="list-style-type: none"> Sidearm Training Ammunition: Make and Model TBD 	<ul style="list-style-type: none"> 9mm (9 x 19) 147 grain full Metal Jacket 	<ul style="list-style-type: none"> Minimum 100 rounds per practice session
<ul style="list-style-type: none"> Lead Free Sidearm Training Ammunition: Make and Model TBD 	<ul style="list-style-type: none"> 9mm (9 x 19) Calibre Pistol Ammunition 147 gr. Reduced Hazard (Lead Free) Full Metal Jacket Encapsulated Lead Core 	<ul style="list-style-type: none"> As required based on Range air quality requirements (minimum 100 rounds per practice session when required)

Annex 3
Law Enforcement Branch Sidearm Registry and Sidearm Control Annual Report

Region:
Field Unit and Park Address :

Make					
Model					
Type					
Calibre					
Length of Barrel					
Magazine capacity					
Serial Number					
FIN No.					
Action					
Holder's Name					
Issuing Date					
Return Date					
Disposal					
Place of Storage					
Last inspection date					
By whom:					
Work required and parts changed					

Parks Canada Agency Law Enforcement Administration and Operational Manual

**Annex 3 (con't)
Sidearms Control Annual Report**

All Sidearms listed in this register are recorded with:

[Insert Name]

I certify that the registry is exact and that the Sidearms have been inspected at the site level are in good working condition.

Remarks:

**Law Enforcement Branch
National Firearm Officer Signature**

Date

Annex 4

Confidential / Confidentiel
Reporting of Sidearms / Rapport sur les armes de poing Attention : Registrar of Firearms / Directeur de l'enregistrement des armes à feu
Organization Name / Nom de l'organisme: PCA Agency Identification Number / Numéro d'identification de l'agence : _____
<input type="checkbox"/> Initial sidearms inventory / Inventaire initial d'armes de poing <input type="checkbox"/> Acquisition of sidearms / Acquisition d'armes de poing <input type="checkbox"/> Reporting of protected firearms / Rapport sur les armes à feu protégées <input type="checkbox"/> Reporting of lost or stolen firearms / Signalement de la perte ou du vol d'armes à feu <input type="checkbox"/> Transfers of sidearms between public service organizations / Transferts d'armes de poing entre organismes de services publics <input type="checkbox"/> Importation / Importation <input type="checkbox"/> Exportation / Exportation <input type="checkbox"/> Disposal of firearms / Disposition d'armes à feu
Sidearm Information / Information sur l'arme de poing <input type="checkbox"/> Agency sidearm / Arme de poing de l'Agence _ Protected firearm / Arme à feu protégée Serial number of the sidearm / N° de série de l'arme de poing _____ if any / le cas échéant Sidearm identification number / N° d'identification de l'arme de poing _____ Make / Marque _____ model / modèle _____ Name of manufacturer / Nom du fabricant _____ Type _____ Action / Mécanisme _____ Calibre _____ Barrel length / Longueur du canon _____
Ammunition / Munitions Quantity of ammunition that the cartridge magazine of the sidearm can contain / Quantité de munitions que peut contenir le chargeur de l'arme de poing _____ and if different, the quantity set out in the manufacturer's specifications / et la quantité prévue dans les spécifications du fabricant, si elle diffère de la première quantité : _____
Reporting of protected firearms / Rapport sur les armes à feu protégées The firearm was / L'arme à feu a été : <input type="checkbox"/> found / trouvée <input type="checkbox"/> surrendered in an amnesty / remise lors d'une amnistie <input type="checkbox"/> detained / détenue <input type="checkbox"/> otherwise surrendered / autrement remise <input type="checkbox"/> seized / saisie Case reference or file reference Number / Numéro de référence de la cause ou du dossier _____

Annex 5

Sidearms Use Report / Rapport d'utilisation d'une arme de poing

Incident No. (OTS) / N° d'incident (SSI):

Hour / Heure: _____

Date / Date: _____

Identification / Identification

Name of employee and badge number / Nom et matricule de l'employé(e):

Sidearm (make, caliber, series) / Arme de poing (marque, calibre, série): _____

Site of incident / Lieu de l'incident: _____

Reporting process / Étapes de signalement (check off as completed and initial / cochez une fois la tâche complétée et initialisez)

- Reported to site supervisor / Signalé au superviseur du local :
- Reported to Manager, Law Enforcement Operations / Signalé au Gestionnaire, Opérations d'application de la loi :
- Reported to Director of Law Enforcement Branch / Signalé au Directeur, Application de la loi:

4.9.21 Handcuffs

The handcuff is a temporary restraining device, for both service and protection to the public and to enhance park warden safety.

- 4.9.21.1 Handcuffs will be available to the park wardens as a restraining device, and is available in two styles, standard metal and disposable.
- 4.9.21.2 Standard metal handcuffs will be issued with the duty belt, and will be carried in their case on the duty belt or a carrier approved for backcountry used. A key must be in possession, as well as one spare in a back-up location.
- 4.9.21.3 The Manager, Law Enforcement Operations, may issue disposable handcuffs and suitable removal device upon request.
- 4.9.21.4 Both standard metal and disposable handcuffs may be carried in a concealed manner, while on duty when the duty belt is not worn.
- 4.9.21.5 Metal handcuffs must be maintained in working condition, and tested regularly.
- 4.9.21.6 Specifications:
 - Handcuffs: black oxide or nickel finish, double lock capability with chain links (no hinged-type handcuffs).
 - Handcuff case: leather, moulded closed style, black basket weave. Nylon material may be substituted.
 - Handcuffs: plastic, self-locking, disposable.

4.9.22 OC (pepper) Spray

- 4.9.22.1 OC Spray will be issued with the duty belt, and will be carried in its approved holder on the belt or on an approved carrier for use in the backcountry.
- 4.9.22.2 OC Spray will not be worn in a concealed manner, unless the park warden is engaged in a planned law enforcement operation and is not wearing the uniform and duty belt at the time.
- 4.9.22.3 Spare OC Spray will be stored and maintained according to the manufacturer's instructions, in the established law enforcement equipment lock-up under the care of the park warden.
- 4.9.22.4 OC Spray carried on the duty belt must be inspected monthly for damage to the canister and for appropriate operation and will be replaced when less than 50% of liquid remains in the canister or upon reaching the expiry date on the canister.
- 4.9.22.5 OC Spray carried in a vehicle or vessel must be carried in the duty belt or approved holder, or in an airtight container.
- 4.9.22.6 OC Spray carried in an aircraft must be carried in an airtight container and stored outside the passenger compartment or as directed by the pilot in command. If airlines are used, airline procedures should be checked prior to arriving at airport.
- 4.9.22.7 Employees will use those OC spray techniques in accordance to those taught during the IMIM/PDT certification or certification training sessions.
- 4.9.22.8 Specifications:

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Oleoresin Capsicum with a non-flammable delivery agent with a concentration of Oleoresin Capsicum consistent with the standard used by the Royal Canadian Mounted Police.

4.9.23 Defensive Baton

- 4.9.23.1 The Parks Canada Agency will issue an extendable foam-handled defensive baton.
- 4.9.23.2 The defensive baton issued will be carried in its approved holder provided with the duty belt or on an approved carrier for use in the backcountry.
- 4.9.23.3 The defensive baton will be normally carried on the duty belt in the collapsed position, but may be carried extended where increased risks or park warden safety concerns are present.
- 4.9.23.4 Defensive batons will not be worn in a concealed manner, unless the park warden is engaged in a planned law enforcement operation, and is not wearing the uniform and duty belt at that time.
- 4.9.23.5 Defensive batons must be tested and maintained in good working order as per manufacturer's instructions.
- 4.9.23.6 Defensive batons not in use must be stored in an approved law enforcement equipment lock-up under the care of the senior officer.
- 4.9.23.7 Specifications:

The extendable foam-handled defensive baton, in three different sizes

- 26 inches standard issue (Standard issue)
- 21 inches standard issue (upon request for small stature and female employees)
- 15 inches (for special circumstances such as plain cloths operations)

4.9.24 Soft Body Armour (Armour vest)

The soft body armour is not a uniform item or a defensive weapon. Rather, it is protective clothing used to enhance the park warden's safety.

- 4.9.24.1 The soft body armour is worn externally over the uniform, unless the park warden is engaged in a planned plain-clothes law enforcement operation and risk is a concern.
- 4.9.24.2 Soft body armour will not be worn:
- in non-operational duties, such as ceremonial events, and other public meetings, unless approved by the Manager, Law Enforcement Operations; or
 - while off duty.
- 4.9.24.3 Soft body armour will be worn:
- During all front country and backcountry motorized law enforcement activities (including power boats).
- 4.9.24.4 During backcountry operations or marine duty, wearing the soft body armour may be optional where there is unacceptable health and safety risk or it is impracticable (e.g., hiking with a large, heavy backpack). Such exceptions will be approved by the Manager, Law Enforcement Operations.
- 4.9.24.5 All park wardens will be issued a level 2 vest with internal and external carrier.

4.9.25 Search Gloves

Search gloves will be issued to all park wardens as protective clothing used to enhance the park warden's safety.

- 4.9.25.1 Search gloves will be worn on the duty belt or in another location easily accessible on the park warden.
- 4.9.25.2 The search gloves are to be worn anytime where the park warden is conducting an authorized search of vehicles, vessels, buildings or other facility or physical environment where there is a risk of injury through a contact with physical objects or substances.
- 4.9.25.3 Search gloves will also be worn when engaging in the search of an arrested or detained individual, as part of a legal and authorized search and seizure.

4.9.26 Duty Belt

The duty belt is a means to carry protective equipment. The duty belt will have the following complement: belt keepers, key strap, first aid glove pouch with gloves, mini-flashlight and holder, flashlight C or D cell and holder, radio and / or communications device and holster.

- 4.9.26.1 Park wardens for all duties, anywhere in the park, will wear the duty belt, with all its accompanying equipment, except as identified elsewhere in this manual or in law plans.
- 4.9.26.2 The duty belt is considered part of the park warden's uniform.
- 4.9.26.3 For backcountry law enforcement activities an appropriate carrier to which protection equipment may be attached and immediately accessible may substitute the duty belt.
- 4.9.26.4 The duty belt including its protective equipment will not be worn at ceremonial events;
- 4.9.26.5 The duty belt will not be worn without the uniform, except during IMIM training, or during exigent circumstances where risk is a concern.
- 4.9.26.6 Specifications:
 - Duty belt style (no cross strap); 2¼" wide, nylon or plastic black basket weave replica;
 - Belt keepers (3 or 4): leather, nylon or plastic, black;
 - Key strap: leather, nylon or plastic black basket weave replicas.

Other Equipment may include, but not limited to:

- Flashlight: 3-cell or 2-cell aluminium alloy body; black; may be rechargeable.
- Flashlight holder: plastic ring; black leather strap; black basket weave holder.
- Mini aluminium alloy light flashlight: black; may be rechargeable.
- Mini flashlight holder: black basket weave.
- Multi-purpose tool: 3 inch, black oxide or nickel finish.
- Multi-purpose tool holder: black basket weave.

Note: Duty belt and holders will be made of the same material.

4.9.27 Storage of Equipment

- 4.9.27.1 When the equipment is not being worn, it must be locked in a secure place and away from both public and other employee access.
- 4.9.27.2 Unless no other alternative exists, protective equipment will not be stored in vehicles or vessels.

Part II – Operational

Section 5 - Scope of Law Enforcement Responsibilities

Contents	
5.1	Heritage Resource Protection
5.2	Visitor Experience
5.3	Public Safety
5.4	Administration
5.5	Criminal Code

Law enforcement activities relate to a wide range of issues, some of which are the responsibility of park wardens and some the responsibility of other organizations. Table 4 shows a summary of law enforcement activities and general division of responsibilities. Each category of law enforcement is discussed in more detail below.

Table 4: Division of Law Enforcement Responsibilities

Law Enforcement Category	Examples	Park wardens	Police service of jurisdiction	Others
Resource Protection	Poaching; habitat destruction;	X		X
	Artefact removal or destruction in national historic sites not listed under the Canada National Parks Act		X	
Visitor Experience	Liquor bans; noise and disturbance;	X		
Public Safety	Area closures; restricted activities;	X		
Administration	Non-compliance with leases, licences of occupation, entry permits; camping permits; backcountry use permits	X		
Public Peace	Provincial statutes – liquor; impaired driving; highway traffic	X ¹	X	X
	Federal statutes –Transportation of dangerous goods; Immigration		X	X
	<i>Criminal Code</i> – theft; assault; narcotics	X ¹	X	X

¹ Park warden's duties are restricted by this policy.

5.1 Heritage Resource Protection

5.1.1 National Parks Lands and Waters (whether or not included under the *Canada National Parks Act*)

5.1.1.1 The primary responsibility for law enforcement related to heritage resource protection in national parks, national park reserves, national marine conservation areas, the Saguenay-St. Lawrence Marine Park and selected national historic sites under section 42(3) of the *Canada National Parks Act* rests with park wardens.

5.1.1.2 Park wardens will conduct prevention and targeted law enforcement activities for, and will give highest priority response to critical incidents related to major natural and cultural resource protection such as poaching or destruction of endangered species or species listed in the *Canada National Parks Act*, destruction or illegal collection of artifacts. Such targeted activities will normally be detailed in a tactical law plan.

5.1.1.3 On Parks Canada Agency lands and waters where the *Canada National Parks Act* does not apply, the Parks Canada Agency will make arrangements with other federal, provincial or

Parks Canada Agency Law Enforcement Administration and Operational Manual

territorial organizations (e.g., special constable appointments in Ontario) to designate park wardens to use relevant statutes to ensure that the park lands and waters have the highest degree of protection.

- 5.1.1.4 The law enforcement designations will provide guidance on the application of provincial/territorial legislation.
- 5.1.1.5 Park wardens are category appointments by the Minister of Fisheries and Oceans as fishery officers and, therefore, may enforce the *Fisheries Act* to address site-specific issues.
- 5.1.1.6 If required, park wardens will be designated under Species at Risk Act following successful completion of appropriate training.
- 5.1.1.7 If required, park wardens may be appointed by Environment Canada as game officers under the *Migratory Birds Convention Act* and *Wild Animal and Plant Protection and Regulation of International and Inter-provincial Trade Act*. A national category appointment has not been given and, therefore, regional category appointment applications must be made under each Act. The Director, Law Enforcement, must approve such applications. Where such appointments have been obtained, park wardens will enforce this Act to address site-specific issues.

5.1.2 National Historic Sites Including Historic Canals

- 5.1.2.1 National Historic Sites are complex areas with systems of land holdings and facilities, of various sizes, from small urban sites to larger natural areas. The *Canada National Parks Act*, National Historic Parks General Regulations, the National Historic Parks Wildlife and Domestic Animals Regulations, the Historic Canals Regulations and other supporting legislation (Table 5), will be used to ensure the commemorative integrity of the site and where appropriate the protection of natural values.
- 5.1.2.2 Park wardens presently do not have law enforcement authority in National Historic Sites that are not covered under the *Canada National Parks Act*.
 - 5.1.2.2.1 Preventing offences in such places generally takes two forms; either through administrative means or in an operational manner where staff make direct contact with site users. A law enforcement response when prevention is unsuccessful will require interagency law enforcement assistance from the police service of jurisdiction.
 - 5.1.2.2.2 A number of organizations and jurisdictions (e.g., conservation authorities, the Royal Canadian Mounted Police, other municipal and provincial police services, the provincial departments of natural resources and the environment, federal environmental organizations, corps of commissioners) may be involved in the enforcement of applicable legislation.
 - 5.1.2.2.3 Where there is no Parks Canada Agency law enforcement service at the site, law enforcement related to resource protection will be obtained from the police service of jurisdiction or other provincial or federal organizations. Where specific non-compliance activities are chronic and unresolved, the Field Unit Superintendent may request the assistance of the Law Enforcement Branch to designate park wardens under appropriate legislation in order to address the law enforcement issue. Such designations must be approved by the Director, Law Enforcement and based on an issue analysis that clearly shows what prevention actions have been attempted and proven unsuccessful.
- 5.1.2.3 Upon request by the Field Unit Superintendent and as negotiated in a service delivery agreement, the Law Enforcement Branch will provide assistance to the site to secure

Parks Canada Agency Law Enforcement Administration and Operational Manual

appropriate level of law enforcement support from the police service of jurisdiction or other federal or provincial/territorial organizations.

5.1.3 Law Enforcement Activities Outside Heritage Places

5.1.3.1 While park wardens' activity is normally confined to Parks Canada Agency lands and waters, frequently law enforcement issues occur that require park wardens to undertake law enforcement activities outside the boundaries of heritage places. Similarly, other law enforcement organizations may request the assistance of park wardens in the conduct of law enforcement operations outside the heritage places whether it be part of a joint force operation or a one-time short-term request.

5.1.3.2 Park wardens may exercise law enforcement authority outside heritage places boundaries under certain circumstances outlined below and under strict oversight provisions.

5.1.3.2.1 An offence has occurred under Parks Canada Agency legislation within a park and there is a requirement to take law enforcement action outside the park to collect evidence, pursue the perpetrator, conduct search and seizure, etc.

5.1.3.2.2 An offence has been committed inside a national park not yet under the *Canada National Parks Act*. The offence is against other federal or provincial/territorial legislation used by designated park wardens to protect the natural or cultural resources of the park area. There is a requirement to take law enforcement action outside the park to collect evidence, pursue the perpetrator, conduct search and seizure, etc.

5.1.3.2.3 No offences has occurred within the heritage places; however, illegal activities immediately adjacent to the heritage places are having an unacceptable impact on Parks Canada Agency's ability to protect the ecological integrity of the heritage place and law enforcement action outside the heritage place is the only avenue to address the concern. Such action may be part of a longer term strategy approved through the service delivery agreement or may be extra-ordinary or unanticipated in which case the approval of the appropriate Manager, Law Enforcement Operations is required.

5.1.3.3 Park wardens will not conduct independent investigations outside of Canada. Offences committed in heritage places that lead to an international investigation will be coordinated through the appropriate organization of jurisdiction in the corresponding country and/or the appropriate jurisdiction in Canada. Refer to Section 7.3 (Special Operations).

5.1.3.4 Joint force operations and targeted patrols involving lands outside the heritage place will be subject to the guidelines in Section 7.3 (Special Operations).

5.1.3.5 Any law enforcement activity outside a heritage place will be conducted according to the officer safety guidelines in Section 4.8 (Officer Safety).

5.1.3.6 Park wardens may be authorized under other federal and/or provincial/territorial conservation legislation (e.g., *Migratory Birds Convention Act*) for the purposes of enforcing such legislation within or adjacent to heritage place boundaries.

5.1.3.7 Any law enforcement related to national historic sites that do not fall under the *Canada National Parks Act* would be referred to the police service of jurisdiction.

5.2 Visitor Experience

5.2.1 Law enforcement actions will focus on inappropriate visitor activities that have a direct impact on the visitor experience. Such activities primarily relate to noise and disturbance.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 5.2.2 Park wardens will conduct targeted law enforcement activities related to contravention of the noise and disturbance provisions of the general and camping regulations in campgrounds and day use areas as defined in the service delivery agreement and will give the highest priority response to major noise and disturbance incidents.
- 5.2.3 Law enforcement matters related to ensuring the visitor experience in national historic sites not included in the Canada National Parks Act and historic canals will be referred to the police service of jurisdiction.
- 5.2.4 Park wardens will enforce Parks Canada Agency legislation and, when authorized, provincial legislation (e.g., provincial liquor acts) in order to support the visitor experience of heritage places.

