Bylaw Enforcement Officer Program Review

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for

Justice and Public Safety Division of the Justice Institute of British Columbia

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Introduction

With approximately 3000 Bylaw Enforcement Officers in the Province of British Columbia, they are arguably the largest body of unregulated enforcement officials in the province. Collectively, there is no standardized selection process, no standardized training regimen and no consistent application of use of force training and no agreed upon set of policies governing their duties.

Each municipality or local government body deploys Bylaw Enforcement Officers in ways that suit the needs of the community with some communities potentially assuming significant liabilities when tasking these officers. Fortunately for Bylaw Enforcement Officers and local governments no officers have been seriously harmed although there have been instances where officers have narrowly avoided severe injury. Also, local governments have not been assessed large civil penalties for actions of Bylaw Enforcement Officers. This good fortune can be mostly attributed to the professionalism and cautious nature of Bylaw Enforcement Officers and that a vast majority of the work done by these officers is focused on compliance and not enforcement duties. The more lower-level social disorder and criminal duties they assume that were once the sole responsibility of police without appropriate changes to Bylaw Enforcement Officer selection, training and policies then the probability of serious injury and costly legal judgments will increase.

The lack of consistent standards for selection, training and policies for by-law officers has been a concern of many officers throughout the Province and has been consistently expressed through LIBOA. A decision was made to review risk mitigation and training among Bylaw Enforcement Officers (BEO’s) after a series of meetings that took place in February and March of 2011 between the Justice Institute of British Columbia (JIBC) and the District of West Vancouver Bylaw & Licensing Department (District). The subject of these initial meetings pertained to proposed traffic stop training which the District wanted the JIBC to develop. The need for traffic stop training was prompted by an expansion of the mandate of Bylaw Enforcement Officers in the District of West Vancouver.

The initial meetings between the JIBC and the District resulted in the need to clarify, among other things, the specific authorities that BEO’s have in order to perform their duties. Unfortunately, these initial questions did not have clear answers and many more issues and questions surfaced regarding the role of BEO’s in the Province of British Columbia.

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1 Throughout this report the term Bylaw Enforcement Officers will be used and should be interpreted to include licence inspectors, property use inspectors, animal control officers, building inspectors and fire prevention officers.
2 License Inspectors and Bylaw Officers Association
In an attempt to gain some clarity on the situation, both Police Services Division of British Columbia and the License Inspectors and Bylaw Officers Association of British Columbia (LIBOA) were contacted. It was at this point where it was determined that LIBOA and many municipalities in the province were struggling for answers to a myriad of issues pertaining to the status of Bylaw Enforcement Officers as peace officers in the Province of British Columbia. These issues included such areas as use of force\(^3\), training, accountability, equipment and the changing mandate of BEO’s in the province. As a result, it became clear that a study was required in order to obtain some clarity in relation to the role and mandate of Bylaw Officers in British Columbia. It also became clear that the study should be directed to all Bylaw Officers and not just one specific municipality.

LIBOA made a very distinct decision to involve itself and support the creation of this review with the intent of supporting change provincially as no one municipality is going to effect change alone. The scope of the issue necessitated a province-wide review in order to gauge the roles and develop recommendations for change across the province.

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\(^3\) The term “use of force” is meant to describe an complex continuum of potential responses officers may use when responding to threatening situations. These responses include options such as “physical presence, communication, physical control, intermediate weapons and lethal force.” Also included in this continuum is tactical re-positioning which is sometimes meant to mean simply backing away from the situation.
Project Objectives

Project objectives included:

1. Conducting a comprehensive review of Bylaw & Licensing operations pertaining to the role of Bylaw Officers in the Province of British Columbia.

2. Conducting an analysis of risk mitigation strategies (including recruitment, selection and training) relating to Bylaw Officers operating as peace officers.

3. Reviewing existing legislative requirements for designating Bylaw Enforcement Officer status, as well as use of force (including accountability and governance).

4. Reviewing the mandates of a select number of municipal Bylaw Departments in British Columbia, including the roles of Bylaw Officers in those jurisdictions and the training they receive.

5. Reviewing governance, accountability mechanisms and risk management strategies for Bylaw Officers.

6. Reviewing Occupational Health & Safety requirements for Bylaw Officers for current duties and for anticipated responsibilities.

7. Drafting report with recommendations.

Project Methodology: Overview

This project required a comprehensive analysis of the mandate of Bylaw Enforcement Officers in a select group of municipalities in British Columbia. The review examined the mandate, selection, and training of Bylaw Enforcement Officers as well as examined relevant policies, procedures, regarding the governance and management of risk for officers. The review also examined the jurisdictional responsibility and, to a limited extent, examined the role the Province might play in standardizing Bylaw Officer duties and responsibilities.

The proposed work plan included:

1. Meeting with the Project Manager and representatives from municipalities (clients) participating in the review.

2. Identifying the core competencies, knowledge, skills and abilities required to be a Bylaw Officer.

3. Reviewing legislative authorities for municipal Bylaw Officers operating in the Province of British Columbia.
4. Conducting a comparative analysis of several municipal Bylaw Departments in British Columbia and an environmental scan of select Canadian jurisdictions to examine responsibilities, governance, accountability and risk mitigation strategies.

5. Conducting an analysis of recruitment, selection and training of Bylaw Officers.

6. Reviewing Occupational Health & Safety requirements and how the mandate of Bylaw Officers impacts employer obligations.

7. Drafting a report and reviewing findings with the Project Manager and LIBOA.
Findings

One of the most significant discussions concerning this review was the legal status of Bylaw Enforcement Officers. In all likelihood, they would be considered by all levels of the Canadian legal system as peace officers but there is some doubt since nowhere in statute are they defined as such. Without being officially acknowledged, in law, as peace officers, an important element of risk mitigation is missing. Without being designated as peace officers, Bylaw Enforcement Officers may not have the ability to make arrests as peace officers and therefore afforded protections under law (as peace officers) for force they may use while making arrests. Additionally, designating BEO’s as peace officers will make it clearer to the public that they are officers under the law and penalties for obstruction and assault against them will be taken seriously by the courts. Finally, designating BEO’s as peace officers makes it clearer to other law enforcement agencies the authorities of Bylaw Enforcement Officers.

The following section examines the question about the legal status of BEO’s and what some other options may be available to communities in the absence of any distinction in statute.

Are Bylaw Enforcement Officers “Peace Officers”?

