



O.C.O.A.
ONTARIO CONSERVATION OFFICERS
ASSOCIATION

Input for the
Ministry of Natural Resources
Enforcement Review

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Enforcement Branch
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Organizational Structure

1. COs now under 3 different A.D.M.s

- District COs – Field Services Division
- Lake COs –
- Parks COs- Parks Ontario

Recommendation

- Should be under same division to ensure consistent delivery of services

2. Director of Enforcement Branch is an advisor for delivery of Provincial Enforcement Program

- A consistent program is reliant on 3 Regional Directors, 3 Lake Managers, 3 Regional Parks Managers, as well as all the inline managers between them and the COs agreeing with the directions.

Recommendations

- The director of the Enforcement Branch needs to have a more direct line of command to ensure that field operations are consistent across the province.
- Direct inline supervision from Director to COs.

3. Provincial and Regional Enforcement Direction and advice to the Districts

- For provincial and regional goals and objectives to be achieved in a consistent manner districts require staff that are available for consultation on policy, procedure, legal direction. The advisers in the Branch are not able to fulfill this function, due to workload in Branch.
- Prior to 1992, each region had an Enforcement Specialist that was available to fulfill this role.

Recommendation

- OCOA recommends that a position be created in each region that will be able to provide the required direction to the districts to help ensure that the enforcement program is consistent regionally as well as provincially.
- This position should not be created at the expense of a District Conservation Officer position. Each region has a responsibility to provide an enforcement program and should be required to fund a position to ensure that the program is delivered consistently.

4. Filling of DES positions

- Over the last several years districts have had a difficult time attracting qualified people for their vacant DES positions.
- As a result some of these positions have been filled by people with little to no MNR or natural resource enforcement experience.

Recommendations

- The OCOA recommends that the Branch be involved in the selection of D.E.S.'s in the future to ensure a consistent level of skill and experience is in the DES positions province wide.
- The salary compression issue with the DES position should be resolved immediately.

5. Hiring New Conservation Officers

- The MNR had a long tradition of hiring new Conservation Officers from a provincial pool of contract staff.
- Many of these employees had been with the MNR in many different positions, in many different locations, for many years.
- This unofficial system was able to provide the MNR with new Conservation Officers with a vast amount of experience and skills that were developed over the years. It also served to help weed out undesirable candidates well before they became permanent staff.
- Since 1996, the MNR has had very few contract staff due to budget cuts to the MNR.
- This unofficial system that provided the MNR with qualified Conservation Officers that were ready to be productive as soon as they were outfitted with their equipment, is now gone.
- The experience and skills that newly hired Conservation Officers possess are continuing to decrease as the most qualified people continue to be hired. They are requiring a lot more coaching and mentoring before they are ready to be effective on their own, which serves to decrease the amount of protection resources are given.
- An extensive report on a Conservation Officer recruitment strategy, to deal with the above points and many others, was completed several years ago. OCOA members contributed extensively to that report, and were happy with the recommendations that came out of the effort.

Recommendations

- The OCOA recommends that the recommendations that were put forward in the Conservation Officer recruitment strategy be adopted to ensure that the right people are hired and can bring the right skills to assist their new districts to provide the resource protection required of them.
- Other ministries such as MOE and the OPP are attracting many of the qualified CO applicants by offering much higher wages. The RT4CO wage must be brought in line with other comparable enforcement agencies in the OPS.

Special Services

K-9

1. Concern has been raised about the cost of our K-9 program, relating to the benefit that the MNR enforcement program gets out of it.
 - The OCOA is and has always been a very strong supporter of the K-9 program. It has provided an investigative tool that has proven its worth on 1000s of investigations. Without the K-9 unit's assistance many of our very successful prosecutions may not have resulted in any charges being laid, or would have been a long and expensive trial instead of a guilty plea.
 - It is a very difficult thing to measure the value to resource protection through providing a deterrent to resource users. It has been proven that most people will not violate if they feel that they will or could get caught. The K-9 program has been very good at assisting the rest of the program to convince potential violators that they should not violate because they could get caught.
 - Public promotion of the MNR, enforcement program, and Conservation Officers is very important to ensuring that the Public and therefore the Ontario Government are aware of the importance of our work. If they do not know that we exist, it is very easy to cut us. The value of the 100s of demonstrations that our K-9 unit has done not only provide the deterrent that we require to be successful in protecting resources, but they have also provided a deterrent to the politicians who are constantly looking for \$\$ to remove from Ministry programs. These dogs do a lot more than any poster we can produce to raise the profile of the MNR Enforcement program.
 - We also feel that the program must remain centrally controlled. This will allow for resources to be managed for the good of the whole program and maintain consistency throughout. It will prevent District priorities from superseding provincial or regional priorities.

- The program must be funded to a level that will allow the dogs to be available to Conservation Officers in the field every time that they are needed. Operating and overtime dollars must be in place so that they are not a limiting factor to the effectiveness of the program.
- The program needs to be expanded to the Northwest Region so that those resources can receive the same protection that the NE and SC regions receive.
- No other group of MNR staff have promoted the enforcement program and the MNR as well as the canine handlers.

Flying CO program

1. Concern has been raised about the cost of our Aviation Enforcement Program (AEP), relating to the benefit that the MNR enforcement program gets out of it.