5.3 Public Safety

5.3.1 National Parks Lands and Waters (whether or not included under the *Canada National Parks Act*)

- 5.3.1.1 Park employees have the authority to block traffic to ensure the safety of park users. For example, public safety staff may close a road to facilitate removal of avalanche hazards; visitor service staff may close a backcountry trail because of bear activity; or highway maintenance staff may stop traffic to facilitate highway maintenance. Where there is non-compliance with such public safety management actions, law enforcement support will be requested from park wardens.
- 5.3.1.2 The primary responsibility for law enforcement related to public safety in national parks, national park reserves, national marine conservation areas, the Saguenay-St. Lawrence Marine Park and national historic sites under the *Canada National Parks Act* rests with park wardens.
- 5.3.1.3 Park wardens are category appointments by the Minister of Transport to enforce the Small Vessel Regulations and the Boating Restriction Regulations, and, therefore, may enforce such regulations where infractions are discovered incidental to regular duties.
- 5.3.1.4 Park wardens are public agents under the *Firearms Act* and may exercise the provisions of that Act. Infractions to the Public Agents *Firearms Regulations* should be turned over to the police service of jurisdiction.

5.3.2 National Historic Sites Including Historic Canals

- 5.3.2.1 Incidents that result in public safety hazards (e.g., contravention of the Small Vessels Regulations) will be referred to the police service of jurisdiction or other appropriate authorities for response.

5.4 Administration

- 5.4.1 Park wardens will not undertake proactive law enforcement activities related to administrative non-compliance unless:
- Such non-compliance has been demonstrated to be chronic;
 - All prevention actions have failed to resolve the issue; and
 - Targeted law enforcement actions have been agreed to through the service delivery agreement.
- 5.4.2 Reactive law enforcement of “found committing” administrative offences may be undertaken by park wardens.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 5.4.3 Non-compliance with terms and conditions of permits, licences or other administrative authorities in national historic sites not administered under the *Canada National Parks Act* or historic canals will normally be referred to the police service of jurisdiction for appropriate response.
- 5.4.4 The Government Property Traffic Regulations are regulations dealing with speeding, parking and signs and apply to all Parks Canada Agency's lands, except where those lands are listed in Schedules 1 and 2 of the *Canada National Parks Act*.

5.5 Criminal Code

- 5.5.1 The Field Unit Superintendent is responsible for ensuring that proactive strategies are in place to address public peace issues and a clearly stated level of service for each heritage place. Specific efforts by the Parks Canada Agency in the area of public peace will focus on prevention, education and awareness, appropriate management practices, and facility design.
- 5.5.2 Routine enforcement of federal and provincial/territorial legislation related to the maintenance of public peace in all heritage places is the primary responsibility of the Police Service of Jurisdiction.
- 5.5.3 Parks Canada Agency will work with the provinces to ensure adequate level of service with the Royal Canadian Mounted Police, Ontario Provincial Police, Sûreté du Québec, municipal or First Nations police services for the delivery of effective public peace enforcement on Parks Canada Agency lands and waters.
- 5.5.4 The *Canada National Parks Act*, the *Canada National Marine Conservation Areas Act* and the *Saguenay – St. Lawrence Marine Park Act* confer authority upon park wardens to preserve and maintain the public peace in national parks and in marine conservation areas except in any portion of them situated within the exclusive economic zone of Canada. This does not mean, however, that park wardens have a duty to intervene in all circumstances where they observe an offence that affects public peace. It simply means that, as a general proposition, the authority of park wardens include the enforcement of the *Criminal Code* within established policies.
- 5.5.5 Park wardens will not be scheduled for or carry out patrols dedicated to the maintenance of the public peace. Nor will park wardens be called out as a primary response to *Criminal Code* complaints.
- 5.5.6 Park wardens may respond to *Criminal Code* incidents where:
- There is a 'found committing' offence discovered incidental to regular law enforcement duties; and
 - There is a significant threat to park visitors, property or staff and there is an immediate need to secure the scene or deal with a threat prior to the arrival of the police service of jurisdiction.
- 5.5.7 Evictions resulting from a *Criminal Code* incident will normally be carried out by the police service of jurisdiction.
- 5.5.8 In areas where public peace issues are a primary concern, field units will develop a proactive monitoring and prevention program. This will involve cooperative efforts with the police service of jurisdiction, prevention work by other heritage places staff with appropriate training and possibly private security services. Active law enforcement response, when

Parks Canada Agency Law Enforcement Administration and Operational Manual

voluntary compliance is ineffective or deemed inappropriate, is the responsibility of the police service of jurisdiction.

- 5.5.9 In all cases, the park warden will transfer jurisdiction over the incident to the police service of jurisdiction or other appropriate authority at the earliest opportunity.

Table 5 Major Authorities Used on National Historic Sites of Canada to Protect Cultural Integrity and Natural Values

Legislation	National Historic Sites of Canada		
	under S 42 (3) of Canada National Parks Act	Not under Canada National Parks Act	Historic Canals
1. <i>Canada National Parks Act</i> . S.C. 2000. c. 32 and Regulations	X		
2. <i>Canada Shipping Act</i> . 2001. c. 26 (see note 1)			X
3. <i>Contraventions Act</i> . S.C. 1992 c. 47	X	X	X
4. <i>Criminal Code</i> . R.S. 1985. c. 46	X	X	X
5. <i>Cultural Property Export and Import Act</i> . R.S., 1985, c. C-51	X	X	X
6. <i>Department of Transport Act</i> . S.C. c. T-18.			X
7. <i>Fisheries Act</i> . R.S. 1985. c. F-14. (see note 1)	X		X
8. Government Property Traffic Regulations. C.R.R., c.887.		X	X
9. Historic Canals Regulations. SOR/93-220 May 1993.			X
10. <i>Interpretation Act</i> . R.S. 1985. c.I-21	X	X	X
11. <i>Migratory Bird Convention Act</i> . S.C. 1994. c.22	X	X	X
12. National Historic Parks General Regulations. SOR/82-263.	X		
13. National Historic Parks Wildlife and Domestic Animals Regulations	X		
14. <i>Small Vessel Regulations</i> C.R.C., c. 1487			X
15. <i>Species at Risk Act</i> . 2002. c. 29	X	X	X
16. <i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i> . 1992. c. 52	X	X	X

Note 1: May apply in a national historic sites setting if fish habitat exists on the property.

Section 6 - Operational Standards

Content	
6.1	Park Warden Uniform
6.2	Vehicle and Vessel Standards and Use
6.3	Facilities and Security
6.4	Information Management
6.5	Communications and Dispatch
6.6	Media Relations

6.1 Park Warden Uniform

6.1.1 As peace officers, park wardens must be clearly visible and identifiable to the public. This is done using uniforms that are distinctly identified as belonging to a law enforcement program. There are two uniforms, the service uniform, worn for regular law enforcement duties and the ceremonial uniform, worn for special events (e.g. parades), formal ceremonies, memorial services, funerals, and other special events as directed/approved by the Director, Law Enforcement.

6.1.2 All employees who are required to wear a uniform in the performance of their duties are to bear in mind that the initial impression formed by visitors to sites will frequently be based on the appearance of the employees they encounter. Clean, neat uniforms worn properly are of prime importance in projecting Parks Canada Agency's image.

6.1.3 Except as provided for in this manual, park wardens, while on duty, will wear the prescribed park warden uniform according to standards set in the Parks Canada National Uniform Policy (as amended from time to time).

6.1.4 Dress and Deportment

6.1.4.1 The Managers, Law Enforcement Operations are responsible for ensuring that all park wardens under their supervision adhere to these uniform guidelines.

6.1.4.2 Civilian clothes may be worn by park wardens when on duty only when prescribed by their Manager, Law Enforcement Operations for specified purposes (e.g. surveillance, covert operations).

6.1.4.3 When in court, the park warden will wear the service uniform except as required by the court.

6.1.4.4 No uniform will be worn when:

- The park warden has participated in undercover operations and is required to testify;
- The court so directs;
- The park warden testifies in a foreign country; or
- The park warden appears in a civil action.

Under these circumstances, the park warden will appear in court in professional business attire.

6.1.4.5 No non-issue buttons, badges, or pins shall be worn as part of the uniform.

Parks Canada Agency Law Enforcement Administration and Operational Manual

6.1.4.6 Footwear is to be clean and/or polished, compatible with the uniform being worn and appropriate for the requirements of the job. Black dress shoes/boots and the black belt are to be worn with the ceremonial uniform. At the discretion of the Manager, Law Enforcement Operations and in consultation with employees and their representatives, special purpose footwear, compatible with the uniform, may be worn to meet specialized work requirements. NOTE: The purchase of acceptable footwear is the responsibility of the employee, unless footwear falls under the policies of the safety footwear allowance.

6.1.4.7 Long sleeved shirts (winter) will be worn with the tie. Short sleeve shirts (summer) will be worn with one button unbuttoned. Changes into summer dress shall normally occur during the months of May through October. Managers, Law Enforcement Operations may establish specific dates for seasonal dress changes to suit local conditions. Health and safety issues, such as keeping the long-sleeve shirt as summer dress to protect against ultra-violet radiation or biting insects, may be approved.

6.1.5 Professional Presence

6.1.5.1 As per the Parks Canada National Uniform Policy, personnel in uniform shall be well groomed, with clean footwear and a clean uniform properly pressed. In addition, buttons, fasteners and zippers shall be kept closed, pockets shall not bulge nor shall items such as glasses, pens, pencils, keys or notebooks be visible.

6.1.5.2 Eye protection shall be prescribed according to the protective eyewear provisions established in the guidelines.

6.1.5.3 Only the following jewellery may be worn:

- Wrist watch;
- Medical alert bracelet;
- Wedding band and engagement ring;
- Small tie pin.

6.1.5.4 No visible body piercing are acceptable including the tongue.

6.1.5.5 When in ceremonial uniform, and in their official capacity, staff attending formal dinners or receptions, or official Parks Canada Agency functions, may consume alcohol in moderation. Otherwise, while in uniform, park wardens in uniform shall not drink alcoholic beverages nor enter any tavern, beverage room, bar, or lounge where alcohol is served unless on official business. They may enter dining rooms that serve alcoholic beverages if they are to eat only and no alcohol is consumed.

6.1.5.6 Hair on the head should be:

- Neatly groomed;
- When the head-dress is worn, the hair must not protrude from underneath the head-dress;
- Long hair shall be tied and kept above the collar where possible;
- Hair should not be dyed extreme colours that would detract from a professional image.

6.1.5.7 Sideburns should:

- Not extend below a line horizontally bisecting the ear;
- Be of even width; and
- Conform to the overall hairstyle.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 6.1.5.8 Facial hair must be kept neatly trimmed and accommodate any operational equipment that the individual may need to use.
- 6.1.5.9 Make-up and clear nail polish should be worn in moderation. No nail extensions will be acceptable.

6.2 Vehicle and Vessel Standards and Use

6.2.1 Park wardens use a variety of vehicles and vessels to support their law enforcement duties.

6.2.2 The Parks Canada Agency will provide a distinctive identifier for its dedicated law enforcement vehicles and vessels, with the exception of unmarked law enforcement vehicles. The distinctive visual identifiers alert the public to the law enforcement service available. All such vehicles and vessels will be marked and equipped as directed by the Federal Identity Program and per the relevant Agency guidelines, such as the Parks Canada Identity Program: Light Fleet Identifier Guidelines, as amended from time to time.

6.2.3 Non-dedicated law enforcement vehicles or vessels will be marked with appropriate Parks Canada Agency identifiers, as directed by the Federal Identity Program and per the relevant Agency guidelines, and may be temporarily fitted with portable law enforcement equipment consistent with provincial or territorial laws when used for law enforcement activities.

6.2.4 Guidelines for Dedicated Law Enforcement Vehicles

6.2.4.1 All law enforcement vehicles will be selected in accordance with the Parks Canada Agency Light Fleet Directive, as amended from time to time. Vehicle selection should consider operational requirements and maximize fuel-efficiency.

6.2.4.2 Emergency equipment standards must be consistent with provincial or territorial laws.

6.2.4.3 All vehicles that can accommodate a protective security shield will have one installed. Power door locks will be rendered inoperable for the rear seats.

6.2.4.4 All-Terrain Vehicles and Oversnow Vehicles

- 6.2.4.4.1 These vehicles may be used for law enforcement purposes provided that they possess:
- a decal identification package in accordance with relevant Agency guidelines; and
 - a flashing emergency light either permanently or mobile mounted, with capability to be observed for 360 degrees.

6.2.5 Guidelines for Dedicated Law Enforcement Vessels

6.2.5.1 The Parks Canada Agency will mark and equip its vessels to:

- Clearly identify it as Parks Canada Agency equipment, in accordance with relevant Agency guidelines;
- Comply with all provincial regulations for law enforcement and emergency vessels; and
- Comply with federal legislation including the *Canada Shipping Act* (Transport Canada) for vessel licensing and equipping requirements.

6.2.5.2 Dedicated Law Enforcement Vessels will:

- Be clearly identified as law enforcement vessels as per the relevant Agency guidelines pertaining to vessel identifiers;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Have 7.5 cm federal vessel licensing located within the encircling strip, near the bow on both sides;
- Fly the Canadian flag on a mast positioned appropriately between the hours of 0800 hours and sunset;
- Be equipped with a permanent or portable “BLUE” marine strobe light with a minimum height of four inches as specified in Rule 45 of the Federal Collision Regulations;
- Be equipped with a marine frequency VHF radio; and
- Be equipped with PA sounding and hailing system.

6.2.6 Vehicle Use

6.2.6.1 Only staff assigned to law enforcement duties will operate vehicles identified as law enforcement vehicles. Exceptions to this rule would include vehicle maintenance requirements or other special requirements as approved by the Manager, Law Enforcement Operations.

6.2.6.2 In all cases wherein a non-law enforcement person is operating a law enforcement vehicle, the law enforcement lights (red and blue on the light bar) must be covered and will not be activated except for maintenance at an approved facility.

6.2.6.3 Persons not employed by the Parks Canada Agency are not authorized to be in Parks Canada Agency law enforcement vehicles unless they are:

- Authorized in writing by the Manager, Law Enforcement Operations;
- Peace officers; or
- Requested by park wardens in the performance of their duty.

6.2.6.4 Personal vehicles will not be used for patrol or other law enforcement duties.

6.2.6.5 A valid driver's licence is required with the applicable provincial endorsement for emergency vehicle use.

6.2.6.6 The Parks Canada Agency will adhere to relevant provincial standards and ensure that park wardens have successfully completed a recognized driving course related to emergency vehicle operations before they drive any emergency vehicle owned, leased or rented by the Parks Canada Agency.

6.2.6.7 No one is protected from criminal action in the case of negligence in the use of a vehicle. If the road safety code is broken and there is property damage and/or injuries sustained, or the death of a person, the park warden may be liable for civil action before the courts as well as the Department.

6.2.6.8 The park warden must obey the rules of the road.

6.2.6.9 High-speed pursuits are prohibited at all times.

6.2.7 Vessel Use

6.2.7.1 Only park wardens will engage in law enforcement activities while on a vessel.

6.2.7.2 Non-law enforcement boat operators will remain at the helm during any stops. The park warden will determine an appropriate means of communication with the boat operator, either by device, hand signal, or verbal command, prior to interactions with another vessel in order to facilitate withdrawal if required.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 6.2.7.3 In all cases wherein a non-law enforcement person is operating a law enforcement vessel without the presence of a park warden, the law enforcement lights (red and blue on the light bar) must be covered and will not be activated except for maintenance at an approved facility.
- 6.2.7.4 Persons not employed by the Parks Canada Agency are not authorized to be in Parks Canada Agency dedicated law enforcement vessel unless they are:
- Authorized in writing by the Manager, Law Enforcement Operations
 - Peace officers; or
 - Requested by park wardens in the performance of their duty.
- 6.2.7.5 Personal vessels will not be used for patrol or other law enforcement duties.
- 6.2.7.6 The Parks Canada Agency will adhere to relevant provincial standards and ensure that park wardens have successfully completed recognized requirements for use of vessels owned, leased or rented by the Parks Canada Agency.
- 6.2.7.7 No one is protected from criminal action in the case of negligence in the use of a vessel. If the water safety code is broken and there is property damage and/or injuries sustained, or the death of a person, the park warden may be liable for civil action before the courts as well as the Department.
- 6.2.7.8 The park warden must obey navigation rules.
- 6.2.7.9 High-speed pursuits are prohibited at all times.
- 6.2.7.10 Active law enforcement patrols by canoe requires two law enforcement officers.
- 6.2.7.11 Active law enforcement patrols by kayak may be performed by a single law enforcement officer.

6.2.8 Maintenance

- 6.2.8.1 All vehicles/vessels will be maintained in good working order and serviced on a routine basis.
- 6.2.8.2 At the end of a shift, park wardens must ensure that the vehicles/vessels they were operating are left for the next shift in good working order with gas tanks full, all mandatory equipment stocked, and cleaned of all personal belongings.

6.3 Facilities and Security

- 6.3.1 Offices and buildings where law enforcement equipment and information are used and stored will have the appropriate level of security to prevent the observation, tampering, removal or destruction of law enforcement equipment and information.
- 6.3.2 Areas used to store firearms and ammunition will be designed on the “two lock layer” principle. For example, firearms require locked containers and locked doors to prevent removal.
- Containers will meet law enforcement industry standards.
 - Where required doors will be either metal or solid wood.
- 6.3.3 All sensitive law enforcement information including paper files, electronic data backup, Tactical Plans, special operations and investigations plans, shift instructions, occurrence files, information that requires protection under the *Access to Information Act* or the *Privacy*

Parks Canada Agency Law Enforcement Administration and Operational Manual

Act; etc. will be housed in locked filing cabinets that meet appropriate standards for files protected as "A", "B", and "C". Refer to Section 6.4 (Information Management).

- 6.3.4 Computers with any law enforcement database systems will be password protected using the highest level of password encryption.
- 6.3.5 Specialized law enforcement equipment will be secured in locked storage cabinets.
- 6.3.6 Evidence and seized items will be maintained in a locked storage room with locks that meet industry standards for law enforcement organizations.
- 6.3.7 An inventory of all areas, information and equipment related to law enforcement will be maintained and a report provided to the local workplace health and safety committee or representative by the Manager, Law Enforcement Operations.
- 6.3.8 **Sidearm and Ammunition Security**
 - 6.3.8.1 Specific storage and security measures are required for sidearms and ammunition. These security requirements must be met at all locations where a sidearm may be kept, including office buildings, outlying stations, backcountry facilities and personal residences.
 - 6.3.8.2 No sidearm will be left unattended unless full storage and security measures are in place.
 - 6.3.8.3 Specifications for sidearm security are found in Section 4.9 (Personal Protective Equipment).

6.4 Information Management

- 6.4.1 As a law enforcement agency in the federal government, the Parks Canada Agency must manage law enforcement information professionally and efficiently. This includes information gathering, storing, retrieving, disseminating and reporting. This information is the property of the Crown and is subject to the *Privacy Act* and the *Access to Information Act*.
- 6.4.2 All law enforcement information is considered classified as "Protected A". This level of classification can be elevated as risks to individuals or the Parks Canada Agency increases.
- 6.4.3 The Parks Canada Agency will maintain an electronic occurrence tracking system to register all occurrences, related to both law enforcement and prevention incidents.
- 6.4.4 The Parks Canada Agency will maintain site-specific guidelines for purging information. The retention period for:
 - General supportive information, not required or attached to a file, shall be two years;
 - General law enforcement information filed shall be five years; and
 - Intelligence and investigative material, shall be ten years or longer, depending on need.
- 6.4.5 All of the above retention guidelines may be superseded by any established federal standard on purging.
- 6.4.6 Information pertaining to young persons will be handled according to the *Youth Criminal Justice Act*.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 6.4.7 No duplication of Canadian Police Information Centre information will be reproduced or copied to any documentation, process or findings.
- 6.4.8 The Parks Canada Agency disseminates and reports intelligence information based on the “need to know” principle, having due regard for the safety of the public, offenders and officers. The “need to know” principle is the legitimate requirement of a person to know, access or possess sensitive or classified information that is critical to the performance of an authorized or assigned duty or task.
- 6.4.9 Intelligence can be passed on in writing or orally. Regardless of the method, intelligence information must be timely.
- 6.4.10 Law Enforcement Branch employees disseminating intelligence must be aware of security. Protecting the identity of sources and keeping the information secure must be paramount in officers’ minds as they pass on the information.
- 6.4.11 Any release of information must comply with the *Privacy Act* and the *Access to Information Act*.