Bylaw Enforcement Officers (BEO’s) conduct several duties that are similar to duties conducted by other law enforcement authorities (e.g. police, conservation officers, fishery officers) such as:

- entering private and public property
- searching and seizing property
- demanding identification from persons

Bylaw Enforcement Officers are part of a general cadre of individuals who the local and provincial governments ask to conduct compliance and enforcement duties. Other agencies include:

- liquor licence inspectors
- motor vehicle inspectors which includes: commercial vehicle inspectors, area vehicle inspectors, carrier safety inspectors, and dangerous goods inspectors
- conservation officers
- WorkSafe BC field investigators
Many of these professions require their officers conduct compliance inspections and investigations where they also enter private property, search and seize property and demand identification from individuals. By the very nature of the work, these professions encounter people who are uncooperative and, at times, aggressive towards the officers. The status of “peace officer” becomes an important tool that affords these professionals a mantle of authority recognized by the Courts and provides officers with a level of legal protection for actions that they are authorized under law to conduct. It is unclear whether Bylaw officers are, in fact, peace officers. Four statutory sources and case law sheds some light on this.

*Criminal Code of Canada*

Section 2 of the Criminal Code of Canada (R.S.C., 1985, c. C-46) provides a definition of peace officer where the most relevant subsection is:

> “peace officer” includes
> (c) a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process, [emphasis added]

Loosely translating section 2, Bylaw Enforcement Officers could be considered to be persons “employed for the preservation and maintenance of the public peace.” There have been several Provincial Court decisions which have also reached this conclusion (see discussion below) however, these lower court decisions have not yet been affirmed in higher courts such as Provincial Supreme Court, Provincial Court of Appeal or the Supreme Court of Canada. Clarifying this in statute would be helpful.

*Police Act of British Columbia*

The *Police Act* [RSBC 1996] C. 367 defines a “Bylaw enforcement officer” as someone appointed under section 36 which states:

36 (1) Bylaw enforcement officers may be appointed,

(a) by a municipal police board, or

(b) if there is no municipal police board in a municipality, by the municipal council.

(2) A Bylaw enforcement officer must be paid the remuneration and is appointed for the term that the municipal police board or municipal council determines.

(3) A Bylaw enforcement officer must, under the direction of the chief constable or officer in charge of the detachment of police operating in the municipality, perform
the functions and duties, and has the powers, privileges and responsibilities respecting the enforcement of municipal Bylaws, that the municipal police board or municipal council specifies in the appointment.

In order for Bylaw Enforcement Officers to be considered “peace officers” under the Police Act, they would need to be appointed by the municipal police board or by municipal council and be under the direction of the municipal chief constable or the officer in charge of the detachment. The inference from this is that local government would not necessarily be in direct control (i.e. governance) of Bylaw officers if they were appointed under s. 36 of the Police Act. Since Bylaw officers are not currently directed by municipal police board or under the direction of the municipal chief constable or the officer in charge of the detachment, it is debatable whether they are considered peace officers under the Police Act. The role of the Bylaw Enforcement Officer may have changed considerably since this section of the Police Act was originally drafted (1996) and it may be time to re-visit the definition under section 36.

Community Charter

The third piece of legislation where the designation of peace officer may arise is the Community Charter SBC 2003 c.26. The Community Charter does not specifically refer to Bylaw Enforcement Officers as being “peace officers.” Mostly, the Charter refers to “officers”, municipal employees, or specific types of officers such as in s. 49:

"animal control officer" means

(a) a municipal employee, officer or agent designated by the council as an animal control officer for the purposes of this section, or

(b) a peace officer;

This section implies that “municipal employees, officers or agent(s)” may be different from peace officers.

The Union of BC Municipalities (UBCM) may be seen as an important advocate for local governments wishing to effect change for all Bylaw Enforcement Officers in British Columbia. UBCM could lobby for change to the Community Charter that would see Bylaw Enforcement Officers designated as peace officers and UBCM could support initiatives aimed at establishing standards for Bylaw Enforcement Officer training and equipment throughout the Province.

Local community Charters seems to make the same distinction for example, the Vancouver Community Charter SBC 1953 c. 55 states:

324.1 (1) In this section:

"animal control officer" means
(a) an employee, officer or agent designated by the Council as an
animal control officer for the purposes of this section, or
(b) a peace officer;

Local Government Act [RSBC 1996] c.323

The purpose of the Local Government Act [RSBC 1996] c.323 is

“to provide a legal framework and foundation for the establishment and continuation of
local governments to represent the interests and respond to the needs of their
communities” (s.1)

Further, s. 196 stipulates that boards

(a) must, by Bylaw, establish officer positions in relation to the powers, duties and
functions under sections 198 [corporate administration] and 199 [financial
administration], with titles it considers appropriate,
(b) may, by Bylaw, establish other officer positions for its regional district, with titles it
considers appropriate, and
(c) may, by Bylaw or resolution, assign powers, duties and functions to those officer
positions.

(2) For certainty,

(a) a board may assign to an officer position powers, duties and functions in addition to
those required or permitted to be assigned by this Act or another enactment, and
(b) the same person may be appointed to 2 or more officer positions.

This section indicates that the position of “officer” must be established in Bylaws.

While not meant to be a legal analysis, the above statutes do not lift the confusion as to whether
Bylaw officers are, in statute, “peace officers”. Again, imbedding a definition in the Community
Charter, the Police Act or in a new piece of legislation would remove the confusion.

Since Bylaw officers are not specifically named as peace officers under statute, the next step is to
see if the courts have interpreted existing statute in a way that allows us to infer that Bylaw
Enforcement Officers are peace officers.
Referring to a legal brief by Don Howieson⁴, there are two Provincial Court rulings that found Bylaw Enforcement officers to be peace officers.

Mr. Howieson argues that BEO’s are peace officers based on his interpretation of case law. Specifically, in R. v. Jones⁵, where two men were charged with obstruction of a peace officer after they freed their two dogs from an animal control officer who had placed the two dogs in his work vehicle. The trial judge referred to a Saskatchewan Court of Appeal decision in 1923 where “the court noted that the term “public peace” extended beyond specific crimes to “an all embracing atmosphere”. ⁶ Howieson considers this a liberal interpretation of the law.

Howieson refers to another case to answer the question of whether Bylaw Enforcement Officers have the ability to use reasonable force but in so doing Howieson provides further evidence of the (lower) courts presumption that Bylaw Enforcement Officers are peace officers. In this case, Bylaw Enforcement Officers were investigating the case of a vicious dog when the owner of the dog assaulted the officers⁷. The Bylaw Enforcement Officers arrested the man and in so doing exercised force. The trial judge referred to section 25 of the Criminal Code of Canada to justify the use of force by the Bylaw Enforcement Officers.

25. (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

(a) as a private person,

(b) as a peace officer or public officer,

(c) in aid of a peace officer or public officer, or

(d) by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

These Provincial Court rulings accept the persuasive argument that Bylaw officers are, de facto, peace officers as described by section 2 of the Criminal Code of Canada. Of course, these rulings can be re-interpreted by higher courts and the more prudent action would be to firmly define Bylaw Enforcement Officers as peace officers in statute.