- A vast area of our province is only accessible by air.
- These areas used to get regular patrols back in the late 80s and early 90s.
- The cost of MNR aircraft for enforcement patrols became prohibitive in the mid – 90s, so these areas did not get the same level of protection.
- The Flying CO program was instituted to address this lack of protection at a reduced cost to the district and the program has been well received and utilized to the maximum extent that the programs funding would allow.
- The area that the AEP routinely works is an area that has very high quality fish and wildlife resources. The potential for resource abuse is very high, because it is so easy to take over limits of all the resources present.
- In recent years the resource managers for these areas have instituted more restrictive regulations to protect the high quality fishery at its current level.
- Without the AEP, COs would be severely disadvantaged in protecting our remote natural resources. The regulations put in place by resource managers will not be effective in meeting the objectives that they have established through public consultation.
- The AEP provides a needed deterrent to those who may consider violating, because it provides an opportunity to for them to be caught.
- In the last few years, the CO/Pilots have been required to use the Turbo Beaver, which has increased the operating costs, and has limited the number of hours that can be flown. The Turbo Beaver has also proven unsuitable for mobile surveillance.

Recommendations

- OCOA strongly supports the CO/pilot concept as an essential and valuable tool within the provincial enforcement program.

- The Aviation Enforcement Program (AEP) has been extensively evaluated and has proven its effectiveness time and time again, in provincial wide applications.
- We strongly urge the Enforcement Branch to push to get the 2 CO/pilot vacancies filled as soon as possible.
- We recommend that the Enforcement Branch ensure that the program is set up with an appropriate aircraft (not the Turbo Beaver) to ensure that it will be efficient, effective, affordable, and sustainable.
- We see the AEP as a regional/provincial resource that should be supervised at a Branch or Regional level.
- The CO/Pilots have filed a classification grievance and we recommend that the classification of these positions be dealt with to ensure that you can attract the best candidates for these positions. The RT5 classification may be a way of doing that.

District Investigator/ESSU

1. Intelligence Gathering and Management

- Collectively the 281 (minus 20 to 30 vacancies) COs in the province have a good idea what is happening and what is about to happen. Unfortunately, we are not effective at sharing the info with each other.
- For years the MNR has been trying to collect intelligence on serious natural resources violators. This data has been and continues to be in paper system. Little to no intelligence analysis has been performed on any of this information. Filing cabinets are no place for Intelligence information; it must be analyzed and put into use.
- All COs collect, record and manage intelligence in a different manner. Most COs have it in their head and remember it when something triggers it that is happening today. Some write it down and file it, some but it in the computer. None of this can be effectively shared.
- Intelligence needs to be collected with a purpose in mind. The OCOA feels that the MNR's main priority for gathering intelligence should be to ensure resource protection in provided. Therefore, intelligence should be analyzed from the perspective of "How do we stop this group/individual from violating"

Recommendations

- OCOA recommends that the MNR purchase the best and most flexible intelligence management and analysis software system.
- The system must make it easy for the field officer to input info and the DI and ESSU to access it.
- OCOA recommends that the MNR standardize the collection, recording and management of intelligence. A photograph is on of use if it is stored in a format that can not be used by the officer that needs it.

- Clear intelligence priorities and collection plans must be established and followed to ensure that information is usable.
- As part of the Intelligence process, investigations must be the main focus for intelligence use. Turning all the D.I.s into Intelligence Officers only will not serve the mandate of resource protection that the MNR has.

2. Special Investigations

- The OCOA is very happy with the success of the special projects that the MNR has carried out over the last several years. They have dealt with violators that could not have been apprehended through normal uniform investigations. They dealt with violators across the MNR's programs (i.e. forestry, aggregates, fish and wildlife, fire, lands, parks, etc.) They have provided good deterrents to the individuals and the public at large.
- Most, if not all investigations are planned and carried out with good, solid intelligence, professionally reviewed and professionally implemented.
- The DI program has flooded the E&SSU with project proposals relating to special investigations and not all can be implemented due to funding restrictions.
- There has been some criticism of projects that are carried out over several years. Many times this occurs because of the very short operating windows that such projects have to operate in. A special project centred around a deer hunting gang can only operate for 1 week a year and depending on the approach decided on, may only be able to contact the target 2 or 3 times in that week.
- Project authorization dates have been arbitrarily assigned to end on the end of the fiscal year. In doing this, no consideration was given to the operational needs of the project. This practice could have major negative impacts on the outcome of a special investigation.
- The current process for submitting a special project proposal is a very time consuming effort for the D.I.s, ESSU Staff, and Branch Staff, especially if the project has no chance of being approved due to funding, priorities, etc.
- The new Buy/Bust process has been working quite well. It has provided the field the ability to conduct buy/busts for simple investigations to get the best evidence available.
- D.I.s/COs are being assigned to provincial/regional special projects by districts at the request of ESSU. The D.I.s/COs are still considered to be and are the employee of the district. As a result, as district pressures come up the D.I.s/COs are being directed to district duties, thus leaving the provincial project.