6.4.12 Information Dissemination

- 6.4.12.1 Under the *Privacy Act*, the Parks Canada Agency has been scheduled as an investigative body for the purposes of paragraph 8(2)(e) of the *Privacy Act*. The Parks Canada Agency’s intelligence gathering is done according to the following guidelines:
- Parks Canada Agency intelligence will be relevant to Canada’s heritage places and can be broken down into tactical or strategic intelligence.
 - The role of intelligence is to concentrate on actual or suspected infractions by developing, recording and analyzing information.
 - Timely and accurate intelligence will support law enforcement and allow heritage place managers to:
 - Help develop policy; and
 - Help other law enforcement organizations with information supporting our mandate.
 - Gathering, disseminating and using intelligence will be conducted according to Section 8.5 (Investigations).
- 6.4.12.2 The Parks Canada Agency may acquire information from outside organization partners. This will be conducted according to the Parks Canada Agency’s policy and procedure as defined in this manual and according to the host organization partner’s access agreement.

6.4.13 Occurrence Tracking System (including Violent Occurrence Reporting System)

- 6.4.13.1 The Parks Canada Agency collects, stores, controls and reports occurrence information using a national system.
- 6.4.13.2 The Parks Canada Agency will maintain a national, bilingual, computerized database of all occurrences reported and observed on heritage places according to the national occurrence tracking system requirements.
- 6.4.13.3 This database will be established by the Law Enforcement Branch according to the federal government and Parks Canada Agency standards.
- 6.4.13.4 Only trained Parks Canada Agency staff will have access to the database.
- 6.4.13.5 All law enforcement database information is subject to:

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Parks Canada Agency handling and storage requirements defined in section 6.4.14 (Handling/Storage of Law Enforcement Material); and
- Security requirements defined in Section 6.3 (Facilities and Security).

6.4.13.6 The Law Enforcement Branch and all field units will identify a person responsible for occurrence tracking system administration and maintenance.

6.4.13.7 All occurrences including compliance actions, observed infractions, warnings, charges, investigations, and case dispositions must be recorded in a timely fashion in the occurrence tracking system.

6.4.13.8 Where field units do not have electronic access to occurrence tracking systems, the forms will be used in a paper-based system to be entered electronically at a later date. All information must be maintained in accordance with appropriate level of security for such documents as outlined in Section 6.3 (Facilities and Security).

6.4.13.9 All occurrences involving violent incident and/or intervention / use of force will be documented using the occurrence tracking system by filling out the appropriate computer generated or paper forms identified below:

- Intervention / Use of Force Form
- Violent Occurrence Form

6.4.13.10 Should the occurrence or incident result in an injury, Hazardous Occurrence Incident Report must be completed and forwarded in accordance with the Hazardous Occurrence Investigation, Recording and Reporting policy.

6.4.14 Handling / Storage of Law Enforcement Material

6.4.14.1 All Parks Canada Agency law enforcement material handled by the Parks Canada Agency will be classified according to Government Security Policy (T.B. NO. 802143) and marked, stored, transmitted and destroyed according to the following guidelines.

6.4.14.2 All law enforcement material has, as a minimum, a security classification of PROTECTED. Depending on the nature of the investigation and the potential for privacy and safety of individuals involved the information is categorized as one of three levels of protected status. Classified materials indicate the possibility of personal and corporate harm to a higher degree and also occur at three levels.

6.4.14.3 Protected Materials

6.4.14.3.1 Protected A

- Protected 'A' information has the potential to cause low injury or embarrassment of an individual or company if the information was released. Example of "Protected A" information could include date of birth, home address, home telephone number, and social insurance number. These items alone could potentially cause little risk to an individual.
- Marking, Storage, Transmittal and Destruction
 - All such information will be marked "PROTECTED A." Protected 'A' information will be stored in a locked container.
 - This material may be transmitted in an unmarked single envelope, first class mail and transmitted via a regular electronic system. Protected 'A' information can be hand shredded prior to disposal.

6.4.14.3.2 Protected B

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Protected 'B' information has the potential for medium injury, prejudicial treatment or financial loss or gain for an individual or company if the information were released. An example of "Protected B" information is information received in confidence from other government organizations or criminal or financial information about an individual. These items alone would potentially cause moderate or medium risks to an individual.
- Marking, Storage, Transmittal and Destruction
 - All such information will be marked "PROTECTED B." Protected 'B' information will be stored in an approved security container.
 - This material may be transmitted in an unmarked double envelope; the inner envelope will be clearly marked "TO BE OPENED BY ADDRESSEE ONLY". Protected 'B' material may be transmitted by first class mail and transmitted via a commercial encryption electronic system if warranted by threat risk assessment. Protected 'B' information must be machine shredded prior to disposal.

6.4.14.3.3 Protected C

- Protected 'C' information has the potential for high injury or loss of life if the information were released. Example of Protected 'C' information could include testimony against another individual.
- Marking, Storage, Transmittal and Destruction
 - All information such as this will be marked "PROTECTED C." Protected 'C' information will be stored in an approved security container.
 - This material may be transmitted in an unmarked double envelope; the inner envelope will be clearly marked "TO BE OPENED BY ADDRESSEE ONLY". Protected 'C' material may be transmitted by first class mail and transmitted via a commercial encryption electronic system. Protected 'C' information must be machine shredded prior to disposal.

6.4.14.3.4 Classified material

- Classified material is law enforcement information and material not normally used at a site. This term often applies to developing legislation and memoranda to cabinet and records of decisions.
 - Includes Confidential, Secret and Top Secret.
- Marking, Storage, Transmittal and Destruction
 - As defined in the Departmental Information Technology Security Manual.

6.4.15 Privacy Act / Access to Information Act

All federal government information management programs, including the Parks Canada Agency's law enforcement program, are subject to the federal *Privacy Act* and the federal *Access to Information Act*. This directive applies to the national law enforcement program and, therefore, defines procedure for law enforcement information only.

6.4.15.1 Privacy Act - Investigative Body Status

- 6.4.15.1.1 The Parks Canada Agency has been designated an investigative body for the purposes of paragraph 8(2)(e) of the *Privacy Act*.

6.4.15.2 Access to Information Act

Parks Canada Agency Law Enforcement Administration and Operational Manual

6.4.15.2.1 Parks Canada Agency procedures regarding access to information are designed to support and complement the requirements of the *Access to Information Act*. In situation of conflict between internal procedures of the Parks Canada Agency and the *Access to Information Act*, the Act will prevail.

6.4.15.3 Investigative Body Status

6.4.15.3.1 The Parks Canada Agency is not designated as an investigative body for the narrow purposes of a public interest class exemption as defined in the *Privacy Act* and the *Access to Information Act*. The Parks Canada Agency still has the authority to apply an injury test on very sensitive information.

6.4.15.4 Information Release

6.4.15.4.1 The Parks Canada Agency must release law enforcement information subject to an injury review, defined in the Acts.

6.4.15.4.2 Injury tests will be conducted by a qualified manager in conjunction with the access to information and privacy coordinator.

6.4.15.4.3 The Parks Canada Agency will not release law enforcement information in the absence of an injury review. The Parks Canada Agency will use the following tests established in both of these Acts to determine which law enforcement information can be released.

Law enforcement information will not be released under the following conditions:

- When release of specific information may injure the investigation;
- When it might pose a safety concern and cause harm to an informant or officer;
or
- When it might injure the enforcement of any law in Canada, including revealing and damaging an effective law enforcement strategy.

6.4.15.4.4 As an example, general law enforcement statistical data and law planning documents may pass the injury tests. Tactical planning, special operations strategies, young person identification, ongoing investigation, intelligence and prosecution files may contain information which could be injurious if released.

6.4.15.4.5 Procedures

- Injury tests will be conducted by a qualified manager in conjunction with the access to information and privacy coordinator.
- Any requests received by the field unit for law enforcement information will be sent to their Manager, Law Enforcement Operations who is responsible for forwarding the request to the Director, Law Enforcement.
- The Director, Law Enforcement is responsible for liaising and coordinating with the national access to information and privacy coordinator. Field units will inform anyone requesting the release of law enforcement information of the name, address and contact number of their Manager, Law Enforcement Operations, Director, Law Enforcement and the access to information and privacy person handling all the information requests.
- The Director, Law Enforcement is responsible for keeping the Field Unit Superintendent informed of the disposition of an access to information and privacy request affecting the field unit.
- Heritage places will work through their Manager, Law Enforcement Operations to supply the required information and review it for injury. Only a qualified member of the Law Enforcement Branch will review law enforcement information for injury.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Field units will keep track of any information that leaves the field unit by making copies for the specific access to information and privacy file.

6.5 Communications and Dispatch

6.5.1 Timely, reliable, and supportive communications infrastructure and dispatch services are important features of staff safety and risk mitigation.

6.5.2 The Director, Law Enforcement shall ensure that staff involved in law enforcement duties is supported by an adequate dispatch service and communications infrastructure. These will be reflected in Service Deliver Agreements between the Director, Law Enforcement and Field Unit Superintendents.

6.5.3 Dispatch

6.5.3.1 “Dispatch Mechanism” is a system of continuous active monitoring, information dissemination (e.g., Canadian Police Information Centre), and staff assistance response.

6.5.3.2 All national parks, national park reserves, and national marine conservation areas will institute an active monitoring and dispatch system. The intent is to ensure that others are aware of and able to monitor the activity of law enforcement staff and through which staff can request assistance or initiate an automatic assistance response system.

6.5.3.3 Where an active law enforcement program exists in other heritage places, the local law plan will specify mandatory communications protocols that will ensure that park wardens have recourse to assistance when required.

6.5.3.4 Activity monitoring may involve developing “dispatch” service agreements with other organizations, commercial dispatch service, a dedicated Parks Canada Agency dispatch service, or a duty officer system.

6.5.3.5 Where park wardens do not have direct Canadian Police Information Centre access, employees being assigned the duty of dispatch will have a means of providing Canadian Police Information Centre queries and will have proper clearance.

6.5.3.6 Manager, Law Enforcement Operations shall ensure all park wardens will receive an orientation to the dispatch mechanism.

6.5.4 Communications

6.5.4.1 Communications means availability of remote (as oppose to land line) telecommunications using a combination of reliable VHF, other radio communications, cellular or satellite telephone that enables prevention staff and park wardens to access the “dispatch mechanism”.

6.5.4.2 All tactical plans will identify areas where communications by radio, satellite phone or cellular phone is unreliable.

6.5.4.3 Acceptable communications coverage for law enforcement activities in heritage places include:

- **Front country** - reliable radio communications
- **Backcountry** - reliable communications using a combination of radio, satellite phone or cellular phone.

Parks Canada Agency Law Enforcement Administration and Operational Manual

6.5.4.4 Where unreliable communication exists, park wardens will limit their activity to that consistent with that permitted in Section 4.8 (Officer Safety).

6.6 Media Relations

6.6.1 Park wardens are expected to participate directly in education programs and media briefings within the scope of their responsibilities. These activities will be carried out in collaboration with media and communications specialists.

6.6.2 Law enforcement media enquiries that are national in scope or that relate to the national law enforcement program and policies will be referred to the Director, Law Enforcement.

6.6.3 All field level media activities are the responsibility of the Field Unit Superintendent.

6.6.4 On request, the Manager, Law Enforcement Operations will provide law enforcement communications support to the Field Unit Superintendent.

6.6.5 All employees delivering law enforcement messages will:

- Be authorized by the Director, Law Enforcement;
- Have received appropriate training in media relations;
- Wear an approved uniform, or professional civilian wear, if authorized by the Manager; and
- Behave in a professional manner.

6.6.6 All messages involving law enforcement and regulatory programs will be reviewed and approved by the Manager, Law Enforcement Operations to ensure vetting of information for injury or risk, pertaining to:

- Young person information;
- Privacy issues;
- Informants;
- Major ongoing investigations;
- Officer safety concerns;
- Any resources at high risk, that should not be revealed; and
- Any other information that would be considered inappropriate for release.

6.6.7 The Field Unit Superintendent must approve all messages that pertain to the field unit and its operation.

Section 7 – Law Enforcement Operations

Content	
7.1	Evictions
7.2	Highway Law Enforcement Activities and Marine Operations
7.3	Special Operations
7.4	Special Relationships
7.5	Patrols

7.1 Evictions

- 7.1.1 It is frequently necessary to cancel a permit. It is occasionally necessary to remove a person or persons from a location within Parks Canada Agency sites as part of a law enforcement action. It is important for park wardens to clearly understand the circumstances and authority under which such cancellations or removals can take place.
- 7.1.2 For the purposes of this section "eviction" is a term used to describe the forceful removal of a person(s), as a result of the cancellation of a permit, when the person does not leave voluntarily.
- 7.1.3 In the *Canada National Parks Act* and regulations, the term "eviction" is not used. A person may be asked to leave because his/her permit has been cancelled and they can no longer legally stay within a site or location without a permit.
- 7.1.4 A voluntary request to leave as a result of a cancelled permit is a prevention activity and it can take place without the assistance of a park warden. These circumstances are covered in detail in the Parks Canada Service – Prevention Guidelines. In the case where prevention actions fail or are deemed inappropriate under the circumstances, the assistance of a park warden may be requested by park staff.
- 7.1.5 The National Park Camping Regulations outline use of public lands, prohibitions, powers of the superintendent and cancellation of permits. Section 16 of these regulations authorizes the superintendent to cancel a permit for a variety of reasons.
- 7.1.6 The Field Unit Superintendent may authorize park staff to act on his/her behalf.
- 7.1.7 The Field Unit Superintendent must identify in writing (letter on file), all of the park staff that have been given authority to act on his/her behalf to cancel permits. The Manager, Law Enforcement Operations is responsible for ensuring that all appropriate authorities have been delegated by the Field Unit Superintendent to park wardens.
- 7.1.8 Under the camping regulations, where designated by the Superintendent, identified and trained heritage place staff with visitor services responsibilities and park wardens may cancel permits if the permittee contravenes:
- conditions on the permit;
 - a Field Unit Superintendent directive or prohibition; or
 - directions posted at the entrance to the public area.
- 7.1.9 The cancellation of permits is considered a corrective measure. There must be a record of all permits cancelled along with the reasons for cancellation. In addition, there is a follow-up requirement by the heritage place to ensure that the person or persons whose permit has been cancelled does not receive another permit in the park for a period of 48 hours.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 7.1.10 Some examples of circumstances where a permit may be cancelled are (but not limited to):
- repeated offences related to camping prohibitions, failure to comply with directions, permit information or posted information;
 - ignoring direction of staff where information, education and notification has been provided;
 - serious or significant problems related to wildlife issues or concerns (e.g., bear in areas and coolers and foodstuffs left out; continued messy campsite; harassing wildlife);
 - unreasonably disturb other park visitor; etc.
- 7.1.11 Where a permit has been cancelled and the person or persons refuse to leave or refuse to provide further information, then park wardens may be contacted to provide assistance or take action.
- 7.1.12 The Manager, Law Enforcement Operations will ensure that all park wardens understand the local procedures for the cancellation of a permit including:
- responsibilities of staff cancelling permits;
 - reasons for cancelling a permit;
 - incident circumstances and recording of information;
 - refunding of fees where appropriate;
 - 48 hour monitoring procedures;
 - requesting further law enforcement assistance if individual refuses to leave the campground; and
 - dealing with individuals who are likely not fit to leave the park on their own (e.g., impaired)
- 7.1.13 The National Park general regulations provides for removal of a person or persons from a park, resulting from disorderly conduct, behaviour or actions that interferes with the enjoyment of other visitors or that unreasonably interferes with fauna or the natural beauty of the park. The Field Unit Superintendent may or may not delegate this authority to park wardens. Such a removal is a serious action to take as it automatically denies access to the park for a one-year period unless the person obtains permission from the Director General, National Parks.
- 7.1.14 The Manager, Law Enforcement Operations will ensure that all park wardens are familiar with local delegations of authority as well as local procedures for carrying out and following up on such removals.
- 7.1.15 Where an eviction is the result of a serious breach of the *Criminal Code*, it will be conducted by the police service of jurisdiction. Park wardens may assist the police service of jurisdiction where requested.

7.2 Highway Law Enforcement Activities and Marine Operations

- 7.2.1 There are a number of highways and roads within heritage places. Some are provincial highways while most are park roads. While the police service of jurisdiction has the primary responsibility for highway traffic enforcement, the Parks Canada Agency designs and implements traffic management programs where there is a significant resource management concern.
- 7.2.2 The police service of jurisdiction is responsible for enforcement of the provisions of the *Criminal Code* and provincial highway traffic acts on Parks Canada Agency highways.
- 7.2.3 Park wardens may enforce the National Parks Highway Traffic Regulations with the exception of paragraphs 11(b) and (c), section 12 and subsection 32(1) unless 'found committing' or as part of an approved special operation for the purposes of resource protection.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 7.2.4 Park wardens may undertake vehicle or vessel stops where there are *bona fide* reasons to do so.
- 7.2.5 Roadblocks may only be carried out in accordance with applicable standard operating procedures.
- 7.2.6 **Vehicle and Vessel Pursuit**
- 7.2.6.1 In order to apprehend suspected offenders, it will be necessary at times to pursue vehicles and vessels.
- 7.2.6.2 All vehicles and vessels will be operated with due regard for employee and public safety, road, traffic and weather conditions.
- 7.2.6.3 Under no circumstances will high-speed vehicle or vessel pursuits take place where the suspect is attempting to avoid apprehension.
- 7.2.6.4 In 'found committing' circumstance, vehicles involved in a suspected highway traffic moving violation that represents a significant threat to visitors or property may be pursued and stopped. For violations under the provincial highway traffic act e.g., passing on a double line, charges may be laid. For *Criminal Code* violations involving operation of a vehicle e.g., driving under the influence, the incident will be turned over to the police service of jurisdiction at the earliest opportunity.
- 7.2.6.5 Vehicles involved in suspected violations or resource infractions may be followed with a view to maintaining visual contact with the vehicle or signaling the vehicle to stop.
- 7.2.7 **Stopping Vehicles**
- 7.2.7.1 Stopping a vehicle in the course of investigating a suspected violation is considered a higher risk situation.
- 7.2.7.2 A dispatch mechanism will be notified of an impending stop. Licence, registration number, location and additional relevant information will be transmitted. If this is not possible, the licence number will be recorded and the vehicle will not be stopped.
- 7.2.7.3 If a stop cannot be made safely due to the location or other factors, park wardens should follow the vehicle until a safer location can be found before initiating the stop. Vehicles should not be stopped on the crest of a hill, near an intersection or a curve in the road.
- 7.2.7.4 The driver should be appropriately signaled that he or she is expected to stop. Emergency signaling equipment must be used to affect the stop and remain on for the duration of the stop.
- 7.2.7.5 Canadian Police Information Centre checks will be conducted prior to approaching an occupied vehicle.
- 7.2.7.6 Where possible, offset the vehicle approximately 1/3 to the left of the apprehended vehicle without placing the vehicle into traffic. This will provide for a safety corridor for park wardens approaching and leaving the apprehended vehicle.
- 7.2.7.7 Park wardens will approach the vehicle cautiously to the left of the driver's door to command a good view of the interior. Park wardens will not walk between vehicles while the driver is behind the wheel.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 7.2.7.8 The law enforcement vehicle will be positioned to the rear of the suspect vehicle in such a way as to protect both the park wardens and the suspect vehicle from passing traffic. Two car lengths should be maintained between the Parks Canada Agency vehicle and the driver of the apprehended vehicle.
- 7.2.7.9 The driver of the apprehended vehicle will be promptly notified of the reason for the stop.
- 7.2.7.10 When requesting appropriate documentation, park wardens should ask the driver and, if applicable, passengers, where they keep their documents and then to retrieve them. Park wardens should accept only pertinent documents. Park wardens should never reach inside a vehicle through a window.
- 7.2.7.11 The second or subsequent law enforcement support shall maintain a watch on the passenger(s), driver and other personnel.
- 7.2.7.12 Park wardens will direct the vehicle safely back onto the highway at the conclusion of the contact.
- 7.2.7.13 Park wardens will ensure that emergency lights are turned off immediately after their intended purpose has been served.
- 7.2.7.14 Park wardens must notify dispatch that they are now free and clear of the scene.