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⁴ Howieson, Don (November 27th, 2009) “The Appointment and Powers of a Bylaw Enforcement Officer” Young, Anderson, Barristers and Solicitors, Vancouver, B.C.
⁵ [1975] 5 W.W.R. 97 as cited in Howieson
⁷ Unreported case of Woodward v. the Capital Regional District
Arrests without Warrant

A concern some individuals have about peace officer appointments is that there might be unbridled expansion of enforcement powers for, in this case, Bylaw Enforcement Officers. This concern arises mostly from analysis of enforcement powers under the *Criminal Code of Canada* and other types of Federal legislation. For example, section 495 describes the arrest provisions of a “peace officer”:

**Arrest without warrant by peace officer**

495. (1) A peace officer may arrest without warrant

(a) a person who has committed an indictable offence or who, on reasonable grounds, he believes has committed or is about to commit an indictable offence;

(b) a person whom he finds committing a criminal offence; or

(c) a person in respect of whom he has reasonable grounds to believe that a warrant of arrest or committal, in any form set out in Part XXVIII in relation thereto, is in force within the territorial jurisdiction in which the person is found.

This section, combined with fact that many police officers (a class of persons defined under s. 2 of the Criminal Code as peace officers) hold the powers of their office both on and off duty, might imply that Bylaw officers who are appointed as peace officers may enjoy similar authorities as police officers. Fortunately, there can be restrictions to the powers of a peace officer. The following discussion uses special provincial constables as an exemplar but the core principles are the same as will be shown.8

Special provincial constables are currently appointed under section 9 of the *Police Act* S.B.C., 1988, c.53. They no longer work under the direction or supervision of the RCMP but are accountable to their employers. The Ministry of Environment is the largest employer of special constables.

The confusion on the scope of authority for special provincial constables lies, in part, with the same confusion about whether Bylaw Enforcement Officers are peace officers specifically, what is the definition of a peace officer?

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8 A complete discussion of the status of the special provincial constable is beyond the scope of this paper. See McIntyre, Jill (1991) *Special Provincial Constables: A Plan for Accountability* for a more complete review of the status of special provincial constables.
Subsection s. 2 (c) of the Criminal Code of Canada implies that special provincial constables have “full” peace officer status however, case law interprets these sections very differently. R. v. Beaman (1963) 2 C.C.C. 97 reviewed a case involving the obstruction of a game warden under the Game Act of New Brunswick. In his decision, Ritchie J. stated:

“In my view, the provisions of s. 18 of the Game Act not only purport to give but do give every game warden the powers of a constable and therefore of a peace officer within meaning of ss. 2(30)(c) and 110 of the Cr. Code. I agree that these powers are limited to provincial laws and are conferred for the purpose of the Game Act but this does not alter the fact that any person who willfully obstructs a game warden in the execution of his duties under that Act is committing the indictable offence of willfully obstructing a peace officer in the execution of his duties...”

Beaman establishes that the powers of a constable can be limited by legislation (in this case, New Brunswick Game Act). R. v. Laramee (1972), 9 C.C.C. (2d) 433, (N.W.T. Mag. Ct.) distinguishes between the “office of constable” and the “appointment” of constable.

The “office of constable” is discussed in A.G. New South Wales v. Perpetual Trustee [1955] A.C. 457. This case was instrumental in clarifying that constables are holders of a special “office” independent of the usual ties linking employee and employer. The authority of the constable is seen to be “original” and not one that has been delegated to him. In this sense, the constable is not in a master-servant relationship with the employer.

In his decision, de Weerdt J. stated that any evidence indicating a person is a peace officer (and therefore holds a special “office”) must be examined in light of any contradictory evidence. In Laramee, de Weerdt J. held that the officer involved was in fact appointed a “by-law enforcement officer” and that while

“he may be clothed under the Municipal Ordinance with all the powers, rights and protections afforded to a peace officer by the Criminal Code for the purposes (and no more than that) of by-law enforcement. ... Beyond the scope of by-law enforcement, however, such constables are like every other citizen and have no special authority or powers” [emphasis added].
One question arises is whether the Province can limit powers set out in the *Criminal Code*. McIntyre’s analysis of this question concludes that provinces can limit powers ascribed to “peace officers” in the *Criminal Code*.

“The limitation of powers will be found to be within the province’s responsibility for the “administration of justice” under the British North America Act and section 8 of the Constitution Act.⁹ The point has not been expressly decided by the Supreme Court of Canada ¹⁰ but the appeal courts of Saskatchewan ¹¹ and Alberta ¹² have confirmed the constitutional authority of the province to limit powers of peace officers.” ¹³

Special provincial constables receive their authorities from three sources:

- by statute
- appointment under section 9 of the *Police Act*
- policies and procedures including duties specified in job descriptions

and as such, their authorities can be similarly restrained.

**Authorities Restricted through Statute**

An example of an enforcement body in British Columbia whose officers are designated as peace officer under statute is conservation officers. They receive their authorities under several statutes. For example:

*Fisheries Act* (Canada)

- conservation officers are designated as fishery officers through an order from the Privy Council

*Game Farm Act* (Canada)

- refers to “inspectors” but definition does not include conservation officers. Ministry of Environment has no written authority permitting conservation officers to enforce this Act

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¹⁰ But see *Di Iorio and Fountaine v. Warden of the Common Jail of Montreal and Burnet et al.* (1976) 33 C.C.C. (2d) 289 (S.C.C.)


¹² *Regina v. Whiskeyjack and Whiskeyjack* op.cit

¹³ McIntyre, Jill (1991) *Special Provincial Constables: A Plan for Accountability* p.17
**Migratory Birds Convention Act**

- section 6(1) states that “The Minister may appoint game officers for carrying out this Act and the regulations, and may authorize the game officers to exercise the powers of a justice of the peace or of a police constable” [emphasis added]. The Ministry of Environment has received authorization for conservation officers to enforce this Act. It is unclear whether BC conservation officers have acted as justices of the peace.

**Motor Vehicle (All Terrain) Act**

- “enforcement officer” includes a conservation officer

**Trespass Act**

- section 13.1(3) states that “peace officer” includes conservation officer under the *Wildlife Act*

**Authorities Restricted through Appointment (under section 9 of the Police Act)**

Section 9 states the following:

9(1) “The minister may appoint persons he considers suitable as special provincial constables

9(2) A special provincial constable appointed under subsection (1) shall be appointed for the term the minister specifies in the appointment.