Recommendations

- The OCOA recommends that funding for special projects be increased by making business cases for certain types of projects to other programs and MBS so that funding will come from outside the Branch envelope.
- Branch staff realise that not every special project can be a buy/bust situation because a “once in” approach will probably not give you a good overall view of the illegal activities. To be effective you need to know you are not treating a big fish like a small fish just for the sake of expediency.
- If significant changes are being suggested by the Director or other Branch staff in relation to a project proposal for a special project the OCOA recommends that the author of the project be contacted and have the changes discussed prior to changes being made. A change in an operational date, operatives utilized, etc, may make the project un-doable. This fact may not be evident to someone that is just reviewing the proposal.
- A process be set up to do a quick pre-screen of a proposed special projects that would contain basic info that can be compiled, written, and reviewed quickly. This would prevent lots of staff time being spent on a proposal that likely wouldn't get funded.
- The Buy/Bust process could be improved by addressing the delegation of authority that only allows the Director to issue Section 95 exemptions. He needs to be able to assign that duty to someone in charge during his absence. We can not have things grind to a halt if the director is on vacation.
- As the program continues to develop, we expect that our special investigations will get more complex. This will require that staff at all levels in the process will need to get better training to handle larger investigations. The OCOA recommends that the best special investigation training that is available be provided to ESSU, DI, UC Officers, COs, etc.
- If manpower resources are required for Provincial/Regional special projects for a substantial length of time, the D.I.s/COs should be seconded to the project and backfill \$\$ provided to the District(s) so that they can deal with there own district pressures.

3. Role of D.I./L.I.

- The DI is caught between intelligence and investigations. In most districts one of the two is suffering due to the workload of the other. Case law indicates that these two functions should be kept separate. How well are we doing that? Will it cost us greatly someday?
- The DI is also affected by the sometime contrasting priorities of the Branch and the District. D.I.s have been pulled out into uniform for extended periods to meet district field priorities. This has taken away

from the effectiveness of that District's DI Program, and the Branch's priorities.

- The DI position has the ability to focus his/her efforts on a priority without the same kinds of interruptions that a uniformed officer must contend with. (i.e. patrol area complaints, requirement to be out and visible in an area, etc.) This allows the DI to work on complex investigations that a uniformed officer would not have time to do. The success of this is proven every time a special investigation is successfully completed.

Recommendations

- The OCOA recommends that the DI program is maintained, but the role of it be better defined and communicated. This may ensure that the DI does not become an extra body for extended periods in the field.
- In some districts the DI role may need to be split between an Intelligence Officer and an Investigation officer due to workload.
- Better training in relation to Intelligence collection, management, and use, as well as Investigative management, and techniques needs to be provided to ensure that each DI is as effective as he can be. Role of D./L.I.
- Some places in the province the DI position is non-existent or is only partially utilized. To provide a province wide intelligence and investigative program the Branch will need to deal with this. This may be an indicator that non-enforcement staff making decisions affecting the enforcement program results in inconsistencies throughout the Province and from district to district.

MNR Training

1. Mandatory CO Training

- The OCOA is very supportive of the mandatory training program that has been developed by our trainers. They have developed specialized training packages for Conservation Officers that relate specifically to their specialized needs.
- The OCOA believes that this program is both efficient and effective.
- The current requirements for qualifying in use of force and firearms are adequate.
- Having an outside agency do our training would increase the over all cost and reduce our ability to tailor that training to our special needs. The OCOA would oppose any attempt to contract this program out of the MNR.

2. Other Training

- As this organization continues to evolve to meet new resource protection issues, new training must be provided to Conservation Officers to ensure that they continue to be as effective as possible. We are at a point right now that has left us in a bit of a training deficit on many new issues (i.e. wildlife in captivity, cultural training, intelligence management, non-traditional industry practices, etc)
- Our training staff needs to be given the resources (staff, funding, equipment, etc) to stay ahead of the trends that affect our role and effectiveness.

3. Funding issues

- Adequate overtime \$ must be available for trainers and trainees to make the courses as efficient as possible, as it relates to district workload. It is unreasonable to make a 2 day course last 4 days so that no travel time is required to be paid (i.e. firearms qualifications), or to make a 2 week course a 4 week course to prevent students from having to work overtime in the evenings to complete the workload (i.e. PITT). The result of this is a decreased effort in the field by officers, reduction in protection of the resource and that cost is born by the districts.
- Funding for training should be centralized. This would afford officers in the NW to have equal access to training at the LMFNRC. Presently, the travel costs are restrictive and these officers tend to miss opportunities.
- The classification, pay rates and schedule issues addressed in the HR section of this document must be addressed adequately to ensure that the best trainers are attracted and maintained in the program.

Resource Alignment

1. It is being considered what criteria should be relied on to evaluate the resources (staff, equipment, funding) required in each region/district to most effectively deliver the objectives of the program.
 - These are the criteria the OCOA feels are important to consider.
 - No district is over staffed.
 - The workload / officer has significantly increased since the mid 90s due to:
 - Increased responsibilities in the non-traditional resource protection areas (i.e. forestry, fire, aggregates, Wildlife in Captivity) Investigations in any of these areas are complex and very time consuming.

- Increase in more restrictive regulations to protect our natural resources (i.e. fish slot sizes, Land for Life Protected areas)
 - Increased recognition of impacts of organized crime groups on our natural resources.
 - Reduction in numbers of officers in districts since 1992
 - Non-filling of vacancies do to vacancy management sometimes for over 3 years
- The pressure on our natural resources throughout the province are continuing to increase due to:
 - Population increase
 - Increase in the number and types of ethnic groups using our natural resources. The values shown toward the resources and the use of the resources often differ from the traditional ethnic groups that we have become accustomed to dealing with. There has been and continues to be a learning curve on the part of the MNR and COs on how to be effective in dealing with these issues.
 - Population migration out of urban areas
 - Healthy Canadian and US economies increase demand and value for all our natural resources
 - Increase in public's mobility and desire to access remote areas, all increase the need to provide the best protection we are able to.