7.2.8 Stopping Vessels

- 7.2.8.1 Stopping a vessel in the course of investigating a suspected violation is considered a higher risk situation.
- 7.2.8.2 A dispatch mechanism will be notified of an impending stop. Licence, registration number and location and additional relevant information will be transmitted. If this is not possible, a description of the vessel will be recorded and the vessel will not be stopped.
- 7.2.8.3 If a stop cannot be made safely due to the location or other factors, park wardens should follow the vessel until a safer location can be found before initiating the stop.
- 7.2.8.4 The driver should be appropriately signaled that he or she is expected to stop. Emergency equipment must be used to affect the stop and remain on for the duration of the stop.
- 7.2.8.5 A law enforcement vessel should always approach the suspect vessel with caution and from down-wind or down current.
- 7.2.8.6 Park wardens will not board the vessel unless exigent circumstances exist (e.g., arrest, seizure, rescue).
- 7.2.8.7 Vessel stops where boarding of the other vessel is warranted, requires a minimum of two people, one of which must be a park warden: one to operate the vessel while the park warden carries out the law enforcement action.
- 7.2.8.8 The driver of the apprehended vessel will be promptly notified of the reason for the stop.
- 7.2.8.9 If possible, the law enforcement vessel will be positioned to leave the other vessel on its port side, in such a way as to protect the operator, by having the operator (the starboard side) furthest away from the suspect vessel. This enables a park warden to carry out the check and frees the operator to ensure quick exit.
- 7.2.8.10 The law enforcement vessel should not be secured to the other vessel at any time.

7.2.8.11 When a stop has been concluded, the dispatch mechanism must be notified.

7.3 Special Operations

7.3.1 When traditional law enforcement actions are unsuccessful in meeting their objectives, other extraordinary law enforcement tools and methods, some that require resources beyond the field unit's capability, may be used. Not included in this discussion are short duration (less than one day) cooperative support efforts where one organization requests the assistance of the other and no significant resource commitments are involved.

7.3.2 The following are special operations that require specific tactical plans and approvals by the Manager, Law Enforcement Operations and/or Director, Law Enforcement:

- Major, joint force operations with neighbouring conservation law enforcement organizations;
- Surrogate wildlife use employed to detect and apprehend poachers;
- Undercover operations.

7.3.3 Where applicable, the Field Unit Superintendent should be notified of the special operation within their area of responsibility.

7.3.4 Joint Force Operations

7.3.4.1 Joint force operations are operations that will benefit the Parks Canada Agency and other organizations in applying law enforcement solutions to mutual natural and cultural resource protection issues. A joint force operation is a formal undertaking involving one or more organizations and is used to draw on the investigation expertise, equipment, financing and human resources of more than one organization. The need for a joint force operation is identified in a tactical plan.

7.3.4.2 If a joint force operation is being considered:

- Prior approval is required by the Manager, Law Enforcement Operations;
- It is of a finite duration; and
- The operation is for the purpose of gathering intelligence or conducting an investigation of offences that will benefit all organizations involved.

7.3.4.3 Using the Planning Criteria Framework checklist (Appendix A), the Joint Force Operation Agreement (Appendix B) will clearly outline the responsibility of each organization and could contain the following:

- Membership in the operation;
- The type of operation (e.g., intelligence probe, targeted investigation);
- The operational objectives;
- The organization and the senior manager responsible for reviewing of the joint force operation;
- The individuals who will be responsible for the field management;
- The joint force operation team members, including the responsibilities of each member;
- The duration of the operation. If an operation is long term, identify when senior management should review the operation to assess the progress and/or approval for a future phase;
- The logistics, that is, who will be responsible for various items needed to support the operation (e.g., vehicles, equipment, support services or other requirements);
- Funding, that is, clearly spell out the responsibility for overtime, shift pay, travel, equipment expenses and any other anticipated expenses related to the operation.

Parks Canada Agency Law Enforcement Administration and Operational Manual

Identify a method for dealing with expenses that are unanticipated and outside the normal identified costs;

- Human resources including possible human resources needed beyond the initial Joint Force Operation team (e.g., arrest teams, search teams, etc.);
- Responsibilities for charges and the resulting prosecution, witness travel and follow up costs.

7.3.5 Authority

7.3.5.1 Park wardens will not participate in a joint force operation until the managers of the participating organizations agree to the joint force operation. The accord may be in the form of a signed letter of authority (preferable) or minutes of a meeting or some other appropriate record.

7.3.5.2 Parties to a joint force operation agreement may agree to restrict the dissemination of information; however, such agreements will not alter the requirement for internal reporting.

7.3.5.3 A park warden on a joint force operation shall not engage in an activity that would be contrary to the Parks Canada Agency law enforcement policy (Management Directive) or provisions of this manual. This will be made clear in the joint force operation agreement.

7.3.6 Roles and Responsibilities

7.3.6.1 A delegated park warden will be responsible for the development of a joint force operation at the field unit. He or she should:

- Identify the need for the joint force operation;
- Develop an activity or organizational profile on the proposed target(s);
- Secure approval of the Manager, Law Enforcement Operations to discuss the project with officials of each organization or police service potentially involved;
- Formulate objectives and goals in consultation with the participating organizations and Law Enforcement Branch staff;
- Recommend all project information to the Manager, Law Enforcement Operations for the review of the Director, Law Enforcement if the operation involves multi-province or foreign organizations;
- Develop the joint force operation agreement;
- Encourage the appointment of a joint management team of senior officers representative of the participating organizations to whom the project manager or coordinator will report;
- Ensure there is understanding as to which offences will be followed through to prosecution by the joint force operation and which will be referred to other organizations for prosecution;
- Ensure there is an understanding on problem resolution mechanisms;
- Handle press releases jointly to give credit to all participating organizations, following approval from the Manager, Law Enforcement Operations. Refer to Section 6.6 (Media Relations);
- Consider requirements for specialized investigators, monitors, analysts, clerical staff and plainclothes personnel;
- Consider a good balance of rank and experience and the requirement for continuity of personnel without substitutions or temporary withdrawals;
- Designate a Parks Canada Agency member of the joint force operation to be responsible for the administration of Parks Canada Agency funding in accordance with its financial authorities;
- Provide the Manager, Law Enforcement Operations with a copy of the proposed letter of agreement for information and/or direction or approval if:
 - Field level funding is insufficient to finance the involvement in the joint force operation;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- There is an operational reason for not advising one of the local organizations in whose area the joint force operation will be operating; or
- The operation involves multiple provinces and/or foreign organizations.
- Provide the Manager, Law Enforcement Operations with a concluding report summarizing the results of the joint force operation and providing recommendations regarding future such operations.

7.3.6.2 At the termination of the joint force operation, the Manager, Law Enforcement Operations will provide the Director, Law Enforcement with a concluding report and include:

- A brief overview of the joint force operation;
- A final inventory of the Parks Canada Agency's commitment to the joint force operation, such as human resources, vehicles and expenses;
- A listing of the tangible results produced by the joint force operation, such as criminal charges, seizures and intelligence; and
- A critique including any recommendations that would benefit the Parks Canada Agency's participation in any future joint force operation.

7.3.6.3 The senior Parks Canada Agency representative on the joint management team will:

- Ensure that participants are kept advised of progress and activities of the joint force operation;
- Ensure the requirements are met for use of Parks Canada Agency vehicles and vessels by non-Parks Canada Agency personnel;
- Encourage development of confidential human sources;
- Ensure that members of the joint management team are promptly notified of problems encountered in communication, cooperation or follow-up action with respect to the law enforcement unit; and
- Ensure officer safety is considered a priority in the planning and carrying out the joint force operation.

7.3.6.4 The following forms will be used by the Parks Canada Agency, as a standard to develop the joint force operation:

- The "Operational Planning Report" (Appendix A); and
- Joint Force Operation Letter of Agreement (Appendix B).

7.3.7 Joint Patrol Operations

7.3.7.1 It is often advantageous to the Parks Canada Agency and other organizations to conduct joint targeted patrols in areas of jurisdictional overlap (e.g., in National Marine Conservation Areas or along heritage area boundaries). The following guidelines will assist in developing joint patrol operations.

7.3.7.2 Joint targeted patrols require prior approval of the Manager, Law Enforcement Operations unless parameters are specified in a special agreement with the participating organization, and delegated authority to a park warden is granted.

7.3.7.3 A letter of understanding, if deemed appropriate, may include (but not limited to):

- Type of patrol activities covered;
- Roles and responsibilities of participating organizations, including identification of lead enforcement officers from each organization;
- Equipment use/sharing protocols;
- Other logistical agreements;
- Cost sharing arrangements;
- Management contact names and co-ordinates;
- Communications protocols;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Safety risk mitigation requirements;
- Law enforcement procedures if required; and
- Reporting requirements.

Appendix A Planning Criteria Framework

1. Criminal Illegal Activity

		Yes	No
1.	Is the proposed operation relevant to Parks Canada Agency and its mandate?		
2.	Does the proposal address a natural/cultural resource problem?		
3.	Has a target or target area been identified?		
4.	Is the plan supported by data/information, not suspicions? (include intelligence reports)		
5.	Will the supporting grounds be able to withstand disclosure?		
6.	Is there clear indication of illegal activity?		
7.	Has sufficient intelligence already been obtained to support a reasonable chance of success? (Link to intelligence reports)		
8.	Does the description of the illegal activity reference and indicate the statutes involved? (e.g., <i>Canada National Parks Act</i> and support legislation)		
9.	Is the initiative complaint-driven, indicating a larger scale problem? (See # 7)		

2. Operational Justification

		Yes	No
1.	Have conventional methods been used and expenditures occurred?		
2.	Will further conventional methods likely not succeed or have they proven inadequate?		
3.	Is there indication that the problem's complexity calls for resources beyond the heritage place's ability?		
4.	Are there any exigent circumstances to justifying the immediate implementation of the plan?		
5.	Have or will normal heritage place law enforcement budgets be exceeded?		
6.	Has another organization requested assistance?		
7.	Have the objectives been listed and prioritized?		
8.	Are the objectives achievable and measurable?		
9.	Is the operation finite in duration?		
10.	Does the plan clearly indicate a window of opportunity?		
11.	Does the plan indicate the area of vulnerability and therefore the probability of success?		
12.	Is this initiative a joint force operation? (Mandatory)		
13.	If a joint force operation, is there direct relevancy and benefit to the Parks Canada Agency? (Mandatory)		
14.	If a joint force operation, is there an agreement in place?		
15.	Have all the peace officer and the public safety concerns been addressed and mitigation proposed? (Mandatory)		

Parks Canada Agency Law Enforcement Administration and Operational Manual

3. Administration

		Yes	No
1.	Has an Operational Planning Report (section 1) been completed?		
2.	Has all supporting documentation (section 2) been enclosed?		
3.	Have all operational and management approvals been secured?		
4.	Have all Parks Canada Agency security and "need-to-know" rules been followed?		

4. Planning Summary

		Yes	No
1.	Have any other operations like this been conducted in the same area?		
2.	Have all other options been explored?		
3.	Does the initiative conform to the Management Directive on law enforcement and this manual? (Mandatory)		

Parks Canada Agency Law Enforcement Administration and Operational Manual

OPERATIONAL PLANNING REPORT

Section 1 supplies a brief overview of the law enforcement problem being addressed; sufficient for managers to determine whether or not the proposal should be supported.

Section 2 follows the approval document and expands on the knowledge available.

SECTION 1 APPROVAL REPORT			
PROTECTED A B C <i>(circle one)</i>			
CAPTION:		DATE:	
PARK:			
TYPE OF OPERATION A (tactical strategic target) B (plainclothes) C (intelligence probe)			
FILE NUMBERS	Park:	Manager, LE Operations	National Office:
<p>1. CRIMINAL AND ILLEGAL ACTIVITY <i>(Briefly summarize the actual illegal activities being investigated, being sure to indicate the statutes involved. It is very important to demonstrate how conventional methods have been tried and have proven inadequate, or that problem complexity calls for resources beyond the heritage place's ability.)</i></p>			
<p>2. OPERATIONAL OBJECTIVES <i>(List objectives in prioritized order. Objectives should be measurable and attainable.)</i></p>			

Parks Canada Agency Law Enforcement Administration and Operational Manual

3. SPECIAL OPERATION EXPENSE WORKSHEET			
Description	Quantity	Unit Price	Total
• Human Sources			
• Accommodation			
• Office rent or lease			
• Meals			
• Exhibit storage			
• Vehicle rental			
• Aircraft rental			
• Helicopter rental			
• Boat rental			
• Horse rental			
• Transportation operations (e.g., fuel, repairs.)			
• Other travel expenses (e.g., bus, train.)			
• Phone rental			
• Supplies and equipment purchases			
• Professional fees			
• Special costs			
• Misc.			
Accumulated Total			

4. HUMAN RESOURCES						
Name	Class	No. of Days	Overtime			Total
			Hrs x 1.0	Hrs x 1.5	Hrs x 2.0	
Accumulated Totals						

REVIEW AND APPROVAL	
RECOMMENDED BY:	
_____	_____
Park Warden	Date
_____	_____
Manager, Law Enforcement Operations	Date
APPROVED BY:	
_____	_____
Manager, Law Enforcement Operations / Director, Law Enforcement	Date

SECTION 2			
SUPPLEMENTAL INFORMATION			
PROTECTED A B C (circle one)			
<p>1. TARGET INFORMATION <i>(Target information should include:</i></p> <ul style="list-style-type: none"> • <i>reliability ratings;</i> • <i>description, aliases, associates;</i> • <i>addresses;</i> • <i>family;</i> • <i>Type of business(s);</i> • <i>vehicles;</i> • <i>motivation;</i> • <i>officer safety factors (e.g., firearms, dogs present);</i> • <i>employer(s);</i> • <i>Finger Print System (FPS) number;</i> • <i>criminal record summary; and</i> • <i>photos (subject, residence, vehicle, business etc.)</i> 			
<p>2. INTELLIGENCE SUMMARY <i>(A reliability rating should be attached to this information. Method of operation of target should include:</i></p> <ul style="list-style-type: none"> • <i>numbers involved;</i> • <i>time of day and weather;</i> • <i>preferred transportation modes;</i> • <i>techniques used;</i> • <i>whether checks of officer's residences are made;</i> • <i>weapons used and carried;</i> • <i>known vulnerabilities (e.g., braggart, egotist, womanizer, drinker, drug user, quick temper, follower, leader); and</i> • <i>volatility of targets if confronted.)</i> 			
<p>3. METHODOLOGY <i>(Here a methodology is developed based on the target's vulnerabilities identified in the previous section. What tactics would have the most likelihood of succeeding, with acceptable risks and costs? As park wardens from other heritage places are often included, this method description should include a hierarchy including base leader; field leader; equipment, communications, and evidence personnel; and individual team leaders.)</i></p> <p><i>(Identify how communications will be handled and whether they will be encrypted)</i></p>			
<p>4. INVESTIGATIVE NEEDS (Anticipated) <i>The following list can be used as a check list.</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <i>Information purchases</i> <i>Tactical alarms</i> <i>Surveillance (ground or air)</i> <i>Video system (CCTV)</i> <i>Radio frequency locating devices</i> <i>Phone toll assistance</i> <i>Transcription fees</i> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <i>Technical officer assistance</i> <i>Joint force operation</i> <i>Plain clothes officers</i> <i>Vehicle rental</i> <i>Aircraft rental</i> <i>Specialized equipment</i> </td> </tr> </table>		<ul style="list-style-type: none"> <i>Information purchases</i> <i>Tactical alarms</i> <i>Surveillance (ground or air)</i> <i>Video system (CCTV)</i> <i>Radio frequency locating devices</i> <i>Phone toll assistance</i> <i>Transcription fees</i> 	<ul style="list-style-type: none"> <i>Technical officer assistance</i> <i>Joint force operation</i> <i>Plain clothes officers</i> <i>Vehicle rental</i> <i>Aircraft rental</i> <i>Specialized equipment</i>
<ul style="list-style-type: none"> <i>Information purchases</i> <i>Tactical alarms</i> <i>Surveillance (ground or air)</i> <i>Video system (CCTV)</i> <i>Radio frequency locating devices</i> <i>Phone toll assistance</i> <i>Transcription fees</i> 	<ul style="list-style-type: none"> <i>Technical officer assistance</i> <i>Joint force operation</i> <i>Plain clothes officers</i> <i>Vehicle rental</i> <i>Aircraft rental</i> <i>Specialized equipment</i> 		

5. OFFICER SAFETY ASSESSMENT/ REQUIREMENTS

(Where officer safety measures beyond those identified in section 4.8 or elsewhere in the law plan are required, they should be identified in this section.)

4. HUMAN RESOURCES						
Name	Class	No. of Days	Overtime			Total
			Hrs x 1.0	Hrs x 1.5	Hrs x 2.0	
Accumulated Totals						
<p>OPERATION EVALUATION <i>(add continuation pages as required)</i> <i>(After each special operation there will be a debriefing, with all team members and leaders present. Debriefing should allow all to speak candidly. The intent is to share what worked, what didn't work, and methods of improving the next special operation.)</i></p> <p><i>The results of these discussions should be summarized below.</i></p>						
REVIEW COMMENTS						
Park Warden and Other Law Enforcement Branch Specialists						
Manager, Law Enforcement Operations						
Director, Law Enforcement						

Appendix B

JOINT FORCE OPERATION / PATROL LETTER OF AGREEMENT

(Supplement section to Special Operations Planning Report)

PARKS CANADA AGENCY and the ORGANIZATION(S) INVOLVED

(_____)

PROTECTED A B C *(circle one)*

CONFIDENTIAL YES / NO *(circle one)*

CAPTION: *(operation name)*

DATE:

LOCATION *(of joint force operation):*

HERITAGE PLACE:

FILE NUMBERS *(relate to Form 1000 numbers) :*

Field unit:

National Office:

Other organization:

A. PURPOSE

(The purpose of the joint force operation / patrol contract is designed to supply a brief overview of the law enforcement problem being addressed and the organization partners involved. If a joint force operation, the overview will relate to the operational planning report.)

B. TYPE OF JOINT FORCE OPERATION / PATROL

(Joint force operation - Tactical or strategic target, intelligence probe, law enforcement)

(Patrol – Purpose, duration, location)

C. MEMBERSHIP

(Which law enforcement organizations will participate in the joint force operation / patrol?)

Parks Canada Agency Law Enforcement Administration and Operational Manual

D. GOAL

(Clearly state the overall goal of the joint force operation / patrol, taking into consideration a multi-purpose goal and objectives that will benefit each participating organization.)

(Briefly summarize the intent of the joint force operation / patrol and actual illegal activities being investigated, being sure to indicate the statutes involved. While complete details are to be included in Section 2 of Operational Planning Report Form, ensure this section is referenced if this initiative is complaints driven, reflects a larger problem or represents this joint force operation opportunity. It is very important to emphasize that conventional methods are not likely to work or have been tried and have proven inadequate, or that problem complexity calls for resources beyond the heritage place's capability.)