9(3) *Subject to restrictions the minister specifies in the appointment*, a special provincial constable has the powers, duties and immunities of a provincial constable.” [emphasis added]

McIntyre (1991:34) suggests that appointments that are specifically restrictive to statutes and sections within statutes are preferred to more broadly stated appointments. For example, the following appointment implies that a special constable has few restrictions as to his/her authority:

“... I appoint [name] as a special provincial constable in the Province of British Columbia, for a term of 12 months commencing on the [date] for the sole purpose of duties as a conservation officer with the Ministry of Environment.” [emphasis added]

The special constable appointment was intended to fill the gap existing between full police officer status and private citizen. It could be argued that the Bylaw enforcement officer
designation was designed to also distinguish between the authorities of a fully exempted police officer and the authorities of a private citizen. A specifically restricted appointment would seem to accomplish the goal of filling this gap. A minor problem with a more specific appointment (where sections of statutes are referenced) is that there may be changes made to statutes during the life of the appointment that would require re-drafting of each appointment.

Certainly, any appointments under Provincial legislation would increase the need for more effective controls regarding training, inspection and accountability. Furthermore, there may be a requirement for agencies seeking Provincial appointments to indemnify the relevant Ministry against torts committed by officers under that appointment.

**Authorities Restricted through Policies and Procedures**

Occupational job descriptions, policies and procedures provide employers with other legal forms of restricting the authorities of employees. Unfortunately, a typical problem arises where employees’ duties are described using vague language which is difficult to translate into the language often found in statutes. The result is broad interpretations of duties and how they should be performed.

In many work situations, there may be sufficient time to gain clarification of duties and respective boundaries but sometimes in law enforcement work (including Bylaw enforcement) situations can be dynamic and officers can find themselves without immediate access to supervisors for advice. The result could be poor decisions by officers that open the employer to litigation.

Organizational policies act as statements of principle for organizations. They are best based on clearly articulated organizational values supported by sound theories. Poorly written policies, therefore, will lead to ill-informed procedures for conducting assigned duties. Unfortunately when this occurs in law enforcement, officers are often left grappling for guidance and in rapidly unfolding emergency circumstances may make incorrect and potentially risk inducing decisions. The result of poor decisions may expose officers to physical harm as well as criminal and civil liabilities while also exposing the organization to civil liabilities. Improved training, clearer policies and better defined peace officer status may help reduce these risks.

Bylaw enforcement officers can therefore have their peace officer authorities narrowly defined first through statute, second through letters of (Provincial) appointment and third through well drafted policies and procedures which, if done Province-wide could assist municipalities with governance and the reduction of potential liabilities.

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14 The nature of the work of some Bylaw enforcement units operating in British Columbia is that they may be 100’s of kilometers away from the office and being unable to contact their supervisors by electronic means to seek advice, particularly in remote rural settings.
Recommendation:

- It is recommended that municipalities make changes to their Bylaws or Community Charters by defining Bylaw officers as peace officers.
- It is recommended that the Province entrench the definition of Bylaw officers as peace officers in Provincial legislation.
- It is recommended that municipalities should review their current enforcement practices and by statute, letters of appointment and through well-drafted policies ensure the authority of Bylaw Officers is narrowed to appropriately fit the mandate of the community.

Bylaw Officer Duties

The duties of Bylaw officers in British Columbia are extremely varied. Some small communities ask Bylaw Enforcement Officers to be generalists with a range of duties that would be assigned to specialists in more urban communities. Examples of such urban designations include:

- Animal Control
- Park Rangers
- Building Inspectors
- Electrical Inspectors
- Property Use inspectors
- Plumbing and Gas Inspector
- Environmental protection Officer
- Parking Enforcement Officers
- Construction Inspectors
- Streets use Inspector

While specific knowledge, skills and abilities (KSA’s) for each of these positions may vary by assigned duties, this program review determined the most common set of duties of the Bylaw Enforcement Officer in British Columbia along with both general and specific KSA’s.
The consultant met with approximately 25 Bylaw officers from the 19 different communities:

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<th>Burnaby</th>
<th>Maple Ridge</th>
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<td>Capital Regional District (Victoria)</td>
<td>Nanaimo</td>
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<td>Cariboo Regional District</td>
<td>Prince George</td>
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<td>Coquitlam</td>
<td>Quesnel</td>
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<td>Delta</td>
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<td>Langley Township</td>
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| Table 1: Communities participating in Task Analysis and Risk Mitigation Focus Group |

**Task Analysis**

Job descriptions were obtained from all of the above 19 communities. The consultant used this information to conduct an in-depth task analysis with a focus group of 25 Bylaw Enforcement Officers who met in Merritt, BC.

The consultant first presented to the group a description of all individual activities culled from the job descriptions. Participants were then asked to add activities they felt were not reflected in the existing job descriptions. From this array of activities, participants were asked to arrange the activities into logical groupings and then label each group (now called a competency) --- see Appendix A for complete description. Participants were given certain parameters for thinking about their occupational duties. Participants were advised that:

- Activities or tasks should begin with strong, active verbs
- Activities should be discrete (i.e. one activity or task per box) and that activities should not be repeated. For example, if Bylaw Enforcement Officers indicated that one of their tasks was to “identify sources of evidence for an investigation” then that activity was to be placed into the competency for which it was most relevant and that an operational assumption would be that if other competencies also included that task then it need not be repeated.
- The complexity of each task in a competency should increase in complexity moving from left to right in the task chart
- Competencies generally increase in complexity moving top to bottom

Ultimately, the task chart will identify a set of knowledge, skills and abilities necessary to effectively conduct the duties of a Bylaw Enforcement Officer.
Table 2 provides a brief description of the competency labels and the first three activities related to each competency. See Appendix A for details.

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<th>COMPTENCY</th>
<th>INDIVIDUAL ACTIVITIES OR TASKS ASSOCIATED WITH THE COMPETENCY</th>
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<tr>
<td>ASSESSING INITIAL COMPLAINTS</td>
<td>Receive complaint, Document complaint, Assess geographic and agency jurisdiction</td>
</tr>
<tr>
<td>CONDUCT INVESTIGATION</td>
<td>Identify sources of evidence for investigation, Develop operational plan for investigation, Secure evidence</td>
</tr>
<tr>
<td>CONDUCT LEGAL PROCESSES</td>
<td>Determine if compliant, Apply for search and entry warrants, Execute search or entry warrants</td>
</tr>
<tr>
<td>CONDUCT INSPECTIONS</td>
<td>Inspect properties (nuisance, weeds, businesses etc), Inspect vehicles such as large trucks, taxis, Assist law enforcement officers</td>
</tr>
<tr>
<td>CONDUCT INTERVIEWS</td>
<td>Locate witnesses, Check identification, Conduct non-warned conversation</td>
</tr>
<tr>
<td>CONDUCT ANIMAL CONTROL</td>
<td>Maintain animal pound, Assess health and welfare of animals, Respond to dangerous animals (dogs)</td>
</tr>
<tr>
<td>CONDUCT PATROL (INCL PROACTIVE)</td>
<td>Travel to inspection site, Document initial observations, Identify resources for inspection including external agencies</td>
</tr>
<tr>
<td>CONDUCT ADMIN DUTIES</td>
<td>Maintain files and records, Demonstrate computer skills, Compile statistics</td>
</tr>
<tr>
<td>DEMONSTRATE PROFESSIONAL CONDUCT</td>
<td>Act with professional ethics, Maintain healthy lifestyle, Maintain positive public image regarding self and equipment</td>
</tr>
<tr>
<td>PRACTICE EFFECTIVE COMMUNICATION SKILLS</td>
<td>Maintain notebook according to ideal standards, Draft letters, memos, briefing notes, Communicate with diverse cultures</td>
</tr>
<tr>
<td>PRACTICE OFFICER SAFETY</td>
<td>Determine environ, social and economic risks, Maintain officer safety training standards, Defuse conflict where appropriate</td>
</tr>
</tbody>
</table>