Criteria Available to be used

1. Cavors Data

- a. # of contacts in work area (district/lake/ area office/park)
 - i. Firstly this needs to be averaged out on a per officer basis. A district with 10 officers will contact more resources users than a district with 5.
 - ii. The division must be divided by the real number of officers in the districts. Many districts have had to keep vacancies so that operating \$\$ can be used to keep the remaining COs on the road. Parental, sick and other leaves decrease # of officers.
 - iii. Equipment resources can also affect the number of contacts that a district will be able to make. A district with a truck/officer will contact more people than a district where the officers have to share trucks or ride together even if all other variables are the same.
 - iv. The number and size of complex investigations will impact on the # of contacts as well. An officers who spends 3 weeks

on a timber investigation will only contact a few people in that time, while an officer in an other district who is out checking fisherman will contact 100s. Both are very busy and doing important work.

- v. Not all contacts are of equal value in resources protection. Checking 150 smelt fisherman on a dock on Lake Simcoe does not provide the same protection through deterrence as checking a known poacher in a very remote location where no one would be expected to be checked. Cavrs does not differentiate between these contacts.

b. # of charges/violations in work area (district/lake/ area office/park)

- i. As in a(i) these numbers will be affected by the # of officers
- ii. As in a (ii) leaves and vacancies must be figured in.
- iii. As in a (iii) equipment will affect the # and quality of charges.
- iv. As in a (iv) the complexity and thus the time required to complete an investigation are not easily extracted by with Cavrs.
- v. As in a (v) the quality and value of a charge are not easily determined by # out of Cavrs. Much of the time the value of the charge laid is often determined locally by “who is charged”. There are also local issues that are very important locally in the protection of resources that would not be apparent to anyone outside that district. (i.e. preventing travel on a closed road may do a great deal in one district to meet the objective of management of a sensitive fishery, while other districts consider it a land use issue)
- vi. Many of the non-traditional enforcement activities are very time consuming and often result in no charges, or very few charges being laid. That does not mean that that time was not well spent and important to the objectives of the provincial enforcement programs.

c. Compliance rates determined by the # of violations detected divided by the # of contacts.

- i. You must try to figure in all of the things stated in section a and b to ensure that you value all the numbers properly.
- ii. An area may be in the habit of targeting high violation areas and spending less time on the more valuable and time consuming complex investigations or quality contacts. Cavrs #s will not catch this.

2. Local Population in Area

- a. The size of the local population in an area can have a real affect on the workload it generates. In districts with a city population the administrative workload (phone calls, inquiries) is vastly increased.
- b. The resource protection work can also be very much increased after factoring in # 3 and 4

3. Local Population Use of Resources (type, amount)

- a. The amount that the local population uses the natural resources had a very big affect on the amount of workload in an area. In most small towns in Northern Ontario over 50% of the residents will typically hunt and fish. This makes the number of potential violators much higher than in a town the same size where most of the residents have grown up in an urban area and are not interested in consumptive use of the resource.
- b. The culture as it relates to poaching within a community will also affect the amount of work required to be effective in resource protection. A community with hunters and fisherman who have maintained an "I will get what I can, while I can" attitude can require a lot more man hours to control than a community full of occasional hunters and fisherman.
- c. The Ethnic makeup of a community may affect the attitudes toward and the use of the resources locally.
 - i. Attitude – Some ethnic groups have a vastly different attitude toward the use of resources than we have traditionally dealt with in the past. Taking everything that is available while there, no matter the species, size, etc, was the way to survive in their country of origin and these attitudes seem to have remained with some of them here in Ontario as well.
 - ii. Attitude – Law enforcement officers in some countries are held in very low esteem and in some cases are to be feared. Some people who have lived through or were taught these things are now living in Ontario. This attitude makes it difficult for Ontario officers to be as effective as they are dealing with people who have a similar background to themselves. There is an increased workload to ensure that the community policing objectives are being met due to the lack of understanding that many officers have of some of the local cultures.
 - iii. Use - Dealing with a community of people who prefer non-traditional species of fish (carp, sunfish), is much different than dealing with one that focuses on the at risk game fish (rainbow). The use of other non-traditional resources (i.e. asian medicine, species at risk, etc) by ethnic groups has

also vastly increased local workload for Officers in some areas.

4. Types and vulnerability of resources being used in area

- a. An area of the province with a large population, but few natural resources locally will have a population that will travel away from the area to use the resources. They will have a significant administration workload (phone call, inquires, etc) but less resource protection issues (field checks). They may however be the markets for the resources that are being harvested in other places. Thus requiring larger investigations.
- b. An area that is rich with resources will attract local and tourist users. Thus requiring an increased field presence to ensure that over harvest is discouraged.
- c. The value and the vulnerability of the resources in an area will also contribute to the workload required to protect it. A vastly sought after resource that is sensitive to over harvest (i.e. ice fished lake trout, Lake Simcoe whitefish) requires more effort than one that is in good shape.