(Clearly state which is the lead organization.)

E. OBJECTIVES

(List objectives in priority order. Make the objectives attainable; for example, if there is low probability of charges being laid, consider calling this joint force operation an intelligence probe. Make objectives measurable; for example, will learn modus operandi of subject or not will learn more about subject.)

(Names of targets that are being investigated, if not included in the operational planning report form)

F. DURATION

(Time frame allotted to the operation, including dates)

G. LOGISTICS

(Confirm each participating organization is an equal partner; outline the decision making process; base or command location; how many vehicles will be provided; liability clauses (if applicable); support needed; payment responsibilities; discipline responsibilities; officer safety protocols; spin-off and turnover investigation clauses; conditions for approaching the Crown counsels; media responsibility; need for reciprocal appointments; progress report protocol; personnel change; liaison with other organizations; and communication systems.)

H. OFFICER SAFETY PROTOCOLS

(State officer safety measures including those applicable from section 4.8 (Officer Safety) Include responsibilities for ensuring that officer safety measures are followed.)

I. FINANCING

(State each organization's financial responsibilities, including overtime and days off requirements during the joint force operation and through the following legal and court process.)

J. PERSONNEL

(Clearly identify each organization's enforcement officers that will have a role in the joint force operation / patrol.)

K. CHARGES

(State which organization will normally lay charges and for what legislation or offences.)

L. JOINT FORCE OPERATION RECOMMENDATION

(State who is recommending the operation on behalf of each organization by name and title.)

M. AMENDMENTS

(State here, “Joint force operation letter or agreement may be amended as necessary, but must be by mutual agreement by both parties”.)

N. BREAK-UP CLAUSE

(Cancel operation in writing due to circumstances, such as “target is now gone”)

O. JOINT FORCE OPERATION APPROVAL

(State the name and title of persons who will approve the joint force operation letter of agreement, on behalf of the organization. Usually the various members of the joint management team who have financial spending authority will approve the joint force operation letter of agreement.)

Parks Canada Agency Law Enforcement Administration and Operational Manual

7.3.8 Surrogate Wildlife Use

- 7.3.8.1 While the technique is not used frequently, decoys or surrogate wildlife, are used to assist officers in the apprehension and control of individuals or groups who illegally harvest game, or poach, in identified problem areas. Decoys are normally used in problem areas or in response to complaints.
- 7.3.8.2 Park wardens will only set out decoys on lands managed by the Parks Canada Agency and will follow operational guidelines that they have been trained and certified for.
- 7.3.8.3 If decoys are to be set outside the heritage places, they will be set out by the neighboring organization. Prior to providing assistance park wardens must ensure that they have the legal authority required. Should there be limitations to their legal authority, park wardens will advise the police service of jurisdiction or enforcement officers of the other conservation organization of these limitations prior to providing any assistance.
- 7.3.8.4 Surrogate wildlife operations may be conducted as part of a Joint Force Operation involving the Police Service of Jurisdiction or enforcement officers of another conservation organization. If enforcement officers from other organizations are used within a park or site, they must be appointed under Parks Canada Agency legislation. Refer to Section 2.2 (Ministerial Delegation).
- 7.3.8.5 An operational planning report as part of the tactical plan approved by the Manager, Law Enforcement Operations will be required prior to the initiation of surrogate wildlife operations.
- 7.3.8.6 The operational planning report will include the surrogate wildlife procedures outlined in the provincial or territorial organizations, of neighboring jurisdiction, training and operating manuals.
- 7.3.8.7 Surrogate wildlife use within heritage places will be supervised by park warden personnel who possess training and certification in planning and conducting these field operations.
- 7.3.8.8 The area to be used must be inspected during daylight hours to ensure that it is safe. Before set up, the area should be checked thoroughly a second time to ensure the safety of anyone or anything that could have recently entered the area. If private land adjacent to the area may be used for access or other aspects of the operation, permission must be obtained from the landowner.
- 7.3.8.9 The area must always provide safe cover for officers and must take into consideration the extreme range of all firearms.

7.3.8.10 Administration

- 7.3.8.10.1 Only park wardens who have been trained or are experienced in surrogate wildlife operations will participate in such operations.
- 7.3.8.10.2 Once approved by the Manager, Law Enforcement Operations surrogate wildlife training may be obtained from other relevant organizations.
- 7.3.8.10.3 An accredited instructor will teach all surrogate wildlife training courses. An accredited instructor may be a park warden who has satisfactorily completed instructional training at a resource/wildlife protection organization.
- 7.3.8.10.4 Decoy operations will be supervised by a team leader who has extensive experience in such operations or who has received appropriate training.

7.3.8.11 Planning

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 7.3.8.11.1 All decoy operations require an approved Parks Canada Agency operational planning report approved by the Manager, Law Enforcement Operations.
- 7.3.8.11.2 The team leader will be in charge of the entire decoy operation.
- 7.3.8.11.3 All necessary precautions will be taken to ensure the safety of the team, the public and violators.
- 7.3.8.11.4 The team leader will prepare a site plan and hold a formal briefing before each part of the operation to set out in detail each team member's responsibilities for the entire operation.
- 7.3.8.11.5 As soon as is practicable following the completion of the operation, the park warden will submit the operational planning conclusion report to the Manager, Law Enforcement Operations.

7.3.8.12 Deployment of Dog/Dog Handler Teams

- 7.3.8.12.1 Park wardens will request the services of a park warden dog handler/dog team whenever such services would be useful in a law enforcement operation.
- 7.3.8.12.2 In instances when a park warden dog handler/dog team is not available, or there is a need to bring in additional resources, park wardens may request the services of a police service dog handler/dog team wherever such services are available and would be useful in a law enforcement operation.

7.4 Special Relationships

- 7.4.1 Treaties and land claims agreements set out rights of Aboriginal peoples, and some park establishment agreements set out the privileges of other local residents, with respect to traditional activities, including harvesting activities, in a heritage place. Service delivery agreements with the Law Enforcement Branch will emphasize these agreements and arrangements.
- 7.4.2 The purpose of this element is to provide guidance to the Parks Canada Agency law enforcement services as it relates to traditional activities such as:
 - Existing or asserted Aboriginal and/or treaty rights
 - Resource harvesting regimes with local residents such as exists in Gros Morne National Park; and
 - Other special or extraordinary privileges embraced in heritage places management plans.
- 7.4.3 The overall objective is to establish nationally consistent principles and practices that will assist the development, at the local level, of a mutually agreed upon set of protocols to guide the resolution of law enforcement situations.
- 7.4.4 **Exercise of Aboriginal and Treaty Rights and Section 16 and 17 Activities.**
 - 7.4.4.1 Section 35 of the *Constitution Act, 1982*, recognizes and affirms existing Aboriginal and treaty rights of the Aboriginal peoples of Canada. The Aboriginal peoples of Canada are defined in the *Constitution Act* as the "Indian, Inuit and Métis peoples of Canada." Because they are constitutionally protected, existing rights, if they apply to a national park, may supersede the *Canada National Parks Act* and other Parks Canada Agency legislation if they are inconsistent with the Act. Before any charge is laid relating to the exercise of a traditional activity, Legal

Parks Canada Agency Law Enforcement Administration and Operational Manual

Services or the regional Department of Justice office should be consulted if there is any doubt as to whether an existing Aboriginal or treaty rights applies to a heritage place.

7.4.4.2 Paragraph 16(1)(w) of the *Canada National Parks Act* provides the Governor in Council with the authority to make regulations to authorize the use of park lands, and the use or removal of flora and other natural objects, by Aboriginal people for traditional spiritual and ceremonial purposes. At this time, no such regulations have been enacted. Similarly, section 17 of the *Canada National Parks Act* provides authority for the Governor in Council to make regulations respecting the exercise of traditional renewable resource harvesting activities where a land claim settlement exists that makes provision for these activities or for the removal of stone for carving purposes. Section 17 also provides authority to make regulations respecting the exercise of traditional renewable resource harvesting in Wood Buffalo, Wapusk, Gros Morne, Pukaskwa and Mingan, or any other national park or national park reserve where the continuation of such activities is provided for in an agreement between Canada and the province/territory involved. It is the responsibility of park wardens to make themselves aware of any regulations that have been enacted under section 17 as well as any that may be enacted in the future under sections 16 and 17. All law enforcement activities in parks for which regulations under section 16 or 17 have been developed will be planned and implemented in order to complement those regulations.

7.4.5 Principles

7.4.5.1 The following principles will govern law enforcement activities in the context of existing Aboriginal or treaty rights, the implementation regulations made pursuant to paragraph 16(1)(w) of the *Canada National Parks Act*, and agreements respecting other local residents:

- Fairness, equity and respect.
- Continual dialogue and consultations with local Aboriginal groups and local residents is the basis of prevention and law enforcement protocols and procedures.
- Jointly developed co-operative prevention programs and law enforcement response protocols.
- Public safety, public health and species conservation are over-riding considerations.
- Parks Canada Agency's law enforcement approach respects harvesting practices as set out in land claim agreements and associated documents (e.g. impact and benefit plans), the park management plan or other agreements within the boundaries of conservation, public health and safety.

7.4.5.2 It is neither Parks Canada Agency's nor its park warden's responsibility or role to either deny or determine rights of Aboriginal peoples in heritage places where the existence of these rights is unknown or uncertain. Before any charge is laid relating to the exercise of a traditional activity, Legal Services or the regional Department of Justice office should be consulted if there is any doubt as to whether an existing Aboriginal or treaty rights applies to the heritage place.

7.4.5.3 It is the responsibility of each heritage place to apply the above principles to the circumstances at hand and to take an adaptive and discretionary approach to law enforcement practices.

7.4.6 Law Enforcement Planning and Consultation

7.4.6.1 The Field Unit Superintendent is responsible for on-going relations with the local Aboriginal community.

7.4.6.2 Field Unit Superintendents will develop and approve, as part of their prevention program, protocols on prevention and law enforcement related to the Aboriginal community and local residents.

Parks Canada Agency Law Enforcement Administration and Operational Manual

7.4.6.3 Where Aboriginal or local residents' interests or potential rights are being accommodated, law enforcement related to these activities will consider the following criteria in priority order for intervention:

- Ensuring public safety;
- Ensuring public health;
- Protection of threatened or endangered species as defined by the *Species at Risk Act*;
- Recognition of traditional spiritual and ceremonial activities;
- Prevention of commercial trade in natural or cultural objects;
- Protection of species experiencing significant long-term decline; and
- Prevention of over-harvesting and wastage.

7.4.7 Law Enforcement Protocols

7.4.7.1 Managers, Law Enforcement Operations must ensure that all park wardens are familiar with local treaties, agreements and procedures to follow when encountering traditional activities.

7.4.7.2 Where activities have occurred outside the spirit of sections 16(1)(w) or 17, or outside local agreements, the following actions will be taken:

7.4.7.2.1 The park warden will record, investigate the situation and take action appropriate to the potential impact on the resources. This includes obtaining information from other officers and experts and for reporting on his/her investigation. Legal Services or the regional office of Department of Justice should be consulted if there is any doubt as to whether an existing Aboriginal or treaty rights applies to the heritage place.

7.4.7.2.2 The park warden should consider awareness measures in lieu of charges where:

- There is evidence that the person is harvesting for domestic, community or ceremonial purposes; and
- The person can demonstrate a status applicable to the area where the activity occurred; and
- The method or quantity of harvesting has no significant impact on the heritage place; and
- The person is not harvesting threatened or endangered species.

7.4.7.2.3 The park warden should consider charging persons claiming Aboriginal or traditional harvesting status applicable to the area where the activity under investigation has occurred if:

- The harvesting is for the purpose of sale or another purpose not covered by the definition of domestic, community or ceremonial use;
- The method or quantity of harvesting is not consistent with domestic, community or ceremonial use;
- The person is harvesting threatened or endangered species; or
- Archaeological or other culturally significant objects have been destroyed or their context altered.

7.4.7.3 Before laying a charge, the park warden will prepare a full investigation report setting out the particulars of the violation and addressing the criteria set out in point 7.4.6.3. The park warden will seek authorization from, and review each report with, the Manager, Law Enforcement Operations. Where appropriate, the regional office of the Department of Justice or Parks Canada Agency's Legal Services may be consulted (Appendix I).

Parks Canada Agency Law Enforcement Administration and Operational Manual

7.4.7.4 Parks Canada Agency's Legal Services or the regional office of the Department of Justice must be consulted before a decision is made concerning the laying of charges for violations of any provision of Parks Canada Agency legislation by Aboriginal peoples.

7.4.7.5 If discussion on a particular charge occurs with the Aboriginal community, it shall be restricted to informing community representatives of the nature of the violation and the effect of this violation on conservation.

7.4.8 Other Special Relationships

7.4.8.1 Where park establishment agreements set out specific resource access privileges for local residents, the heritage areas' prevention and law enforcement strategies will take into account those agreements in defining the appropriate response to potential infractions.

7.4.9 Service Delivery Agreements

7.4.9.1 Field Unit Superintendent and Director, Law Enforcement, will ensure that the service delivery agreement for law enforcement services includes law enforcement guidance and protocols related to special relationships that may exist in the heritage place.

7.5 Patrols

7.5.1 The park warden will conduct targeted patrols in heritage places and on adjacent lands and waterways for the purposes of protecting the area's natural and cultural resources, detecting and deterring illegal activities, assisting and informing the public and apprehending violators.

7.5.2 The following applies to park wardens conducting targeted patrols. It should be read in conjunction with:

- Section 3.5 (Interagency Cooperation)
- Section 4.8 (Officer Safety)
- Section 6.2 (Vehicle and Vessel Standards and Use)
- Section 6.5 (Communications and Dispatch)

7.5.3 Park wardens will conduct scheduled prevention patrols related to major resource protection incidents, public safety enforcement and visitor experience infractions in addition to targeted patrols related to known or suspected illegal activities.

7.5.4 The service delivery agreement will provide guidance on the general nature and extent of patrols by park wardens.

7.5.5 Patrols will:

- Focus on visitor experience, public safety and resource protection prevention objectives as outlined in the service delivery agreement;
- Be based upon law enforcement information;
- Be goal oriented or directed;
- Investigate or deter specific resource protection, public safety or visitor experience concerns; and
- Be based upon analysis and problem solving.

7.5.6 Patrols are carried out by the method or conveyance considered most appropriate for the type and purpose of the patrol. Under normal circumstances uniformed park wardens and marked vehicles or vessels will be used.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 7.5.7 When necessary, non-uniformed park wardens and unmarked vehicles/vessels may be used. Normally, these types of patrols, especially if they are of extended duration, will be the subjects of a tactical plan.
- 7.5.8 Information related to patrols (i.e. plans, schedules) should be classified as “Protected B” and, as such, should not be posted or otherwise disseminated beyond persons having a need to know it.
- 7.5.9 No pets will be taken on patrol.
- 7.5.10 Ride-along: the term “ride-along” refers to the practice of a non-peace officer accompanying a peace officer on a law enforcement patrol in a vehicle or vessel. It does not include vessel operators. Participation by volunteers will not occur.
- 7.5.10.1 Park wardens will limit ride-along participation to:
- Employees with prevention responsibilities, subject to the terms and conditions in this chapter and with the employee’s agreement to abide by any instructions given by the park warden;
 - Other employees of Parks Canada Agency, who are not peace officers, or who do not have prevention responsibilities, provided that:
 - The park warden has been made aware of the ride-along, and has accepted the responsibility;
 - The terms and conditions of the ride-along, have been made available to the employee;
 - The employee agrees to abide by any instruction given by the park warden, to ensure their safety.
 - Other persons from outside the Parks Canada Agency who are not considered volunteers with the approval of the Manager, Law Enforcement Operations or delegate.
- 7.5.10.2 In exigent circumstances, a park warden may transport a civilian where the health of the civilian may be at risk; however, the park warden must make the civilian aware that should the park warden be required to respond to a law enforcement situation, the civilian may have to disembark the vehicle.
- 7.5.10.3 Ride-along participants shall not:
- Participate in law enforcement actions; or
 - Be used to supplement law enforcement personnel, except under emergency situations when directed by a peace officer pursuant to Section 129(b) of the *Criminal Code*.
- 7.5.10.4 The park warden, when accompanied by a non-peace officer ride-along participant will:
- Not disclose personal information contained on law enforcement information systems (e.g. Canadian Police Information Centre); and
 - Ensure the participant is not placed in circumstances where their safety may be jeopardized.
- 7.5.11 **Standard Operating Procedures**
- 7.5.11.1 These procedures are intended to standardize patrols and associated law enforcement activities conducted by park wardens in order to promote safety, effectiveness and efficiency.
- 7.5.11.2 Tactical plans may establish targeted patrol requirements and protocols.
- 7.5.11.3 Park wardens must ensure officer safety measures are available at all times.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 7.5.11.4 When planning patrols the following will be considered:
- Reviews of previous information;
 - Prioritized complaints;
 - Patrol purpose and method;
 - Geography and duration;
 - Number and availability of staff and back-up;
 - Communication limitations;
 - Environmental conditions (e.g. fish and wildlife movements, weather conditions) and;
 - Other relevant public and officer safety considerations.
- 7.5.11.5 All patrol park wardens or teams will report and register with the dispatch mechanism. The patrol registration procedure will include: officer number(s), area and work plan, return or check in time. Note that codes should be used on lines or radio transmissions that are not secure.
- 7.5.11.6 Park wardens select appropriate patrol types and methods to accomplish the intended patrol objectives: high visibility patrols are used to deter violators; low visibility patrols are selected where detecting violations is the priority.
- 7.5.11.7 For surveillance, establish strategic position and degree of concealment required. Note visibility, safety, access and traffic. Use visual aids and event recording equipment to record details and evidence of observed violations. Communicate with other park wardens as required using appropriate communications as set out in Section 4.8 (Officer Safety).
- 7.5.11.8 A park warden, where authorized by provincial or territorial legislation, may operate a vehicle with lights disabled. When driving with lights disabled, park wardens shall not exceed 20 km/hr and will drive with due regard for their own safety and the safety of other persons using the highway.
- 7.5.11.9 As a minimum operating standard, 4-hour radio check-in procedures will follow for backcountry patrols.