Table 2: Competencies and Tasks for Bylaw Enforcement Officers (an excerpt)

The following is an example demonstrating how tasks increase in complexity moving from left to right along a row in the competency *Conduct Inspections*:

<table>
<thead>
<tr>
<th>Inspect properties (nuisance, weeds, businesses etc)</th>
<th>Inspect vehicles such as large trucks, taxis</th>
<th>Assist law enforcement officers</th>
<th>Inspect medical marijuana grow-ops</th>
<th>Inspect sidewalks on business premises</th>
<th>Inspect drug-related properties and police involvement</th>
<th>Coordinate multi-agency inspections</th>
<th>Conduct multi-agency inspections</th>
<th>Record data from inspection</th>
</tr>
</thead>
</table>

In this competency, the knowledge, skills and abilities necessary to inspect drug-related properties with police is far greater than those necessary to inspect nuisance weeds. Also, “coordinating multi-agency inspections” and “conducting multi-agency inspections” are more complex than tasks further to the left of the row. While “recording data from inspections” is not a
highly complex task, it is placed at the end of this row because it culminates the activities generally associated with conducting inspections.

Table 2 has three over-lay competencies (shaded) that Bylaw officers state are constantly practiced and considered important at all times. For example, it is expected that a Bylaw enforcement officer would demonstrate professionalism regardless of which other competency he/she may be conducting.

A final step in the task analysis was to determine the relative importance of the competencies and the frequency with which they are undertaken.

Determining the importance and frequency with which specific competencies are done has direct relevance to curricula designers and policy makers interested in mitigating risk. In any occupation, there are tasks that are routine but present minimal risk to the employees. Similarly, there are tasks that present significant risk. In some cases, managers can mitigate risk by deciding that employees will not conduct some of the less frequently conducted tasks that have higher associated risk. Managers may find that there are tasks that are done infrequently but are integral to the agency’s mandate. In these cases, managers may increase training and/or safety equipment to mitigate those risks. Regardless of what managers wish to do, a first step is to determine the relative importance and frequency of conducted tasks.

**Description of Relative Weightings of Competencies:**

Participants were asked to determine the relative importance and frequency of each of the competencies by comparing each competency to another in a pair-wise progression. For example, Competency A would be compared with Competency B, and then Competency C etc. until all pairings were completed. The process would then be continued with Competency B until all combinations of pairs were completed. The overlay competencies Demonstrate Professional Conduct, Practice Effective Communication Skills, and Practice Officer Safety were not included in this process since they are considered always important and practiced all the time.

One important aspect of this analysis to keep in mind is that some municipalities assign officers to exclusively conduct specific activities such as animal control. The following discussion applies to the general Bylaw officer.

Bylaw officers were first asked to determine the relative frequency of each pair of competencies. For example, participants were asked, “In an average year, how frequently do you Assess Initial Complaints compared to Conducting an Investigation?”
Participants were the asked to rate their responses using the following scale:

<table>
<thead>
<tr>
<th>6</th>
<th>5</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Absolute</strong></td>
<td><strong>Strong</strong></td>
<td><strong>Slight</strong></td>
<td><strong>Equal</strong></td>
<td><strong>Slight</strong></td>
<td><strong>Strong</strong></td>
<td><strong>Absolute</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Assess Initial Complaints  Conduct an Investigation

In the above example, the coloured shading indicates that participants believed that “Assessing Initial Complaints” was done much more frequently than “Conduct an Investigation”. Participants then compared the first competency with the next until all possible permutations were completed. A software-based algorithm calculated the relative weightings of the competencies based on frequency.

A similar process was conducted to determine relative importance of each competency compared to all others. Participants were asked to not consider the frequency with which they conduct any of the competencies since some groups of activities are conducted infrequently but are extremely important and *vice versa*. To assist participants in putting this into proper perspective, they were asked to consider the consequences of their actions if they failed to satisfactorily complete the competency. Charts 1 and 2 describe the results

**Chart 1: Relative Frequency of Competencies**

- **Conduct Legal Processes**: 27.8%
- **Conduct Patrol Activities**: 17.6%
- **Conduct Inspections**: 13.8%
- **Conduct Investigations**: 11.2%
- **Conduct Interviews**: 6.1%
- **Conduct Administrative Duties**: 5.8%
- **Conduct Animal Control**: 5.5%
- **Assess Initial Complaints**: 3.2%

---

15 This scale measurement cannot realistically be used in the exercise because using it implies that the other competency is completely irrelevant.
Chart 1 reveals that Bylaw officers spend approximately 70% of their time:

- Conducting Legal Processes (27.8%)
- Conducting Patrol Activities (17.6%)
- Conducting Inspections (13.8%)
- Conducting Investigations (11.2%)

Intuitively, this makes sense. Managers will be able to mitigate risk, draft policies or assign specific training for officers in higher-risk specialties accordingly. A separate section of this report will outline the types of risks officers are facing when conducting their duties.

Chart 2 describes what Bylaw officers indicated were the relative importance of competencies.

**Chart 2: Relative Importance of Competencies**

![Chart showing relative importance of competencies](image)

**Note:** The numbers in the horizontal axis of Chart 2 have no meaning since the chart is merely a reflection of relative importance unlike in Chart 1 where percentage of time was the relative measure.

Not surprisingly, the most important competencies are the ones that involve an “investigation” leading to a legal process. In some cases, activities associated with these competencies also involve Bylaw officers working with other law enforcement agencies to investigate complex
investigative files such as drug houses, animal cruelty and the movement of commercial vehicles through municipalities.

**Range of Duties**

Charts 1 and 2 also demonstrate a shift in orientation for bylaw enforcement units. Historically, bylaw enforcement departments emphasized an administrative/compliance-oriented constellation of activities and some still retain that focus. This seems to be changing to an investigative and enforcement-oriented series of activities.

Compliance and enforcement are not dichotomous terms but represent abstract end points. The reality is that there has always been a range of activities with an emphasis on compliance whereas now there is a shift by bylaw departments to include more enforcement-oriented work. Compliance without an enforcement component is as ineffective as enforcement without the educative elements of compliance. When municipalities task bylaw officers with ensuring compliance and enforcement of lower-level social issues or matters that are mildly criminal in nature that were once primarily the responsibility of police then those municipalities need to guarantee that bylaw officers have proper authorities, training and governance to do their jobs.