5. # of Resources Users coming into area from outside (tourists)

- a. An area with a low local population can have a large number of resource users coming in on a seasonal or year round basis. An area with good resources that is located near a large centre can have a very large influx of resource users that can have a major impact on the resources sustainability.
- b. This also occurs in some of the remotest areas of the province on a seasonal basis.(i.e. moose hunt, fishing seasons, fish runs, etc)
- c. As a result, the workload can fluctuate between seasons. The area is way under staffed when tourists are pressuring the resources. Then after the tourists have left the number of officers appear not to be justified by the resource use by local populations. To staff at the lower level can have a real impact on the resources sustainability due to over harvest by the tourists.

6. Types and # of Industries operating in area.

- a. With an increased focus on non-traditional resource use enforcement by Conservation Officers the workload can no longer be tied directly to the amount of hunting and fishing that occurs in an area. Officers are spending many more hours working on lengthy and complicated investigations involving the Timber, Aggregate, Wildlife in Captivity, Fire, Lands programs.
- b. The number and types of industries that a district has operating in it has an affect on the workload and must be taken into account when determining staffing and operational resources. Officer spending their time doing inspections on industry may have few contacts and

no violations to report reflecting a high compliance rate that can be misinterpreted through the CAVRS statistics.

7. Size of and access within patrol areas

- a. The size of a patrol area has a major affect on the effectiveness of the officer who is responsible for it. An area that requires traveling long distances to get from one “hot spot” to another decreases the officer’s effectiveness and therefore increases the workload. Obviously, an officer who has a smaller area that allows him to check 20 “hot spots” in a day will be more effective just due to his presence.
- b. Access
 - i. An area that has difficult access (remote) will require more effort to manage it. It may or may not also limit the number of users, thus requiring less effort. We, however, believe that the violation rate in remote areas is typically higher due to the fact that resource users have less fear of being caught. This can put the resources in these areas at a greater risk of exploitation than the ones in areas with more use.
 - ii. Areas with lots of access mean that resource users have many more locations to harvest from. This increases the number of locations officers must monitor, which decreases their effectiveness. A Stream with a single access point can be monitored much easier than one with 40.

8. The level at which we are prepared to maintain resource populations (definition of sustainable)

- a. The level that we are prepared to allow our resources to decline prior to identifying them for more protection impacts on what each district’s workload is.
 - i. It is hopefully obvious that enforcement protection should be a priority for resources whose populations are down to a point that they are in danger of depletion. The effort to protect that population should be increased, the workload that results should be recognized, and the staffing and operational resources should be allocated.
 - ii. What protection do we provide to those populations that are being maintained or even of a higher than normal quality? For example, the fish population in most of our “fly-in lakes” is very good and they provide our tourist industry with a high quality fishery that is difficult to find anywhere else in North America. This generates large quantities of income for this province from US tourists. If this fishery were allowed to degrade to a lower quality, tourists would not come; they would go to cheaper drive in locations at home.

- iii. The OCOA believes that the MNR is mandated with maintaining or increasing the current resource populations and to ensure that we maintain or increase the quality and quantity of our resources for the benefit of future populations. To do that the MNR must not allow over harvest of any populations due to lack of enforcement effort. The staffing and operational resources must be assigned to meet this goal.

9. Other pressures on Staff Resources

- a. Conservation Officers are being pulled in many different directions, which adds to the workload within a district.
 - i. Enforcement Promotions
 - 1. The number and size of game and fish shows that occur in an area will impact on the district's workload
 - 2. The number and types of media outlets can increase the workload on an enforcement program in a district. A local television station who likes to run stories about opening day activities, etc can eat up a fair bit of staff time for preparation, and actually doing the interviews
 - 3. The number of game and fish clubs and other interest groups in an area can impact on the number of days a officer is available to go to the field, if they are being sent to attend meetings as part of a community outreach plan.
 - ii. Resources Management Plan input
 - 1. Input from officers into Timber Management Plans can be a very time consuming effort. Since COs are the staff that are out on the ground and therefore have local knowledge, they are often asked to provide input into these plans.
 - iii. Resource Survey Work
 - 1. Many COs spend many hours each year assisting in moose surveys in their districts. They often are some of the most experienced at doing them in the district and are essential to ensuring that they are completed properly.
 - iv. Customer Inquiries
 - 1. A fair bit of time is spent by every CO in the province responding to questions from the public and MNR staff about our legislation, resources, etc. This

workload is not captured by Cavrs, because it does not fall into any category.

Conservation Officer Authorities

Natural Resources Legislation

1. FWCA

- Powers are good

Recommendation

- Recommend a section be include like in the Environmental Protection Act (Section 163) that allows for Warrants to be issued to allow investigative tools (i.e. dialled number recorders, video surveillance on private land, GPS tracking, etc.) These warrants are currently only available to Conservation Officers for Federal Investigations.
- Recommend a section be included that will increase the options available to courts to sentence offenders. A section like Section 79 of the Fisheries Act would allow courts to impose a wide variety of penalties and conditions on offenders that are now not available. Things like not possessing sporting (hunting or fishing) equipment, refraining from specific activities, etc that would make re-offending more difficult. This type of sentencing has been used very effectively in the Fisheries Act, and would be a great asset in the FWCA.