Section 8 – Law Enforcement Procedures

Content

8.1	Use of Force and Incident Intervention
8.2	Arrest
8.3	Conducting Search and Seizure
8.4	Initial Response
8.5	Investigations
8.6	Investigative Support
8.7	Specialized Equipment

8.1 Use of Force and Incident Intervention

- 8.1.1 The *Criminal Code* states in sections 25, 26 and 27 that a peace officer may:
- Use force in their authorized law enforcement activities;
 - Use lethal force to protect themselves or anyone under their protection from death or grievous bodily harm;
 - Use force to affect an arrest where a person takes flight to avoid the arrest.
- 8.1.2 The *Criminal Code* also states that anyone who uses excessive force is criminally responsible for that excess. Force, when used in accordance with the authority given, must only be reasonably used to the extent it is required.
- 8.1.3 The Incident Management Intervention Model (IMIM) is a guiding and problem-solving framework that peace officers use to assess risk and manage public safety (Annex A). It is part of the Clients, Acquiring and Analyzing Information, Partnerships, Response, Assessment (CAPRA) community policing model. Peace officers are taught to assess the likelihood of injury or possible loss of life, including the numbers of people who are at risk of injury. Safety, in all instances includes peace officers, the public and offenders. Risk in this model is reassessed continually as a situation evolves and changes. The intervention of choice is one that is most reasonable in the circumstances. The Parks Canada Agency has approved the use of the IMIM by its park wardens.
- 8.1.4 A park warden is justified in using physical force to overcome an individual to:
- Stop potentially dangerous and unlawful behavior;
 - Protect himself/herself or another person from injury or death;
 - Protect individuals from injuring themselves; or
 - Affect an arrest when the individual offers resistance.
- 8.1.5 A park warden must only use as much force as is reasonably necessary. Refer to Section 8.1 (Use of Force and Incident Intervention).
- 8.1.6 A park warden is justified to use his/her sidearm in the performance of their duty when there are reasonable grounds to believe that this is necessary for the protection of their life or the life of another (subsection 25(1) of the *Criminal Code*).
- 8.1.7 Use of Force**
- 8.1.7.1 Park wardens must identify themselves using prescribed Parks Canada Agency identification at all times.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.1.7.2 When not working in uniform, and affecting an arrest or dealing with an aggressive subject, as soon as practical, park wardens will identify themselves as a peace officer using the Parks Canada Agency identification (shield and PC-4 card).
- 8.1.7.3 Park wardens, authorized by the Parks Canada Agency to use force, will do so in a manner consistent with the IMIM found in Annex A of this chapter.
- 8.1.7.4 Park wardens must select the use of force option that is the most reasonable intervention option based on their assessment of the risk, situational factors and exhibited behavior. Use of force options range from park warden presence to the use of lethal force and include the use of physical control techniques, intermediate weapons (OC spray, defensive baton) and sidearm.
- 8.1.7.5 Park wardens will only carry protective equipment that have been approved and issued by the Parks Canada Agency. Refer to Section 4.9 (Personal Protective Equipment).
- 8.1.7.6 The only justification for use of lethal force as set out in sections 25, 26 and 27 of the *Criminal Code*, is to prevent grievous bodily harm or death to anyone.
- 8.1.7.7 A sidearm can be drawn when a park warden is faced with the threat of death or grievous bodily harm to self or other, and other means have already been used or would be inadequate;
- 8.1.7.8 Park wardens will attempt to control persons without jeopardizing their own safety.

8.1.8 Reporting

8.1.8.1 Non-lethal use of force

- 8.1.8.1.1 When force is used in the course of a park warden's duties, he or she will provide whatever first aid is necessary, when it is safe to do so, obtain the required medical aid, report the incident to their supervisor as soon as possible and complete the appropriate use of force report and violent occurrence reporting system report.
- 8.1.8.1.2 The Park warden will immediately notify their supervisor of any incident of non-lethal use of force. The supervisor will:
- Provide support to the park warden;
 - Discuss the need for local professional assistance (e.g., lawyer, psychologist, etc.);
 - Advise the park warden to discuss the details of the incident only with assigned authorized personnel; and
 - Make no comment to the media and refer to the appropriate media representative for the field unit.
- 8.1.8.1.3 The Manager, Law Enforcement Operations will immediately notify the Director, Law Enforcement and carry out any investigation as directed.
- 8.1.8.1.4 Any use of sidearm, OC Spray, defensive baton or any other use of force beyond physical control soft techniques will result in a mandatory investigation of the circumstances and appropriateness of the use of force by a multi-disciplinary team appointed by the Manager, Law Enforcement Operations. At least one of the multi-disciplinary team members will be a certified IMIM / PDT Instructor and/or the national lead for the IMIM/PDT file.
- 8.1.8.1.5 The Director, Law Enforcement will:
- Notify the park warden of the outcome of any investigation and direct any appropriate remediation measures resulting from the investigation; and
 - Brief the Director General, National Parks.

8.1.8.2 Lethal use of force

8.1.8.2.1 The park warden will:

- Immediately notify the police service of jurisdiction and his/her supervisor;
- Restrict radio communication to essential transmissions;
- Not comment to anyone regarding the incident;
- Remain at the scene until advised otherwise by the police service of jurisdiction;
- Cooperate with the investigation by the police service of jurisdiction;
- Turn over all exhibits to the police service of jurisdiction include sidearm; and
- Advise police service of jurisdiction you wish to speak to a lawyer before making any comment about the incident.

8.1.8.2.2 The supervisor will:

- Notify the Manager, Law Enforcement Operations and Field Unit Superintendent immediately;
- Provide support to the park warden and assume responsibility for the park warden's well being;
- Discuss the need for and assist in locating professional assistance;
- Review with the park warden the procedures to be followed as set out in this manual;
- Caution the park warden to discuss the details of the incident only with assigned authorized personnel;
- Make no comment to the media and engage appropriate and authorized media relations personnel to handle media enquiries; and
- Liaise with the police service of jurisdiction and assist with the investigation as requested.

8.1.8.2.3 The Manager, Law Enforcement Operations will:

- Notify the Director, Law Enforcement and through him/her, the Director General, National Parks and the Chief Executive Officer;
- Provide a copy of the investigation report to the Director, Law Enforcement together with follow-up recommendations; and
- Ensure media relations on behalf of the Law Enforcement Branch.

8.1.8.2.4 The Director, Law Enforcement will:

- Ensure that the Director General, National Parks and Chief Executive Officer are briefed on the investigation and its outcome; and
- Review the investigation report and recommendations and ensure that follow-up action is completed.

Annex A

INCIDENT MANAGEMENT INTERVENTION MODEL

The Parks Canada Agency approved Royal Canadian Mounted Police Incident Management Intervention Model (IMIM) is a standard used by many federal law enforcement organizations. Under section 18 of the *Canada National Parks Act*, park wardens are peace officers within the meaning of the *Criminal Code*. The *Criminal Code* provides the authorities and limitations respecting a peace officer's use of force. Section 2 of the *Criminal Code* defines park wardens as peace officers, and they are, therefore, entitled to all the powers, authorities and protections as outlined in the *Criminal Code*.

To summarize sections 25, 26 and 27 of the *Criminal Code*, peace officers may use force in doing what they are authorized to do — that is, enforce the law. They may also use force to protect themselves or anyone under their protection from death or grievous bodily harm. The *Criminal Code* also states that a peace officer may use force to affect an arrest where a person takes flight to avoid the arrest. It is important to note that the *Criminal Code* goes on to state that anyone who uses force in excess is criminally responsible for that excess. Force, when used in accordance with the authority given, must only be reasonably used to the extent it is required.

It is the Parks Canada Agency's responsibility to ensure authorizing the use of the IMIM, as part of the Clients, Acquiring and Analyzing Information, Partnerships, Response, Assessment (CAPRA) program, carries out the intent of the *Criminal Code*. The Management Directive on law enforcement authorizes the use of the IMIM and describes the components of the model, in order to understand the correct application and use of force.

1. Model

- a. The IMIM is a guiding and problem-solving framework that peace officers use to assess risk and manage public safety. It is part of the Clients, Acquiring and Analyzing Information, Partnerships, Response, Assessment (CAPRA) community policing model. Peace officers are taught to assess the likelihood of injury or possible loss of life, including the numbers of people who are at risk of injury. Safety, in all instances includes officers, the public and offenders. Risk in this model is reassessed continually as a situation evolves and changes. The intervention of choice is one that is most reasonable in the circumstances.
- b. The model options are based on client and officer need; responses and reactions by both the officer and the offender and include:
 - Officer presence;
 - Communication;
 - Tactical repositioning;
 - Physical control soft;
 - Physical control hard;
 - Intermediate weapons;
 - Lethal force.
- c. The officer continuously assesses risk and applies the necessary intervention to ensure public and officer safety. The model permits tactical repositioning and use of force at any time where reasonable grounds exist to use such options. Lethal force is authorized only where reasonable grounds are present to preserve one's own self or others from grievous bodily harm or death.

2. Guidelines for the implementation of the IMIM:

Parks Canada Agency Law Enforcement Administration and Operational Manual

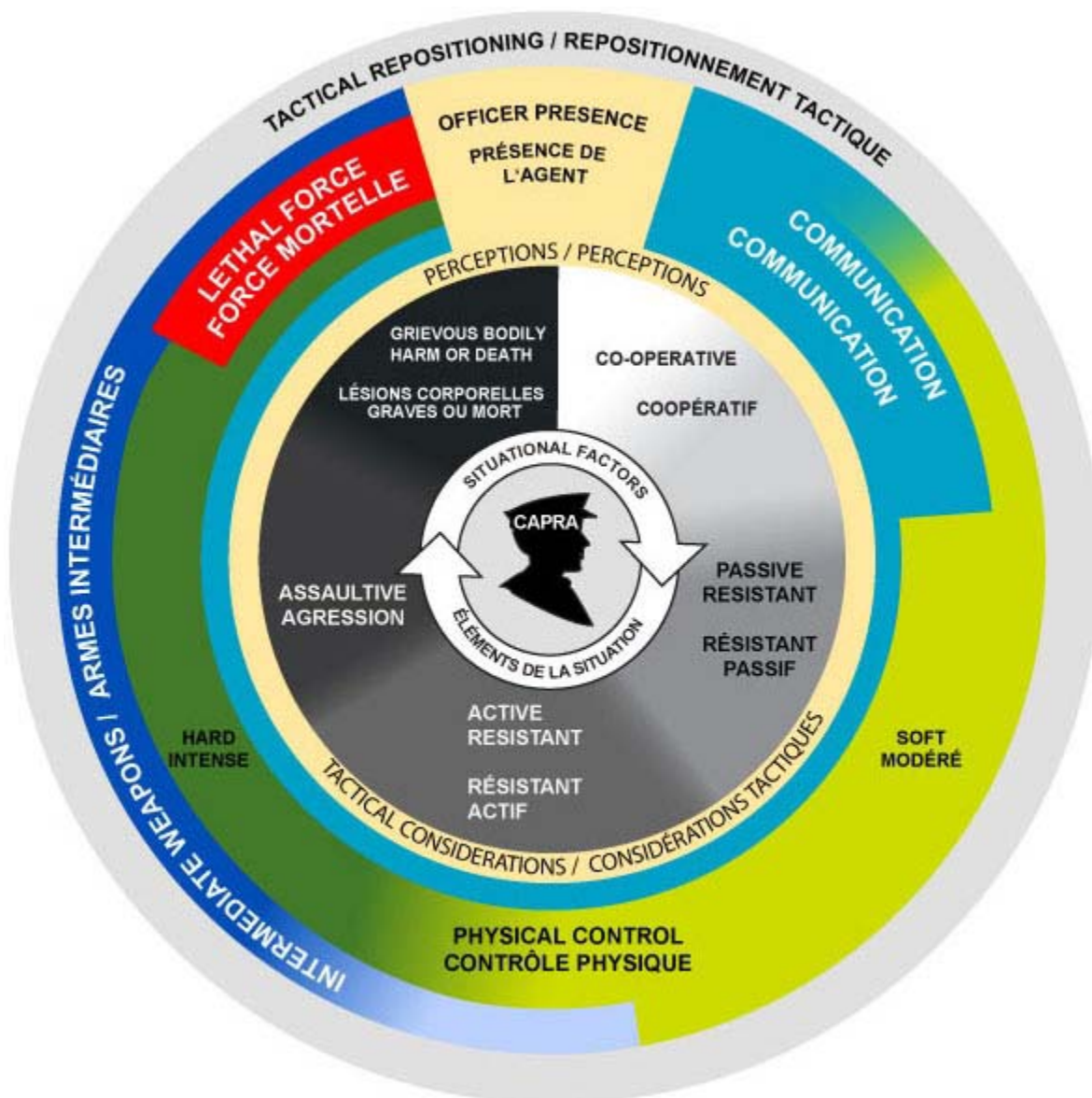
- a. The IMIM applies when a park warden is involved in any law enforcement action and may range from:
 - Officer presence and communication;
 - Executing a lawful arrest;
 - Preventing the commission or continuation of an offence; or
 - Defending himself or herself or another person.

- b. The IMIM provides:
 - Guidelines for park wardens while executing their duties as peace officers; and
 - A benchmark for evaluating the appropriateness of any intervention administered by a park warden, when a member of the public disputes that intervention. An operational review will be the basis for this evaluation.

- c. The Manager, Law Enforcement Operations will:
 - Ensure IMIM/PDT instructors certify in their area of expertise every 3 years;
 - Maintain training records for each park warden in their area of responsibility;
 - Report each incident that involves the use of force;
 - Notify the Director, Law Enforcement of any incident involving use of force;
 - Comply with all directives involving serious incidents;

All matters of public complaint and officer redress will be handled in accordance with Section 4.5 (Public Complaints and Officer Redress).

INCIDENT MANAGEMENT / INTERVENTION MODEL MODÈLE D'INTERVENTION POUR LA GESTION D'INCIDENTS



Parks Canada Agency Law Enforcement Administration and Operational Manual

8.2 Arrest

- 8.2.1 The suspension of an individual's right to liberty is a serious matter. The right not to be subjected to arbitrary detention or imprisonment is fundamental to our legal system. There are, however, circumstances when arrest is required and permitted by law.
- 8.2.2 All arrested individuals must have their rights guaranteed, as defined in *the Charter of Rights and Freedoms*. If a park warden is arresting an individual, the park warden and Parks Canada Agency have a duty to protect those rights and to exercise due care for the individual. The following must be read in conjunction with the *Criminal Code* and other applicable legislation.
- 8.2.3 An individual will only be arrested:
- If there are no other means to prevent the commission or continuation of an offence; or
 - The public interest is not satisfied with regard to establishing the person's identity; or
 - The need to preserve evidence or the likelihood of an individual appearing in court; or
 - If the person is the subject of a valid arrest warrant.
- 8.2.4 Guidelines to arrest young persons can be found in the *Youth Criminal Justice Act*.
- 8.2.5 All arrests will be reported to the supervisor and at their discretion, the Field Unit Superintendent.
- 8.2.6 The arrested individual must be promptly notified of the reason for the arrest and informed of their right to and given the opportunity to contact legal counsel.
- 8.2.7 The arrested individual will be allowed to contact legal counsel in private.
- 8.2.8 If the arrested individual is required to obtain a statement or for routine evidence gathering purposes, then the person, where reasonable and practicable, will be placed in the custody of the police service of jurisdiction.
- 8.2.9 If the public interest is satisfied with regard to identity, preservation of evidence, continuation of the offence and appearance in court, an arrested individual will be released conditionally or unconditionally. Release from custody may be by issuance of an appearance notice, by promise to appear or a recognizance before an officer in charge.
- 8.2.10 All arrested individuals will immediately upon arrest be handcuffed and searched for evidence and weapons or anything that can be used to aid in escape or may be used to commit a violent act. An arrested individual will not be put in a vehicle or vessel without first being searched, unless exceptional circumstances make this inappropriate or unsafe.
- 8.2.11 Any search of an individual of the opposite sex should only occur in exigent circumstances (e.g., no same-sex officer available). Otherwise, a same sex officer will only conduct a search.
- 8.2.12 Young persons may be searched subsequent to arrest for evidence, weapons, and means of escape. When a search is to be conducted, it shall be conducted to ensure the privacy of the young person, the safety of the officer(s), and in compliance with procedures taught in the Parks Canada Agency training.
- 8.2.13 **Arrest for Outstanding Warrant**
- 8.2.13.1 A Canadian Police Information Centre check conducted as matter of procedure may result in a flag that an outstanding warrant exists. Any action taken as a result will be based on a risk assessment done by the park warden giving priority to officer safety.

Parks Canada Agency Law Enforcement Administration and Operational Manual

8.2.13.2 The following sequence will be followed should a Canadian Police Information Centre check result in a flag of an outstanding warrant:

8.2.13.2.1 The type of warrant and the jurisdiction issuing the warrant is determined;

8.2.13.2.2 A criminal records check is carried out;

8.2.13.2.3 Should the criminal records check result in a caution code of **Violent**, **Escape risk**, or **Mental**, the park warden will assess the risk involved in proceeding with the arrest or refer the matter to the police service of jurisdiction and the park warden will, if necessary, tactically reposition, and await back-up support.

8.2.13.2.4 If upon the park warden's risk assessment, the park warden decides to take action, the park warden having ensured that all required risk mitigation measures are in place may act as follows:

- Warrants related to a *Canada National Parks Act* or regulation violation can be actioned following an appropriate risk assessment;
- In the case of warrants related to infractions that did not occur within the national park, a park warden will contact the police service of jurisdiction and under normal circumstances observe, record and report.

8.2.13.2.5 Arrest for outstanding warrants will not be made if the police service of jurisdiction is not able or prepared to take custody of the subject.

8.2.13.2.6 Factors to consider in the risk assessment include:

- Number of people on the scene;
- Subject history and behaviour (Incident Management Intervention Model);
- Location (e.g., remoteness);
- Time of day; and
- Availability of backup and transport vehicle.

8.2.14 Prisoner Transport

8.2.14.1 All arrested individuals must have their rights guaranteed, as defined in the *Charter of Rights and Freedoms*, including due care exercised to ensure their security.

8.2.14.2 The Parks Canada Agency is responsible for anyone its staff places under arrest, including their transport to an office of a park warden or the police service of jurisdiction.

8.2.14.3 The Parks Canada Agency and the police service of jurisdiction will collaborate on the most effective and safe prisoner transport; however, the priority will be as follows:

8.2.14.3.1 Whenever possible or practicable, the police service of jurisdiction shall be contacted to conduct prisoner transport once an arrest has been made and it has been determined the subject will remain in detention;

8.2.14.3.2 Where there is a need for expedient transport of a prisoner (e.g., injury to the prisoner), an arresting park warden will initiate transport, and turn over transport to the arriving police service of jurisdiction as soon as possible; or

8.2.14.3.3 Where appropriate risk mitigation measures can be taken, an arresting park warden may transport the prisoner to a park warden office, the police detachment or holding facility.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.2.14.4 The above will be dependent on possible reasons for arrest, locations of police detachments and the type of officer transport available.
- 8.2.14.5 If an arrested individual is to be transported by vehicle, they will be handcuffed with their hands behind their back and with the double lock engages on the handcuffs and secured with a seat belt, unless exceptional circumstances warrant a different approach (e.g.: injured individual)
- 8.2.14.6 A security screen may be installed in a vehicle if it is routinely used for prisoner transport. Where a vehicle is used that is not equipped with a protective cage, the arrested individual that is being transported will be placed in the rear seat, passenger side, handcuffed with their hands behind their back, with the seat belt secured.
- 8.2.14.7 If the individual is to be transported by vessel, aircraft, or other vehicle, they will be restrained in a manner that reasonably ensures the safety of the park warden(s) involved as well as the safety and comfort of the accused. Wherever practicable, two park wardens or peace officers will be present for prisoner transport.
- 8.2.14.8 Under no circumstances will arrested individuals be physically handcuffed to the exterior of a vehicle or anywhere on a vessel.
- 8.2.14.9 Offenders being transported in a vessel will be fitted with a lifejacket and handcuffed in front. If the subject is cooperative and there are sufficient officers present to monitor the subject, handcuffing the subject is optional.
- 8.2.14.10 At no time should an arrested individual be unattended or handcuffed with their hands behind their back in a horizontal position without constant supervision, paying particular attention to breathing rates. Park wardens shall always be aware of the possibility of positional asphyxia or heightened delirium, which is increased with individuals who are under the influence of drugs or alcohol or are emotionally disturbed.
- 8.2.14.11 If an arrested individual is in need of medical attention, it is the park warden's responsibility to ensure that medical personnel see the prisoner. If medical attention is refused, it shall be noted in the park warden's notebook.

8.3 Conducting Search and Seizure

- 8.3.1 Parks Canada Agency's mandate related statutes and regulations give specific powers to park wardens to search and seize. All search and seizure actions will be conducted in accordance with the law and with due regard to proper procedures and processes.
- 8.3.2 Search warrants may be obtained if there are reasonable grounds to believe evidence pertaining to an offence is present at a particular place.
- 8.3.3 A decision as to whether or not a search warrant is to be obtained rests with a Manager, Law Enforcement Operations. A Manager, Law Enforcement Operations may delegate this responsibility to a park warden with significant training and experience to expedite this process locally as required.
- 8.3.4 In a search related to a permanent building, a warrant may be served and security established by park wardens. The police service of jurisdiction may be asked to serve the warrant and establish security based on a risk assessment. Except under extraordinary circumstances, the police service of jurisdiction will be notified of the search warrant being executed.
- 8.3.5 The Manager, Law Enforcement Operations will coordinate as required, the assistance of park wardens from other field units to execute a warrant.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.3.6 Search of a permanent dwelling will not take place without a search warrant, unless exigent circumstances exist or the informed consent of the legal occupant is obtained.