It is important to note that range of duties for Bylaw Enforcement Officers varies considerably between communities. Some communities emphasize a more compliance and educative model while others ask their officers to do more enforcement. In some cases, this is reflected in the officers’ uniforms where some communities have officers dressed in paramilitary clothing (dark shirts and pants, black boots, and a heavy duty belts complete with ASP batons, OC spray and handcuffs) while others choose a more muted approach to a uniform.16

This variance in mandate and function produces several significant challenges especially related to risk management and in the current one-size fits all training curriculum --- a point that will be further explored in this report.

The range of duties reflects local governments’ prerogative of determining the scope of duties of bylaw officers. To some extent however, the scope of these duties is shaped by resources available to local governments. Some of the duties now assumed by some bylaw departments are a direct result of local police agencies off-loading responsibilities, being unable to attend to these duties because of inadequate resources or, at the very least, being happy to allow bylaw enforcement units to conduct duties such as: stopping commercial vehicles traveling through residential areas, moving homeless people and squatters from public spaces such as parks and abandoned buildings, monitoring and, in some cases, dispersing people from noisy parties held in community facilities thus enabling police to focus on other matters.

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16 Not all municipalities are issuing batons, OC spray and handcuffs.
Police will assist BEO’s if necessary and when police resources are available. Another aspect to this is that bylaw enforcement units have access to a wide range of local legislation that can complement the mandate of police. In many cases, bylaw officers assist police in dealing with drug houses because bylaw enforcement officers can invoke privilege under local bylaws to deal with illegal suites, licensing issues and animal control. From a risk mitigation point of view, this can be problematic because Bylaw Enforcement Officers could be inadvertently getting involved in things that are clearly outside their mandate. This can result in bylaw officers being physically exposed to danger and could also result in municipal or regional governments being exposed to civil liabilities. Similarly, it may distract police officers from their mandate as they may feel they need to monitor and protect lesser trained and equipped BEO’s during a dynamic investigation.

Municipal councils also get caught in the challenge of managing finite resources. Jurisdictions policed by RCMP under contract, may have little control over local police resources yet the lower social disturbance issues still need to be addressed by community leaders. This may leave local governments with little choice but to ask more of bylaw enforcement officers. Police officers may “cost” municipalities approximately $120,000 annually (salary and benefits) whereas BEO’s cost significantly less. Councilors, interested in budgetary matters, may see an opportunity to be fiscally prudent by expanding the duties of BEO’s. Chief Administrative Officers or individuals responsible for the overall managing of municipal governments have commented on the pressure from elected municipal officials to expand the responsibilities of BEO’s. To some extent, this report may provide Chief Administrative Officers (CAO’s) with information necessary to advise Council that if a specific set of duties are being assigned BEO’s, then a specific type of training is required and officers will need to be equipped with specific equipment. Another way to look at this is if a specific type of equipment is to be issued (to mitigate risk) then a specific type of training and periodic re-certification will be required.

Recommendations:

- It is recommended that governments clearly define the roles of bylaw officers.
- It is recommended that governments ensure appropriate training has been received by BEO’s tasked with more complex duties.
- It is recommended that governments increase their emphasis on risk management especially as it relates to potential use of force by Bylaw Enforcement Officers.
- It is recommended that governments develop memoranda of understanding between bylaw officer units and other agencies (especially police) as to the role of bylaw officers during joint operations.
- It is recommended that governments have meetings with police or other agencies to educate them as to the limits of bylaw enforcement officer authorities and roles.

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17 The consultant spoke with two senior chief administrative officers who confirmed they received pressure from their Councils to have BEO’s expand their areas of responsibility.
Knowledge and Skills for Bylaw Enforcement Officers

Managers of Bylaw Enforcement Officers were previously asked for detailed job descriptions for bylaw positions in their communities. Those job descriptions informed the discussion above. Included in the job descriptions were basic requirements for applying for a position as a BEO. There were minor variations between the departments with the majority asking for the following qualifications for an entry level BEO:

- Completion of Grade 12 or equivalent
- Level 1 Bylaw Enforcement training (from JIBC)

Other qualifications may include:

- Occupational First Aid Level 1
- Valid Class 5 BC driver’s licence
- Some related enforcement experience

Some officers have been hired by municipalities and then sent for their Level 1 Bylaw Enforcement training (post-hire) and other municipalities adopt a pre-hire model where only applicants who have successfully completed the JIBC training are considered.

Any advanced training is conducted *ad hoc* with departments responding to the service demands of their bylaw department and assigning training on an as-needed basis. Departments may then assign BEO’s who have received advanced training and/or have significant experience in bylaw enforcement to more advanced bylaw enforcement duties.

Focus group participants were asked to identify what they thought were the core set of knowledge and skills necessary to conduct each of the tasks described in Appendix A. See Appendix B for complete descriptions of KSA’s.¹⁸

¹⁸ While most task analyses refer to knowledge, skills and abilities there is always confusion among participants about the distinction between what is a “skill” and what is an “ability”. For the purpose of this exercise, participants were simply asked to identify knowledge and skills without asking them to distinguish a skill from an ability. The result is a list of knowledge, skills and abilities. The chart is not exhaustive but represents a scope of KSA’s necessary for the occupational position.
Bylaw Enforcement Officer Training

The Bylaw Enforcement Officer position has evolved considerably since the mid-1980’s when the first centrally offered course for BEO’s was offered at the Justice Institute of British Columbia (JIBC). At present, the JIBC offers a 3 credit course (Bylaw Compliance, Enforcement, and Investigative Skills) comprising 42 hours. Of that time, approximately 15 hours is face-to-face in a classroom setting with the remaining hours completed on-line. The learning objectives for the present course are as follows:

1. Explain the legal basis of a bylaw officer’s authority, powers and status as peace officer and describe the regulation of local government.
2. Examine bylaw enforcement options (in court and out of court) including authority, procedures, and penalties.
3. Distinguish between information, evidence, and exhibits and identify challenges in evidence gathering, collection and documentation.
4. Apply proper note-taking procedures and explain the implications of the Freedom of Information and Protection of Privacy Act on personal information.
5. Follow guidelines for writing an effective report and discuss the importance of organizing documentation and maintaining a thorough investigative file.
6. Follow guidelines for presenting evidence in legal and non-legal proceedings.
7. Interpret bylaws and apply legislation to address specific bylaw-related issues.

It is suggested that departments regard the list of KSA’s in Appendix B as a framework around which to build training needs. For example, if they wish to receive additional training in “animal control” then, start with the KSA’s in Appendix B and then further develop the learning objectives with a group of content experts (veteran animal control officers) and a curriculum designer.