2. Wildlife in Captivity Regulations

- As Conservation Officers and other staff work with the regulations controlling the different wildlife in captivity industries (i.e. falconry, zoos, wildlife custodians, reptile and amphibians, etc) they are finding that there are many legislative holes that need to be fixed. It is being found that the legislative shortcomings are preventing staff from protecting the resources they were intended to.
- Many of these deficiencies have been discovered during investigations into violations of the intent of the legislation. As the investigation proceeded it was discovered that the intent of the law was violated, but the wording was not.
- The bandits in the industries we are trying to regulate, not only know the ins and outs of their industry, better than we do, but in many cases also know the loop holes available to them better than most MNR Staff.

Recommendations

- OCOA recommends that a committee be established by the Enforcement Branch to determine what the legislative holes are and what changes are required to fix them
- The committee should be made up of a cross section of staff who deals with the regulations from different perspectives. (i.e. District Investigator, Senior Allocation Technician, District Biologist, Conservation Officer, WIC Staff, Enforcement Branch Staff, etc.)

3. Fisheries Act

- Powers are good within Province (need delegation/appointment for situations where investigations cross Provincial boundaries)
- Due to a provincial/federal dispute in 1997 not related to natural resource protection, the provincial government decided to decree that Ontario Conservation Officers would not enforce section 35 (offence of destruction of fisheries habitat) of this act.
- Fisheries habitat protection has suffered due to this decision over the 6 years.

Recommendations

- The OCOA recommends that MNR Policy change to allow Conservation Officers to again enforce Section 35. It is inefficient and ineffective to be responsible for the rest of the act and the regulations, but not one section.

4. Ontario Fishery Regulations

- Too much time is being spent by Conservation Officer who have issued Fisheries Tickets for low fine offences in preparation for court and in court. It is not unusual for an officer to have to spend up to 5 hours preparing for court and in court for a ticket returning only \$50 to the MNR.
- The Prosecution of some of these offences is also becoming costly to districts who are being forced to must use MNR Legal Services and private lawyers to prosecute simple fishery cases.
- This is not effective and especially not efficient.

Recommendations

- The MNR put a major push on to get the Ontario Fisheries Regulations under the Contravention Act. This has been promised for years and needed to happen years ago.

5. WAPPRIITA

- Ontario Conservation Officers have no powers in this act
- The Act provides legislative tools to deal with inter-provincial trade in plants and wildlife.
- These tools would be very useful when dealing with commercial trade.
- We request that Conservation Officers be named as officers in this piece of legislation.

6. Species at Risk Act

- A new federal act that will be enacted in the next few months.
- It will be a very important tool to protect the listed species at risk as well as its habitat.
- It will deal with flora and fauna.
- FWCA and the Endangered Species Act do not offer any protection to many species at risk.
- Species at Risk habitat currently has no legislative protection in Ontario unless the species is listed as endangered.
- We request that Conservation Officers be named as officers in this piece of legislation to enhance enforcement efforts in protecting species at risk.

Public Safety Legislation

1. Liquor Licence Act

- Everyday Conservation Officers, while engaged in natural resource enforcement, come into contact with individuals who are violating the Liquor Licence Act, by drinking alcohol in a boat, in a vehicle or away from a lawful location.
- Some of these situations involve individuals that are or could put themselves or others at risk.
- The image of all legal resource users (especially anglers and hunters) is hurt by the actions of a few who break liquor laws without being dealt with.
- Currently COs must turn and walk away from these potentially dangerous situations. This gives the appearance to the public at large that MNR condones and supports this activity.
- What is the liability of the MNR and the officer if something happens that injures the individual or others.
- The issue of regulatory negligence has been raised.
- The current situation is not efficient, or effective.

Recommendations

- A review of the impacts of COs taking this on has been completed. We request that the recommendations in that report be adopted
- The OCOA recommends that the Ontario Conservation Officers be given the power to enforce the Liquor Licence Act so that they will be able to deal with potentially dangerous situations involving alcohol when contacting natural resources users.

2. Canada Shipping Act (Small Vessel, Collision, Competency Regs)

- Ontario Conservation Officer contact more small vessels than any other enforcement agencies in Ontario.
- COs make these contacts throughout the open water season on every sized water body. Many of these locations have never seen an OPP, except to drag for drowning victims
- COs have no authority to deal with dangerous situations that they encounter while doing their core duties.
- What is the liability of the MNR and the officer if something happens that injures the individual or others.
- The issue of regulatory negligence has been raised.
- The current situation is not efficient, or effective.
- A review of the impacts of COs taking this on has been completed. We request that the recommendations in that report be adopted
- The OCOA recommends that the Ontario Conservation Officers be given the power to enforce the Small Vessel Regs.,etc so that they will be able to deal with potentially dangerous situations involving alcohol when contacting natural resources users.
- The solution could be as simple as a designation from the Federal Minister.

3. Highway Traffic Act

- HTA is the act that gives enforcement officer the right to speed and the right to direct traffic.
- Conservation Officers do not have the authority to speed or to direct traffic
- COs must speed to carry out mobile surveillance activities as well as routine vehicle stops along our highways.
- COs must direct traffic during high profile road checks
- This situation puts our Conservation Officers in a very serious liability situation while performing duties that are essential to accomplishing the objective of our role in resource protection.
- Conservation Officers need to be given the right to speed and direct traffic under the HTA so that they can legally do their job. (i.e. mobile surveillance, road checks, etc.)