NOTE: The park warden must also inform the owner/occupant that the consent to search can be withdrawn or refused at any time.

- 8.3.7 Informed consent is documented using the "Consent to Search" form (Annex A). If at any time the owner/occupant who has given consent to search rescinds that consent, the search **must stop** immediately. If the search has already provided the park warden (or other participating officer(s)) with reasonable belief that evidence still exists, the area should be secured and a search warrant obtained immediately.
- 8.3.8 A search of a person and the immediate area may take place under the following circumstances:
- Incidental to lawful arrest to guarantee the safety (of the officer, prisoner and/or public), to prevent escape, or provide evidence against the prisoner; or
 - With informed consent. Persons must be informed of their right to refuse.
- 8.3.9 Where an object is evidence of the commission of an offence, and found under the plain view doctrine, the object may be seized without warrant.
- 8.3.10 Upon seizure of vehicles, vessels, firearms, articles, etc., the appropriate queries will be made through Canadian Police Information Centre to determine ownership. If ownership cannot be determined, storage and eventual disposal will follow local court protocols.
- 8.3.11 The following, in general terms, shall be contained in the Information to Obtain a Search Warrant, as defined in the *Criminal Code* and other applicable legislation:
- Description of the offence;
 - Description of the evidence being sought;
 - Identification of the place or places to be searched, including legal description of the property;
 - Grounds for belief that an offence has taken place or is about to;
 - Grounds for belief that the evidence is in the place indicated;
 - The name of the informant and the person or persons who will conduct the search;
 - The name of any confidential source from which applicable information may have come (Note: a request to seal the Information to Obtain, in order to protect the identity of a confidential informant, may be made at the time of Search Warrant application); and
 - The time the search is to be conducted.
- 8.3.12 An objection to the disclosure of information concerning a confidential human source that has provided information specified in the Information to Obtain, must be made in writing to the court in which the case is being heard.
- 8.3.13 Search warrants will only be executed between 0700 and 2100 hours unless otherwise specified in the warrant.
- 8.3.14 Tele-warrants will be administered in accordance with the direction of local/regional court procedures. They may be used when timely access to a justice of the peace is not available (e.g., after hours, backcountry/remote settings) and can be executed by a park warden when it is consistent with the park warden's training, experience and equipment.
- 8.3.15 All items seized, with or without a warrant, shall be returned if not required as evidence or retained if considered to be pertinent evidence. In either case, written confirmation of items seized should be made to a Justice in accordance with the *Criminal Code*.

Parks Parcs
Canada Canada

Annex A – Consent to Search Form

Consent to Search

Date:

Place:

I, _____ not being a person under 18 years of age and presently in charge of property located at _____ do hereby authorize park wardens or enforcement officers to conduct a search of such property for _____

I have been informed:

1. that my consent is voluntary
2. of the property to be searched;
3. of the things/items sought;
4. of the consequences of the search if successful; and
5. that I may refuse consent or withdraw consent at any time.

Signature

Date

Parks Canada Agency Law Enforcement Administration and Operational Manual

8.4 Initial Response

- 8.4.1 Park wardens may be required to respond to accidents or incidents to ensure public safety and well-being. As a result of responding to an accident, park wardens may find themselves as the first peace officer on the scene being responsible for traffic control and securing the scene until the police service of jurisdiction arrives.
- 8.4.2 Upon hearing of a vehicle or vessel accident involving the possibility of personal injury or death, park wardens will:
- Immediately notify the dispatch mechanism, the police service of jurisdiction, medical services, coast guard as appropriate;
 - Where practicable, respond; and
 - Assist the appropriate organization as required.
- 8.4.3 Park wardens will respond according to localized procedures defined in the approved heritage place emergency response plans and any agreement with the police service of jurisdiction.
- 8.4.4 As first officer on the scene, park wardens will take charge of the incident until relieved by other Parks Canada Agency staff or the appropriate authority.
- 8.4.5 The safety of the park warden and those involved in the incident will be primary concern. The scene will immediately be secured and any required means of traffic or pedestrian warning will be established.

8.5 Investigations

- 8.5.1 The investigation of offences related to the Parks Canada Agency's legislation is essential to an effective law enforcement program.
- 8.5.2 As protection of natural and cultural resources is a primary responsibility of the Parks Canada Agency, park wardens will investigate offences against the *Canada National Parks Act* and the *Canada National Marine Conservation Areas Act* as well as other mandate related legislation if authorized with diligence and to the best of their abilities.
- 8.5.3 Investigations shall be conducted in a fair and ethical manner and in accordance with accepted practices and the laws of Canada.
- 8.5.4 **General Investigations**
- 8.5.4.1 Park wardens will use the Clients, Acquiring and Analyzing Information, Partnerships, Response, Assessment (CAPRA) problem solving method as their investigative framework.
- 8.5.4.2 In conducting investigations, park wardens will gather evidence, including evidence from people (witnesses, informants and suspects) and physical evidence.
- 8.5.4.3 Initial investigative efforts will be aimed at validating the original complaint or report, determining whether or not an offence has occurred, and if so, whether or not it occurred within a heritage place.
- 8.5.4.4 Park wardens must have approval from the Manager, Law Enforcement Operations for undercover, infiltration or assumed identity techniques.
- 8.5.4.5 The name or any other identifying information concerning a confidential source shall not be recorded in a notebook or investigative file.

Parks Canada Agency Law Enforcement Administration and Operational Manual

8.5.5 Interviews

- 8.5.5.1 Interviews of witnesses will normally be recorded in writing or on audiotape.
- 8.5.5.2 It is recommended that statements be obtained from accused in all circumstances, even in a “found committing” offence. Where circumstances permit, interrogations should be recorded on videotape.
- 8.5.5.3 Where facilities are unavailable for videotaping, audio recording of an interrogation will be used as the second best form of recording a suspect’s statement.
- 8.5.5.4 Where neither technique is available, interrogations will be recorded in writing.

8.5.6 Information Sources

- 8.5.6.1 The Parks Canada Agency’s incident management information system shall be used as a means of recording investigation information and as a source of information to investigators. Canadian Police Information Centre data and other law enforcement information banks will be used as investigation aids as required.

8.5.7 Field Investigations

- 8.5.7.1 Attendance at a location for the purpose of investigation to determine whether or not an offence has occurred or to collect evidence of a violation may be conducted by one park warden upon a risk assessment.
- 8.5.7.2 Serious offences related to natural or cultural resources should be investigated by a team. Where a first responder at an investigative scene has determined that a serious natural or cultural resource offence has occurred, that park warden will preserve the scene and call for appropriate assistance as available. A team leader will be appointed. The team leader will delegate duties and direct the actions of all staff that attend the investigative scene.

8.5.8 Investigations Outside of an Operating Site

- 8.5.8.1 An investigation may require a park warden to travel outside a park or site to conduct interviews, contact officers of other organizations, conduct searches, collect evidence, and interview witnesses or suspects.
 - 8.5.8.1.1 Normally, the investigator most familiar with the case will lead the above activities.
 - 8.5.8.1.2 In the event that the person to be contacted resides at a great distance from a park, a park warden from a park closer to that residence, a local police officer or a local conservation officer may be requested to assist the lead investigator. Necessary details of the investigation and a full description of required action shall be provided to the assisting investigator.

8.5.9 Investigative Information

- 8.5.9.1 Information gathered or obtained in conducting an investigation, the identity of informants or confidential sources, and information on specific investigative techniques being utilized or considered shall only be disseminated on a strict “need to know” basis. Information obtained from another organization shall not be further disseminated without the expressed approval of the originator.

Parks Canada Agency Law Enforcement Administration and Operational Manual

8.5.9.2 Park wardens shall, as a matter of courtesy, and in the best interests of the administration of justice, inform other law enforcement organizations when information arising from a park investigation may be of interest to them in carrying out their law enforcement responsibilities.

8.5.9.3 Park wardens shall use the appropriate filing system for managing information in complex investigations.

8.5.10 Coordinated Investigations

8.5.10.1 Successful investigations often require a team approach. Some investigations may require staff or resources beyond the normal capability of the Law Enforcement Branch and/or field unit.

8.5.10.2 Requests for assistance will be made to the Manager, Law Enforcement Operations.

8.5.11 Domestic Interagency Investigations

8.5.11.1 Park wardens routinely exchange information, provide and receive assistance from law enforcement organizations. The term "Interagency Investigation" shall be used to designate more formal cooperative efforts undertaken where there is a need to overcome jurisdictional problems and/or it is necessary to draw upon the expertise, equipment and manpower of more than one organization to maximize efficiency and effectiveness. Refer to Section 3.6 (Interagency Cooperation).

8.5.11.2 Heritage places entering into an interagency investigation will prepare an investigation request including a description of the need for the interagency investigation, an estimate of human resources, travel, vehicle and equipment requirements, the projected duration of the investigation, and the anticipated charges to be laid or the level of intelligence to be gathered.

8.5.11.3 A Manager, Law Enforcement Operations shall seek a technical review and advice of National Office specialists related to a pending interagency investigations.

8.5.11.4 The Parks Canada Agency's participation in interagency investigations shall be subject to the approval of the Director, Law Enforcement.

8.5.11.5 Where the approval has been received, the proponent, in consultation with the Manager, Law Enforcement Operations, shall:

- Ensure that agreement is reached by the identified organizations to participate in the investigation;
- Formulate objectives and goals in consultation with participants; and
- Obtain formal approval of the interagency investigation through the exchange of a letter of agreement outlining each organization's contributions in terms of manpower, equipment, facilities, vehicles and finances.

8.5.11.6 Park wardens participating in interagency investigations may take lawful direction from a member of another participating organization as specified in a letter of agreement.

8.5.11.7 At the conclusion of an interagency investigation, the Manager, Law Enforcement Operations shall provide the Director, Law Enforcement with a confidential final report comprised of a brief overview of the investigation; an inventory of the Parks Canada Agency's commitment to the investigation; a resume of results produced (charges, seizures, intelligence); and a critique including any recommendation that would benefit the Parks Canada Agency participation in any future interagency investigation.

Parks Canada Agency Law Enforcement Administration and Operational Manual

8.5.11.8 The collection of personal information on individuals, during the course of an investigation must comply with the requirements of the *Privacy Act*.

8.5.12 International Investigations

8.5.12.1 On occasions, investigations will lead investigators across international borders.

8.5.12.2 The Manager, Law Enforcement Operations shall report any investigations with international implications to the Director, Law Enforcement.

8.5.12.3 Any participation in an international investigation must be approved by the Director, Law Enforcement upon submission of a request from the Manager, Law Enforcement Operations.

8.5.12.4 The memorandum of understanding with the Royal Canadian Mounted Police states that international investigations will be conducted using a joint task force approach that fosters teamwork among law enforcement organizations.

8.5.12.5 The Director, Law Enforcement will contact the Royal Canadian Mounted Police divisional criminal operations officer or their designate, as soon as possible upon being advised of the requirement for an international investigation.

8.5.12.6 The Royal Canadian Mounted Police will ensure that the appropriate Royal Canadian Mounted Police Liaison Officer is advised, so that the latter may contact the appropriate officials of the Department of Foreign Affairs and International Trade.

8.5.12.7 The Royal Canadian Mounted Police Liaison Officer will contact the appropriate international law enforcement and related government organizations and create partnerships with them, unless to do so would compromise the investigation.

8.5.12.8 This process does not preclude maintaining contact or liaison with law enforcement organizations of other countries.

8.5.12.9 International investigations will be conducted by the foreign organization of jurisdiction (e.g., US Fish and Wildlife Service, State Wildlife Agency, US National Parks Service).

8.5.12.10 Park wardens involved in the investigation will function as advisors to organization of jurisdiction investigators.

8.5.12.11 The Parks Canada Agency will assist foreign organizations investigations that involve Parks Canada Agency lands or waters in a manner consistent with the guidelines on Interagency Cooperation. Refer to section 3.6 (Interagency Cooperation).

8.6 Investigative Support

8.6.1 Surveillance

8.6.1.1 Surveillance is the coordinated observation of individuals or areas where information has indicated that the commission of an offence(s) is likely to occur or has occurred. As identified in a tactical plan, surveillance will be conducted on persons where there is reasonable and probable grounds to believe that there has been an offence committed or is about to be committed against the Parks Canada Agency statutes and regulations.

8.6.1.2 Park wardens will, while adhering to legislation and case law, carry out surveillance activities in areas where the public has no reasonable expectation of privacy (e.g., on a campsite outside a tent or trailer, or any outdoor area accessible by the general public, such as a trail or roadway).

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.6.1.3 Physical surveillance shall be conducted with strict regard to safety of the park wardens and the rights of the individual(s) under law the *Charter of Rights and Freedoms*.
- 8.6.1.4 Where a question arises regarding rights to privacy, the necessary warrants will be acquired before proceeding.
- 8.6.1.5 Surveillance methods approved by the Parks Canada Agency include physical (e.g., foot, horse, vehicle and vessel), and technical (e.g., alarm, still camera and video) means for a defined law enforcement purpose.
- 8.6.1.6 When considering electronic surveillance (e.g., use of still or video photography), the expectation of privacy must be carefully considered.
- 8.6.1.7 Surveillance may be conducted in areas both inside and outside the heritage place to accomplish set objectives. Surveillance outside a heritage place must only be conducted in conjunction with an offence against statutes or regulations related to the Parks Canada Agency's mandate that has occurred or is suspected to have occurred within heritage place boundaries. Surveillance will not result in any contact with the individual(s) being observed.
- 8.6.1.8 Park wardens will review all proposed technical surveillance activities to ensure that all are in accordance with law and accepted standards prior to approval by the Manager, Law Enforcement Operations and set out in approved tactical plans. Advice on procedures and protocol will be requested from the national office as required.
- 8.6.1.9 A surveillance plan will be developed to guide surveillance activities. The plan must be approved by the Manager, Law Enforcement Operations and must ensure:
- Team safety;
 - Team members are familiar with all aspects of the operation;
 - Adequate briefings are conducted prior, during and after significant events;
 - Surveillance team members have all the skills and knowledge to ensure successful completion of the operation; and
 - Dry run scenarios are be conducted at an area removed from the actual surveillance site to ensure equipment functions properly, communication procedures are reviewed, officer safety concerns are addressed and team members have an opportunity to interact prior to commencement of operations.
- 8.6.1.10 **Procedures**
- 8.6.1.10.1 Surveillance radio communications will be coded or encrypted.
- 8.6.1.10.2 When conducting surveillance of individuals in public places, officer safety measures must be followed.
- 8.6.1.10.3 At least one team member should be familiar with the area being worked.
- 8.6.1.10.4 Team members will be familiar with the criminal history and other background of suspects.
- 8.6.1.10.5 All activities relating to the surveillance operation are documented by team members using notebooks and the team leader shall maintain a comprehensive activity log.
- Notes must be kept of all surveillance activities as soon as possible after surveillance or during surveillance if time permits.
 - Notes will include full physical descriptions of any persons meeting with the suspect(s) for future identification.
 - Photographs or video will be taken when possible.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- All addresses, licence plates, telephone numbers and the times of any meetings, including location will be recorded.
- For long-term operations, notes will be kept in chronological order in a master logbook or tips file so that reports can be easily written from references to these notes.
- Suspect profiles will be updated as the surveillance team obtains information.

8.6.1.10.6 Post-operation debriefings will be conducted after all information obtained has been recorded and must include all participants involved.

8.6.2 Intelligence Gathering

8.6.2.1 An effective law enforcement program involves investigating “found committing” offences as well as gathering information that can assist in warning of future illegal activities. Intelligence gathering will be limited to matters related to the management and protection of natural and cultural resources and will be conducted strictly according to the law, and used with accepted practices and procedures.

8.6.2.2 Park wardens will not participate in intelligence gathering associated with a *Criminal Code* matter. This is the sole responsibility of the police service of jurisdiction.

8.6.2.3 Care will be taken to ensure that intelligence gathering activities undertaken by the Parks Canada Agency does not interfere with those being conducted by other organizations.

8.6.2.4 Intelligence information will normally be classified and handled as “Protected C – Law Enforcement”.

8.6.2.5 All intelligence information will be graded for reliability in accordance with the intelligence gathering process.

8.6.2.6 Where the source is a confidential human source (informant) the individual’s identity will be protected in accordance with guidelines found in point 8.6.3 (Confidential Human Sources Management).

8.6.2.7 The intelligence gathering process will be used to identify those persons believed involved in poaching and other activities detrimental to the natural or cultural resources in heritage place or on other lands or waters administered by the Parks Canada Agency.

8.6.2.8 Park wardens will routinely liaise with other intelligence units to facilitate the effective exchange and dissemination of law enforcement information.

8.6.2.9 Any criminal information incidentally obtained that may be of use to another law enforcement organization will be forwarded directly to that organization or to the applicable criminal intelligence service bureau via the Manager, Law Enforcement Operations.

8.6.2.10 How to Obtain Intelligence

8.6.2.10.1 Obtaining intelligence can be as simple as talking to people in local communities or people who are involved in illegal activities or whose lives are affected by illegal activities. Sources of intelligence include:

- Informants;
- Surveillance;
- Records (public and confidential). Use warrants where required;
- Associations (personal and organizational);
- Business activities;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Personal observations; and
- Other officers.

8.6.2.10.2 How to obtain results from intelligence gathering:

- Through routine contact and cooperation with other law enforcement organizations;
- Through continued awareness of resources at risk, potential illegal activities and subjects of interest in your area.

8.6.2.11 Roles and Responsibilities

8.6.2.11.1 For investigations of national or international scope, the office of the Director, Law Enforcement will coordinate intelligence gathering by:

- Maintaining a central repository and index for recording, correlating and disseminating intelligence information emanating from the Parks Canada Agency, as well as information received from outside organizations;
- Promoting the gathering, correlating and dissemination of intelligence information, within the Parks Canada Agency; and
- Communicating with and promoting cooperation amongst law enforcement organizations, police organizations and government bodies in Canada and the United States (e.g., U.S. Fish and Wildlife Service), to coordinate and promote the exchange of intelligence information relating to the Parks Canada Agency's mandate.

8.6.2.11.2 The intelligence role for park wardens shall be to:

- Elicit intelligence information through investigation or during performance of normal park warden functions, in cooperation with local law enforcement bodies and police services;
- Extract, correlate, record and forward pertinent intelligence information to the Manager, Law Enforcement Operations and exchange with other park wardens such intelligence information of interest and assistance as may be applicable;
- Communicate with local law enforcement organizations to gather, correlate and exchange intelligence information and develop reliable contacts in these organizations; and
- Conduct intelligence-gathering activities in relation to selected targets as approved by the Manager, Law Enforcement Operations and as set out in approved tactical plans.

8.6.2.11.3 The intelligence role for the Manager, Law Enforcement Operations or delegate shall be:

- To maintain close contact with heritage places, to keep abreast of all current developments in the field of violations against the legislation related to the Parks Canada Agency mandate (e.g., poaching);
- To approve intelligence gathering tactical plans;
- To liaise with other organizations to coordinate joint intelligence gathering operations that is within the scope of resources.
- Forward pertinent intelligence information to National Office and applicable area conservation or police organizations and to exchange with other organizations officers such intelligence information of interest and assistance as may be applicable;
- To communicate with other law enforcement and police organizations, or any other pertinent organization, for the purpose of gathering intelligence information and to develop reliable contacts in these organizations; this task may be delegated to a park warden;
- To coordinate intelligence gathering operations on selected targets as requested by a heritage place; and
- To provide, as required, intelligence analysis assistance to parks, sites or National Office.