In some cases, there may be existing courses offered at public or private post-secondary institutions that agencies could adopt.

The consultant has spoken with Police Services Division of B.C. to determine their views on peace officer status and any standards regarding training. The spokesperson for Police Services offered no opinion on either of these issues and said they would await the outcome of this report before commenting.

It may be time in British Columbia to standardize overall training of Bylaw Enforcement Officers to avoid a patch-work model of service delivery and risk mitigation.
8. Examine challenges with enforcement options (out of court and in court), practices, policing, and monitoring compliance with orders.

9. Discuss the importance of promoting diversity and working collaboratively with other departments and external agencies in the community.

10. Demonstrate a high level of self-awareness in dealing with people who are mentally ill and/or homeless.

11. Examine best practices in resolving challenges and issues surrounding professionalism and ethics.

12. Identify your own conflict styles and approaches and analyze advantages and disadvantages of different conflict styles.

13. Discuss effective communication skills and use asserting and listening skills appropriately to set limits on objectionable behaviours.

14. Respond to pressure, apply a model for defusing hostility, and propose strategies to gain compliance from a resistant person.

15. Examine issues around bylaw officers’ personal safety and the safety of others.

16. Reflect on practices and identify areas for further improvements.

The bulk of this course focuses on legal processes, conflict resolution/defusing hostility skills, effective communication skills and professionalism. These learning objectives best reflect the KSA’s identified in the following competencies:

- Assessing Initial Complaint
- Conduct Legal Process
- Conduct Administrative Duties
- Conduct Inspection

Comparing the current JIBC course against the competency chart in Appendix A, the following activities are not reflected in the above learning objectives:

- Analyze evidence
- Execute search or entry warrants*
- Serve summonses & subpoenas*
- Secure removal of people from property*
- Conduct property clean-ups
- Inspect vehicles such as large trucks, taxis*
- Inspect (medical) marijuana grow-ops*
- Inspect drug-related properties and police involvement*
- Coordinate multi-agency inspections
- Conduct multi-agency inspections
- Capture animals*
- Transport animals*
- Determine animals for destruction
- Document initial observations
- Identify resources for inspection including external agencies
- Conduct ‘first officer’ on scene duties if an emergency*
- Draft bylaws
- Demonstrate commitment to Public Services Act, anti-harassment and discrimination policies
- Delivers training
• Conduct non-warned conversation
• Take statements including from minors
• Maintain animal pound
• Assess health and welfare of animals
• Respond to dangerous animals (dogs)*

• Determine environmental, social and economic risks
• Maintain officer safety training standards
• Practice OH&S safety procedures
• Demonstrate appropriate use of safety equip
• Maintain scene safety

The consultant believes that the asterisked activities above represent areas of increased risk which may not be currently mitigated against.19

What appears missing in the JIBC curriculum are KSA’s associated with investigative and patrol activities that Bylaw Enforcement Officers are claiming are necessary to conduct their expanded duties.20

As an example, material that will complement the existing training includes the following elements:

• the collection, documentation and analysis of various types of evidence
• observational skills training for assessing investigative scenes
• the ability to identify relevant evidence and the need to establish corroborative evidence
• the ability to take statements from witnesses
• patrol techniques especially with a view to mitigate risk to self and others
• the ability to document investigative/inspection findings in a variety of different formats (i.e. both what is needed in an incident report and how it is presented is different than what is needed and presented in a Report to Crown Counsel)
• the ability to make evidence-based recommendations

Bylaw Enforcement Officers familiar with the training provided through the Justice Institute of British Columbia have commented that while the existing 42 hours of training may briefly cover some of these items, the curriculum needs to be increased in length and depth. Additionally, consideration should be given to expanding the curriculum to offer advanced training in areas such as animal control, zoning or building regulations. Another area that warrants enhanced discussion is the area of “binding confidentiality” for officers involved in enforcement. Municipalities may find themselves wrestling with Freedom of Information requests and officers will need to understand legislation surrounding privacy. Finally, some areas need re-certification modules such as baton, OC spray and handcuff and these need to be incorporated into revised training curricula.

19 At present, training received by BEO’s through the Justice Institute of British Columbia does not cover these areas.
20 It should be noted that the current JIBC course merely reflects what Bylaw officers have previously requested.
Certainly, the current JIBC course does not prepare BEO’s to conduct some of the activities they are currently conducting or are contemplating conducting including:

- stopping commercial vehicles or any other moving motor vehicle
- entering into public spaces/buildings to persuade drunken and or obnoxious and uncooperative persons to leave. This will also require training on how to avoid physical violence and to protect them should they be assaulted.
- entering into and conducting inspections in places where violence is anticipated
- entering into and conducting inspections in places where toxic chemicals or dangerous goods are present

These last four areas represent activities with very significant risk of harm to BEO’s who have not been appropriately trained to deal with the dynamic nature of these situations. Many of these skills and abilities require scenario-based instruction with trained facilitators who have recognized content expertise. These are not skills that can be developed through table-top exercises, computer models or didactic presentations.

**Recommendation:**

- It is recommended that the Province of British Columbia standardize overall training of Bylaw Enforcement Officers.
- It is recommended that if Bylaw Enforcement Officers are going to be engaging in more complex investigative work then they should receive “investigative skills” training.
- It is recommended that if Bylaw Enforcement Officers are going to be stopping private or commercial vehicles, then officers should receive training in how to safely stop such vehicles and how to safely approach drivers and passengers of these vehicles.
- It is recommended that if Bylaw Enforcement Officers are going to be entering places where toxic chemicals or dangerous goods are present then officers must receive appropriate training.
- It is recommended that if Bylaw Enforcement Officers are going to be entering public spaces or buildings to persuade individuals to vacate the area, then officers should be trained in how to engage with people who are hostile and who become physically threatening. These courses need to involve some self-defence training.
- It is recommended that Bylaw Enforcement Officer training in British Columbia be standardized to avoid a patch-work model of service delivery and risk mitigation and that key stakeholders be involved in the standardization process.
- It is recommended that Bylaw Enforcement Officer training in British Columbia incorporate more scenario-based instruction.
One aspect of the above recommendations is that expanding the authorities of BEO’s into some of the areas listed will require that the officers have a level of physical fitness that allows them to safely complete the duties. For example, self-defence training, handcuffing, and using batons require a degree of physical ability that not every BEO may possess. Managers may need to start thinking about creating tiered bylaw enforcement where some officers are assigned a limited set of duties and others a more expanded set. (See the Alberta Model later in this report).