Recommendation

- All of the public safety concerns expressed above have been an issue raised by the OCOA for many years. They need to be fixed before the MNR and a Conservation Officer ends up in a civil court. We have been very lucky to this date, but luck does not last forever.
- All of the public safety concerns expressed above can be fixed by giving Conservation Officers police authority as has been done in many other provinces and states.
- Brian Morrison wrote a report, on this issue, and the OCOA recommends that the recommendations made in that report be adopted and acted on.
- The issue of the CO's "Peace Officer" status must be clearly stated in legislation. This could be resolved, along with many other public safety enforcement issues, with the "Special Constable Status".

HR Issues

1. Conservation Officer's Job Spec and pay rate.

- Conservation Officers are currently being paid \$5000+ below a first class constable of the OPP and \$10000+ below an EO5.
- At negotiations with OPSEU in the spring of 2002 the special case demand request of 18 to 24% was answered with a pay increase of 4%.
- Conservation Officers were insulted by that increase. The issue is still very much on the minds of Conservation Officers and has a real potential to affect moral to such a degree that the enforcement program will be affected significantly.
- The OPP are just about to ratify a contract that will pay a first class constable \$72000 at the end of their 3 year contract. That will put Conservation Officers about \$11000 behind them in 3 years. In 1990 when Conservation Officers were reclassified to RT4 the pay rate was set so that the difference between them and OPP was \$1500.
- The Conservation Officers stating that the current PDR is out of date and needs to be revised have filed a grievance. Once a new PDR is written and accepted, the COs want it compared to the EO5 Class Standard and adjust the pay rate accordingly.
- For this whole process to work management needs to recognize that Conservation Officers are under paid compared to other OPS enforcement/investigative staff and work toward an equitable solution.

2. Trainers, ESSU Investigator, Pilots

- The trainers and ESSU investigators have classification grievances in and the MNR has agreed to deal with them by creating an RT5

classification. The OCOA was encouraged to see that the MNR appeared to want to deal with these issues.

- The length of time (1 year) that it has been since the announcement and still no pay increase for these COs is very concerning.
- It has also been rumoured that the RT5 could remain in Schedule 6. The OCOA believes that Schedule 6 will have a very negative affect on retaining and attracting quality staff to these positions. If the MNR is serious about becoming an intelligence driven agency quality people must be in these positions.
- The OCOA recommends that Schedule 3/7 or 4/7 be assigned to these positions.

3. DES Classification

- DES's are currently being paid far less than Area Supervisors are.
- Many of them supervise more staff and have a higher liability concern for their staff's activities than most Area Supervisors.
- It is our impression that very many issues within the district seem to become an "enforcement issue" when they are about to become contentious. Making them the problem of the DES and not the Area Supervisor, who is paid for being an "issues manager".
- DES positions are being filled with people with little, to no MNR enforcement experience. Very qualified Conservation Officers are not bidding on these positions.
- Often interviews are being conducted with no enforcement staff involved or staff with "out-of-date" enforcement experience, due to being out of touch with the program for many years.
- Interviews are being held with no enforcement related questions being asked whatsoever. Candidates are being informed that "we opted for the non-enforcement person this time".
- The lack of adequate pay for these positions is preventing qualified people from bidding on them. Most field officers with overtime are paid more than their supervisors.
- The MNR has and will continue to have a very large number of Conservation Officers retire over the next several years. This has and will continue to necessitate the hiring of brand new Conservation Officers throughout the province. Adequate supervision of these new staff will be vital to ensure that they are trained and directed properly.
- This issue must be solved as quickly as possible, because inexperienced supervisors will be in these positions for a very long time and will affect the quality of field operations, and future Conservation Officers for years to come.
- The OCOA recommends that the DES's be bumped up to at least the same classification as the Area Supervisors immediately and

have that increase be retro-active to Jan 1, 2002, which was the date that the current pay level for COs came into affect.

Conservation Officer Equipment

1. Bulk Purchasing of Equipment.

- The MNR has worked on many co-operative projects with the OPP over the last several years. Many have worked very well for both agencies.
- Much of the equipment that Conservation Officers use on a day to day basis is also used by the OPP to some extent.
- With the number of officers the OPP must outfit with equipment and the number and variety of specialty units they possess, they buy a lot of equipment and supplies in large quantities and as a result receive special consideration on cost of much of it.

Recommendations

- OCOA recommends that the Enforcement Branch explore with the OPP opportunities to include our orders for equipment and supplies with orders being placed by the OPP thus allowing us to receive the benefit of bulk ordering.
- We are not recommending that the Enforcement Branch just utilize whatever equipment or supplies the OPP happens to utilize. The MNR must still analyze Conservation Officers requirements and ensure that the equipment and supplies meet those requirements.

2. High profile Conservation Officer Vehicles

- OCOA is a strong supporter of Super Trucks and the visual identity package that goes with them. They were developed by a committee with OCOA representation on it and have proven their value province wide over the last 6 years.
- OCOA is happy that the Enforcement Branch has recognized that the current system for replacement of Conservation Officer vehicles with new Super Trucks was not effective, or sustainable due to the cost.
- OCOA supports the use of capital dollars to put in place a provincially controlled and replaced Super Truck fleet for field Conservation Officers across the province.
- OCOA is very concerned that the capital dollar request for replacing the current Conservation Officers fleet was not enough to actually put a truck under every Conservation Officer in the province. In most districts the current district Conservation Officer fleet is being reduced by one or two trucks.
- This reduction in trucks will result in fewer Conservation Officer Days in the field and less protection for our natural resources throughout the year.