8.6.2.12 Intelligence Data, Correspondence and Reporting

8.6.2.12.1 Intelligence files will be classified as Protected “C” – Law Enforcement and maintained under proper security.

8.6.2.12.2 Information from confidential sources will only be disseminated outside the Parks Canada Agency after consultation with the Manager, Law Enforcement Operations and upon the condition that:

- It is clearly understood that such information will not be used as evidence; and
- The information is paraphrased and passed on in such a manner that the identity of the source is not disclosed.

8.6.2.12.3 All intelligence information will be clearly marked as “Third Party” before it is disseminated within or outside the Parks Canada Agency.

8.6.2.12.4 Intelligence information often cannot be substantiated or proven, and can only be used as investigation leads. It is, therefore, essential that the Parks Canada Agency intelligence reports be compiled to meet the following requirements:

- The format of the report should facilitate quick and accurate extraction of the information, or dissemination of the report;
- Information shall be submitted in a concise and factual manner and graded uniformly according to the standards of reliability;
- Sources of information shall be recorded for future reference and possible re-interview; and
- Sensitive sources shall be protected against inadvertent disclosure of identity.

8.6.2.12.5 For the purpose of intelligence, all information (not sources) will be graded for reliability. It is also necessary to show whether the information or the source, at the time of that particular report, is available for court purposes. The abbreviation “/C” after each standard, shall indicate that the information or source is, at that time, available for court purposes. The absence of the “/C” notation indicates that the information and/or source is, at that time, not available for court purposes.

Grading standards are as follows:

STANDARD	ABBREVIATION
Completely Reliable – The information is reliable.	C/R or C/R/C
Believed Reliable – The investigator believes the information is reliable.	B/R or B/R/C
Unknown Reliability – The investigator is, at that time, unable to assess the information.	U/R or U/R/C
Doubtful Reliability – The information is of doubtful reliability.	D/R or D/R/C

8.6.2.12.6 In order to develop consistency in the reporting format, it is suggested that an intelligence report be divided into three parts.

- Part One: Information
 - Date – when the event occurred and when the investigator was advised;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Place – where the event occurred; and
- Facts – what occurred.

NOTE: It is important to clearly distinguish statements of fact and statements of opinion. When the source expresses an opinion, this should be clearly stated in the report with the basis for the opinion, if known. An opinion not identified as such can often be misleading. Names shown in the information portion should be identified, when first mentioned in the report whenever possible, including Finger Print Service (FPS) numbers, full name and date of birth. Repeated mention of a name once identified need not be expanded upon again in the same report, except in cases where two persons of similar names are referred to in one report. The application standard of reliability shall be shown in abbreviated form at the end of each portion of information being included.

- Part Two: Investigator's Comments

This portion will include comments on any difficulties encountered in assessing the information, motivation of the source (if relevant to the assessment of the information), how the source obtained the information, and further action intended. This section should also include references to instructions or previous reports, investigator's theories or conclusions, etc. When no information is being reported, the report will commence with the investigator's comments.

- Part Three: Source

This portion will include adequate identification of all overt sources who supplied the particulars in the information portion of that report, in order to facilitate future identification of the source for re-interview purposes, general assessment of the source, court purposes, or other reasons. Whenever the information originates with a sub-source, both the source and the sub-source shall be identified, if known.

When the true identity of a particularly sensitive source cannot be shown for valid reason in the source portion of the report, the following provisions will apply:

- Confidential or Human Source - In this case, the source will be known by his or her informant number as per policy. Numbering or coding informants should normally be restricted to those cases where inadvertent disclosure of identity might jeopardize the safety or curtail the future success of a source.

8.6.3 Confidential Human Sources Management

8.6.3.1 Parks Canada Agency recognizes that using confidential human sources (informants and agents) is a valued and necessary tool of law enforcement. It has been actively developing and handling human sources (informants and agents) as a vital part of its intelligence gathering process. Confidential sources are vital to the effective and efficient discharge of Parks Canada Agency's responsibilities, but experience in the law enforcement community has shown use of this information source is not without risk. Due to the demands that are placed on human sources, unique requirements are needed to ensure their safety.

8.6.3.2 The Parks Canada Agency will use and manage (develop, handle, report, protect and pay) human sources in accordance with accepted practice, established procedures and the law and to cultivate the use of human sources for both active and reactive resource protection.

8.6.3.3 Only people approved for the release of funds will pay for the information.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.6.3.4 Members of the Law Enforcement Branch will not solicit or accept, either directly or indirectly, any gift, token or benefit from a source.
- 8.6.3.5 The identity of a source will be protected at all times except when the administration of justice requires otherwise.
- 8.6.3.6 A source will not be directed to instigate or commit an offence, or act in such a way as to implant intent in others to commit a criminal act.
- 8.6.3.7 Sources in a foreign country will only be used with the approval of the Manager, Law Enforcement Operations and with the cooperation of an appropriate foreign organization.
- 8.6.3.8 A park warden will not ignore or withhold an executable warrant of committal for a source.
- 8.6.3.9 Human sources will be informed that they may:
- Volunteer information freely or at a cost;
 - Be requested to provide information of which he or she has knowledge;
 - Be asked to seek out information; and
 - Be asked to provide operational assistance, resources or facilities.
- 8.6.3.10 Parks Canada Agency has defined three categories of sources:
- Established Source;
 - Casual Source; and
 - Source under Development.

8.6.3.11 Guidelines for Information Prohibited by Law

- 8.6.3.11.1 A park warden will not seek information under circumstances prohibited by law.
- 8.6.3.11.2 If a park warden receives information under circumstances prohibited by law, they will report the circumstances to the Manager, Law Enforcement Operations as soon as possible.

8.6.3.12 Guidelines for Young Persons

- 8.6.3.12.1 A person under the age of 18 years will not be developed, tasked or paid as a source, but volunteered information may be accepted.
- 8.6.3.12.2 Should a young person want to volunteer information again, therefore giving the appearance of a relationship, the parent or guardian will be notified before accepting voluntary information from the young person a second time.
- 8.6.3.12.3 An exception to the rule occurs when young persons approach with information on parents committing a crime.

8.6.3.13 Guidelines for Developing and Handling Sources

- 8.6.3.13.1 A confidential source is a valuable asset to the Parks Canada Agency who is not in an employer–employee relationship. The park warden assigned responsibility for handling or developing such an asset must appreciate this relationship and the responsibilities that can be imposed on Parks Canada Agency in situations where a confidential source operates under Parks Canada Agency direction.
- 8.6.3.13.2 A park warden will not enter into any form of written agreement or contract with a source without approval of the Manager, Law Enforcement Operations.

8.6.3.14 Guidelines for Annual Interviews

- 8.6.3.14.1 A Manager, Law Enforcement Operations will ensure that an established source, who has provided information regularly over a period of one or more years, is interviewed annually by a park warden competent in source-handling and debriefing (other than the source's handler) to:
- Ensure that source–handler relations are stable;
 - Offer the source an opportunity to discuss any problems;
 - Confirm payment arrangements, if any; and
 - Confirm the receipt of all reported remunerations made to the source.

8.6.3.15 Guidelines for the Commission of Offences by Sources

- 8.6.3.15.1 A source will not be paid for information while under charge or while in custody, except:
- If the source is in custody or under charge for an unrelated summary conviction offence, or
 - Under extraordinary circumstances, for an unrelated indictable offence, with the approval of the Manager, Law Enforcement Operations provided such payment:
 - Does not bring the administration of justice into disrepute; and
 - Is made in a manner that does not infringe on custodial management practices.
- 8.6.3.15.2 A source charged with an offence, but not in custody, would not be directed in any manner that could constitute a breach of law or provide a defence to the charge being faced.

8.6.3.16 Guidelines for the Assessment of Sources and Information

- 8.6.3.16.1 Reliability assessments of sources and their information shall be included in each report on information received.
- 8.6.3.16.2 The following categories shall be used to grade sources and information: Completely Reliable, Believed Reliable, Unknown Reliability, and Doubtful Reliability.
- 8.6.3.16.3 Information that can be used for court purposes shall include a “C” in the assessment.

8.6.3.17 Policy for Source Records

- 8.6.3.17.1 A Resource Index Card will be maintained at the investigational level for all confidential sources.
- 8.6.3.17.2 An investigator will ensure that information related to a confidential source is entered into the informant file and intelligence program.
- 8.6.3.17.3 When it is necessary to protect the identity of a source or the information provided, a code number will be assigned and an assessment shall be made and submitted.

8.6.3.18 Guidelines for Debriefing Reports

- 8.6.3.18.1 A debriefing report will be submitted promptly after each meeting with a coded source.
- 8.6.3.18.2 Each handler will maintain a source contact log, in the source file, to record every contact with each coded source.

8.6.3.19 Guidelines for Payment and Audit

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.6.3.19.1 If any payment or benefit is required, persons in the following categories will not normally be used as confidential sources:
- Persons in custody who are under charge or conviction;
 - Persons who are under charge, or convicted of an offence and are waiting appeal, etc., but are not in custody;
 - Parolees or probationers; or
 - Persons whose status in Canada is subject to any stage of an immigration inquiry, or other quasi-judicial or judicial process.
- 8.6.3.19.2 As a general principle, there will be no deals, payments or other considerations for persons listed in the above point to act as confidential sources for ongoing major investigations.
- Any deviation from this principle must only be for serious cases and must have the concurrence of the Manager, Law Enforcement Operations.
 - In the case of a source that is incarcerated, consultation with the park warden or director of the institution is required.
 - If a parole forms part of the benefit being requested or proposed, senior parole officials (federal or provincial) must be consulted.
- Nothing in this part is intended to preclude a park warden from receiving volunteered information from any source and acting upon it, commiserate with the responsibilities conferred on her or him by law.
- 8.6.3.19.3 All financial payments to confidential sources will be made in full compliance with the provisions of the Management Directive on law enforcement.
- 8.6.3.19.4 A financial audit of the confidential sources budget will be conducted annually.
- 8.6.3.19.5 The audit will be confidential and conducted by a member of the Parks Canada Audit and Evaluation Branch.
- 8.6.3.19.6 If financial payments are to be made, receipts will be signed.
- 8.6.3.19.7 The expenditure of funds for the purchase of information from confidential human sources should only be made when there is no other means of obtaining that information.

8.6.4 Interviews

- 8.6.4.1 Park wardens are required to question victims, complainants, witnesses, and individuals suspected of committing offences against Parks Canada Agency's legislation.
- 8.6.4.2 Interviews are conducted with witnesses to gather evidence in the form of statements.
- 8.6.4.3 In order for statements from an accused to be admissible in court they must be given voluntarily and in accordance with the rules of evidence.
- 8.6.4.4 Interviews are typically conducted for the purposes of obtaining a written statement from a witness. Interviews should be conducted as follows:
- Statements should be obtained from all individuals involved in an incident if possible;
 - Interviews should be conducted as soon as possible after the event;
 - Witnesses may be required to testify in court and should be so informed;
 - If more than one individual is involved, they should not be allowed to discuss the event prior to being interviewed;

Parks Canada Agency Law Enforcement Administration and Operational Manual

- Multiple witnesses should be interviewed individually;
- Witnesses should be informed that statements will be subject to disclosure if court action takes place; and
- Individuals required to give testimony will be permitted to review any statements given to refresh their memories prior to giving testimony.

8.6.4.5 All interviews where a warning or caution has been given should be conducted as follows:

- Every accused must be informed that he or she has the right to speak to and be advised by legal counsel and that they need not say anything unless they wish to do so. It must be clear that he or she completely understands these rights.
- Special provisions apply for young persons;
- The accused must be given the opportunity to contact and speak with counsel in private;
- During the interview, there must be no threats or promises made, implied or otherwise;
- The environment in which the interview takes place should be non-threatening. It should take place in a room that ensures officer safety, privacy, and is free of distractions;
- Any verbal statement obtained should be recorded verbatim;
- Another officer should be present during the interrogation to take notes;
- A statement need not be written by the accused but it must be read by the accused upon completion. The statement should be signed by the accused and each page and any changes initialed;
- If at any time during the interview the accused wishes to terminate the questioning, his or her wishes must be complied with; and
- All interview with the accused during the interrogation, including all cautions and warnings, as well as the times administered, must be recorded in writing or otherwise.

8.6.5 Canadian Police Information Centre

8.6.5.1 The Parks Canada Agency maintains a category 2B (limited access, no input) status for the purposes of enhancing officer safety and investigation. The Parks Canada Agency will provide either direct or indirect access to Canadian Police Information Centre, in accordance with the procedures set out in this manual.

8.6.5.2 All use of Canadian Police Information Centre will conform to the Canadian Police Information Centre Users Manual. The manual will only be issued to Canadian Police Information Centre terminal holders.

8.6.5.3 The following may be authorized to gain access to, request, view or distribute Canadian Police Information Centre information:

- Peace officers; and
- Dispatch personnel with appropriate security clearance.

8.6.5.4 Whenever possible, for the purpose of officer safety, registered owner information and Canadian Name Index (CNI) information will be requested prior to stopping vehicles or suspects, or when investigating complaints.

8.6.5.5 Upon seizure of vehicles, vessels, firearms, articles, etc., the appropriate queries will be made through Canadian Police Information Centre to try to determine ownership.

Parks Canada Agency Law Enforcement Administration and Operational Manual

- 8.6.5.6 Where a Canadian Police Information Centre query generates an electronic response (a “hit”) regarding an individual, the park warden shall advise the police service of jurisdiction. This may relate to stolen vehicle or property, an outstanding warrant for arrest, or if the subject is of interest to the police.
- 8.6.5.7 Unless a memorandum of understanding with the Canadian Police Information Centre providing authorization is in place, information obtained from Canadian Police Information Centre by Parks Canada Agency personnel will not be disseminated to any other organization or department even if that organization or department has approved access to the system.
- 8.6.5.8 Supervisors will ensure that information concerning the conviction by indictment of an offender under the Canadian Police Information Centre or other relevant information concerning the offence is entered into the Canadian Police Information Centre system via the police service of jurisdiction.
- 8.6.5.9 Canadian Police Information Centre terminals will be housed in secure zones of a Parks Canada Agency facility as outlined in Section 6.3 (Facilities and Security).

8.7 Specialized Equipment

- 8.7.1 The Parks Canada Agency has a pool of specialized investigative equipment that resides with both Managers, Law Enforcement Operations and at heritage places. This equipment is available to enhance the law enforcement capabilities at heritage places.
- 8.7.2 The national inventory of specialized law enforcement equipment will be maintained by the Manager, Law Enforcement Programs. The inventory will include types of equipment, locations, availability for use, etc.
- 8.7.3 Loan agreements will provide for emergency recall of equipment.
- 8.7.4 If equipment is unavailable from the National Office pool, other service centres, heritage places will be contacted to request a loan of the needed equipment.
- 8.7.5 Application and Approval Process
- All requests for equipment must be in writing by the park warden;
 - The heritage place requesting the equipment should outline:
 - The type of equipment needed;
 - Loan period;
 - Preferred method of shipping; and
 - The reason for the request.

8.7.6 Equipment Accountability

- 8.7.6.1 Shipping requirements:
- Equipment will only be shipped to an individual and they will be responsible to:
 - Abide by the terms of the agreement for the loan;
 - Perform routine maintenance and care for the equipment; and
 - Return the equipment on the agreed date or arrange for an extension.
 - If any equipment is lost or damaged, it is the responsibility of the borrowing heritage place to repair or replace it.
 - Equipment loss or damage will be reported to the lender in writing, outlining the damage as soon as possible.
 - Normal wear and tear will be the responsibility of the custodian.

Parks Canada Agency Law Enforcement Administration and Operational Manual

8.7.7 Shipping Costs

- The custodian will absorb the cost of shipping to the requesting park via the most economical means.
- If any equipment is required on an emergency basis and the requesting park or site requires the equipment to be shipped by express or rush delivery, the requesting park will be responsible for all shipping costs.
- The equipment may be shipped collect.
- The requesting heritage place will be responsible for return shipping costs.
- If the equipment is not returned to the lender on the agreed upon date and the equipment is needed in an emergency, the borrowing park will be responsible for returning the equipment by the most expedient method possible.

8.7.8 Equipment may be loaned out to other law enforcement organizations with a signed agreement, as per all conditions outlined above.

Parks Canada Agency Law Enforcement Administration and Operational Manual

REFERENCES

Legal

1. *Access to Information Act*. S.C. c. A-1
2. *Canada Constitution Act*. S.C. 1982 c. 79
3. *Canada Labour Code*. R.S. 1985. c. L-2 (Canada Labour Code, Part II - January 2008)
4. *Canada National Marine Conservation Areas Act*. S.C. 2001. c. 18.
5. *Canada National Parks Act*. S.C. 2000. c. 32 and Regulations
6. *Canada Shipping Act*. 2001. c. 26
7. *Fisheries Act*. R.S. 1985. c. F-14.
8. *Canadian Charter of Rights and Freedoms*. Part I. *Constitution Act*, 1982.
9. *Contraventions Act*. S.C. 1992 c. 47
10. *Controlled Drugs and Substances Act*. S.C. 1996. c. 19
11. *Crown Liability and Proceedings Act*. R.S. 1985. c. C-50
12. *Criminal Code*. R.S. 1985. c. 46
13. *Cultural Property Export and Import Act*. R.S., 1985, c. C-51
14. *Department of Transport Act*. S.C. c. T-18.
15. *Firearms Act*. S.C. 1995. c. 39
16. Historic Canal Regulations. SOR/93-220 May 1993
17. *Historic Sites and Monuments Act*. R.S., 1985, c. H-4
18. *Interpretation Act*. R.S. 1985. c.I-21
19. *Migratory Bird Convention Act*. S.C. 1994. c.22
20. National Historic Parks Regulations. SOR/82-263.
21. *Parks Canada Agency Act*. S.C. 1998. c. 31.
22. *Privacy Act*. R.S. 1985. c. P-21.
23. Public Agents Firearms Regulations (1998)
24. *Royal Canadian Mounted Police Act*. R.S. 1985. c. R-10
25. *Saguenay-St. Lawrence Marine Park Act*. S.C. 1997, c.37.
26. Small Vessel Regulations C.R.C., c. 1487
27. *Species at Risk Act*. 2002. c. 29
28. *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. 1992. c. 52
29. *Youth Criminal Justice Act*. 2002. c. 1.

Procedural

1. A Reference Manual for Federal Enforcement Personnel on Harvesting by Métis. February 2007
2. *Black's Law Dictionary*, Henry Campbell Black, 6th Edition, 1990
3. Clients, Acquiring and Analyzing, Information, Partnerships, Response, Assessment (CAPRA), Community Policing Model, RCMP
4. Community Policing, Sir Robert Peel, 1829
5. *Customs Canada Enforcement Manual*, Customs and Excise Canada
6. Department of Canadian Heritage, *Information Technology Security Manual*
7. Federal Identity Program, *Standards*, 1998
8. Green Plan, Government of Canada, 1993
9. *Guiding Principles and Operational Policies*, Department of Environment, Parks Canada
10. IMIM/PDT Instructor's Manual, Parks Canada
11. Investigator's Guide. Parks Canada
12. Major Case Management Manual. Parks Canada
13. Memorandum of understanding between the Royal Canadian Mounted Police and Parks Canada, 1987
14. Parks Canada, *Clothing Manual (Under Review)*

Parks Canada Agency Law Enforcement Administration and Operational Manual

15. *Parks Canada, Code of Ethics* (February 1, 2006)
16. *Parks Canada Firearm Training Reference Manual* (August 2007)
17. *RCMP Operational (4) and Administration Manuals (26)*
18. *RCMP and Parks Canada, Study on Federal Criminal Law Enforcement, 1996-97*
19. *Statistics Canada, Uniform Crime Reporting Manual*