- Fewer trucks used by more officers will result in the need for replacement happening sooner.
- More importantly, it will require Conservation Officers to pair up during peak periods (i.e. moose hunt, deer hunt, fish runs, hunting and fishing opening days) when our resources are under the most pressure and can least afford a reduction in protection.
- OCOA was also disappointed that the DI program was not included in the provincial fleet management plan.

Recommendations

- OCOA recommends that the number of Super Trucks be increased provincially to allow all Conservation Officers to have a truck, so that resource protection will not be limited by the number of trucks available for district operations.
- Include DI fleet in this program. This would allow these vehicles to be moved around to ensure that they are not burnt and will remain effective for a longer period.
- There are field Conservation Officer activities that need to take place using unmarked vehicles to be effective. This reality needs to also be considered as part of the entire vehicle strategy.
- Committee be set up to ensure that proper equipment specs are chosen. It must have a strong field Conservation Officer representation on that committee. This committee should also be tasked with developing a standardized identification package for ATV, Snowmachines, and vessels.

Conservation Officer Funding

1. Operating Dollars

- In 1996 the operational funding that each Conservation Officer received was set at \$ 15000. That amount has remained consistent until today. The cost of operating a Conservation Officer has not remained consistent.
- There are over \$6500 in non-discretionary costs removed from the \$15000 allocation prior to the year beginning for things like office infrastructure, computer leasing, sat. phones access fees, Fleetnet radio fees, mandatory training.
- The rest must be used to pay for, uniform replacement, travel expenses, vehicle, vessel and equipment maintenance and replacement, cell and sat. phone usage cost, non-mandatory training, vehicle and vessel fuel costs, etc.
- A patrol truck that is filled twice a week at \$60 per fill-up will cost \$6200 per year just for fuel.

- Almost every district in the province has to subsidize their Conservation Officer operations from other programs to keep them operating for the entire year.

Recommendation

- The OCOA knows that Conservation Officer operations are not being funded to an adequate level to allow them to provide protection for 12 months a year.
- The OCOA has always said that it is not an acceptable option to park Conservation officers during parts of the year because inadequate funding is being provided. Our resources require 12 months of protection.
- The other programs in a district should not be required to fund CO operations to ensure that year round protection is provided within the district.
- Operational funding levels for each Conservation Officers in the province must be increased to a level that will pay for the operational costs for the entire year.

2. Overtime Dollars

- In the fiscal year of 2001/2002 Conservation Officers accumulated 11.8 man-years of compensating time by working authorized overtime.
- This number was lower than previous years due to a couple of factors
 - CO's were on strike for last 2 weeks of year, during the southern Ontario fish run
 - Some COs had refused to work any overtime because they were not getting paid.
- The average authorized compensating time accumulated by Conservation Officers in a normal year has been closer to 13 man-years.
- This winter a Grievance Settlement Board ruling prevented the MNR from authorizing overtime to be compensated with compensating time only. The manager must be prepared to pay for any authorized overtime as prescribed in the collective agreement.
- The work that was being done by Conservation Officers by working overtime is vital to provide the protection mandated the MNR.
- Conservation Officers can not provide adequate protection without working overtime.
- Without overtime dollars, 13 man-years of work will not be accomplished. All the reasons that required Conservation Officers to work that overtime over the last several years continue to exist.
- Much of this overtime was accumulated dealing with ongoing investigation, during peak periods (fish runs, moose hunt), or on call outs for ongoing violations.

- It is unacceptable to not provide the protection during peak periods or to not conduct investigations just because the MNR can no longer approve it only for compensating time.

Recommendation

- The OCOA feels that the overtime approval guidelines that the MNR put out after the Grievance Settlement Boards decision were a very good start at coming up with a reasonable way of determining when overtime should be approved.
- They were a little more restrictive than we felt was necessary.
- The guidelines will only work if proper funding is in place to allow managers to pay Conservation Officer for the overtime that falls under the Guidelines. The guidelines mean nothing without proper funding.
- Provincially the MNR must allocate additional salary dollars to pay for Conservation Officer overtime that will be accumulated under the guidelines in place.

3. Filling of Conservation Officers Positions

- In 1996 it was decided that the MNR would maintain a minimum of 281 Conservation Officer badges in the province. That number has, and continues to be committed to by the Minister.
- In the last 7 years this number of badges has been a number only. Due to a lack of Conservation Officer operating funding and district pressures to manage A salary many field Conservation Officer positions have been left vacant for excessive lengths of time (some over 3 years).
- There have consistently been between 15 to 23 district Conservation Officers vacancies in the province.
- A survey conducted by the OCOA in the fall of 2002 showed that the vacancies at that time had resulted in a loss of over 40 CO years of enforcement.

Recommendations

- The OCOA urges that the MNR live up to the commitments of our Minister and ensure that all Conservation Officer positions are filled as soon as they become vacant.
- For this to realistically occur, the operating and overtime funding issues identified previously must be addressed. Each district would love to fill all their CO positions, but when it would result in having to park all of the COs for part of the year to make budgets balance, it makes no sense to fill it.