**Occupational Health & Safety and the Determination of Risk**

Bylaw Enforcement Officer risk can be mitigated in the following ways:

- clearly stating their authorities
- defining their authorities with accurate job descriptions
- providing training commensurate with occupational mandates
- developing policies to provide guidance to BEO’s
- implementing a governance structure to ensure that misfeasance or malfeasance is appropriately addressed

Identifying “risk” in any environment is difficult and mitigating risk is complex. Calculating risk in a compliance/enforcement environment is complicated by the complexity of the work and the unpredictability of the environment. A routine issuance of a bylaw ticket for illegal parking can suddenly become violent. The probability of physical violence occurring may be rare (i.e. out of the thousands of tickets issued in any month) however; the consequences of any injury may be very significant.

Predicting those consequences is also difficult because the consequences (e.g. verbal abuse, injury, death) are not mutually exclusive. Verbal abuse often precedes or occurs at the same time as any injury.

Probability models are mathematically complicated but understanding them is the key to risk mitigation. To determine risk, agencies need information on:

- the frequency of with which each specific activity is conducted;
- the consequence of each type of injury (harm); and
- the probability (likelihood) of the each type of harm occurring with each type of activity.

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21 It is recognized that this may be a challenge in an unionized environment however other agencies have managed by including the union early in the discussions regarding change.
**Likelihood**

Likelihood of occurrence can be measured in several ways. The easiest method is to aggregate the probability for the entire workforce. For example, the probability of a BEO encountering someone who is verbally abusive while completing a municipal ticket for littering might be quite high (for example, let’s propose 1 in 100 tickets issued) whereas, the probability of a BEO encountering someone who wants to kill a BEO because a municipal ticket for littering was issued might be extremely low (for example, 1 in 100,000). The problem with this approach is that it lacks flexibility and specificity. There may be elements of the workforce who are more frequently exposed to harms for doing the same activities as another element working elsewhere. For example, issuing municipal tickets for littering in one area may result in less abuse from recipients than if those tickets were administered in a different area. Similarly, the exposure to physical harm may vary. Aggregating risk across these two areas may artificially inflate overall risk and harm.

To properly calculate risk, agencies will need to determine the frequency with which they do specific tasks and calculate the frequency with which specific harms result from those tasks within specific locales.

Determining harm also requires agencies to reach an agreement over the *relative impact* of specific harms. For example, if everyone agrees that being called a disparaging name has an emotional harm of 1, what is the impact of having a fist waved in a threatening manner in your face? Clearly, the mere waving of a fist is not as physically harmful as being struck in the face with the same fist however; it may be as emotionally harmful. As a result, discussions of *harm* and *need* should be conducted with managers and workers and include discussions about physical, emotional and psychological consequences.

**Injury/Harm**

Risk models typically are concerned with determining the extent of harm. An example of creating a scheme for physical injury might be:

1. trivial – no medical aid required;
2. minor – medical aid necessary but hospital visit not required;
3. moderate – hospital visit required;
4. serious – hospitalization required; and
5. critical – risk of loss of life.

A similar process could be done for all other aspects of harm such as physical, emotional, psychological and financial.
Consequence

Consequence can be measured by lost workdays, monetary impact, or subjective assessment. It is important to realize that the consequence of harms and steps taken to avert risk are not linear: people go to proportionately greater lengths to avoid serious damages.\(^{22}\) This is the foundation of insurance plans. Using crime as an example, subjective estimates of dollar values, found homicide to rate over 1,700 times as serious as aggravated assault.\(^ {23}\)

Determining any index of consequence in a workplace should include input from both management and workers. This process will involve management and workers reaching an agreement about the relative consequence for each harm. For example, is ‘slightly physically hurt’ twice as bad as ‘mildly physically hurt’? At some point these figures may be arbitrary but they do reflect the fact that degrees of harm are not linear.

The next step is to relate the probability of harm to a specific activity and calculate the overall risk. To develop this, management will need to record the following:

- experienced injuries or harms;
- activity at the time of the injury or harm; and
- how often different activities occur (and in what venues, if necessary).

A more complete formula for use in calculating risk is shown as follows\(^ {24}\):

\[
R = \sum f_i \sum c_j p_{ij}
\]

where:

- \(R\) is the total risk level;
- \(f_i\) is the frequency of the \(i\)th BEO activity;
- \(c_j\) is a measure of the \(j\)th injury consequence; and
- \(p_{ij}\) is the probability of the \(j\)th consequence for the \(i\)th activity
- \(\sum f_i\) is the summation of the frequency of all \(i\)th activities

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\(^ {24}\) Mathematical model designed by Kim Rossmo PhD, Texas State University
Overall risk ($R$) is the summation of the frequency of events occurring for each activity multiplied by the summation of the consequences for each activity multiplied by the probability of a consequence occurring for each activity. Table 4 describes a fictitious assessment of risk.

<table>
<thead>
<tr>
<th>Injury Level</th>
<th>Trivial</th>
<th>Minor</th>
<th>Moderate</th>
<th>Serious</th>
<th>Critical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consequence Rating</td>
<td>2</td>
<td>5</td>
<td>20</td>
<td>100</td>
<td>1,000</td>
</tr>
<tr>
<td>Investigating Business Licences</td>
<td>26</td>
<td>0.12</td>
<td>6</td>
<td>0.06</td>
<td>8</td>
</tr>
<tr>
<td>Parking Enforcement</td>
<td>52</td>
<td>0.16</td>
<td>17</td>
<td>0.08</td>
<td>21</td>
</tr>
<tr>
<td>Investigating Illegal Camps</td>
<td>228</td>
<td>0.21</td>
<td>96</td>
<td>0.11</td>
<td>125</td>
</tr>
<tr>
<td>BEO Total</td>
<td>306</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 4: Example BEO Risk Assessment Table**

Referring to the shaded portion, let’s assume that a BEO in a specific community investigates business licences 26 times a year. The probability of him/her being *trivially* injured is calculated to occur 12 times out of every 100 incidents ($p = 0.12$). Management and workers have previously decided that the relative consequence of this trivial injury has a value of 2. The risk for the BEO while conducting this activity is calculated by inserting the values into the formula:

$$R = \sum f_i \sum c_j p_{ij}$$

$$R = \sum f_i (26) \sum c_j (2)p_{ij}(0.12)$$

$$R = (26)(2)(0.12)$$

$$R = 6.24 \text{ (rounded down in the above table)}$$

Similarly, the risk for being *critically injured* (with a consequence rating of 1,000) is significantly higher despite the smaller probability of a critical injury occurring ($p = 0.006$). Table 4 demonstrates an aggregate risk score for BEO’s investigating business licences in a specific municipality ($R = 206$) and completes a similar process for parking enforcement and investigating illegal camps ($R=1,680$).
The Next Steps in Model Implementation

To implement this risk assessment model, managers would need to do the following:

1. Collect data on the frequency with which BEO’s perform specific tasks or activities. These activities need to be discretely described, for example, conduct parking enforcement means possibly issuing tickets to vehicles and, occasionally, their owners. Where possible, only specific activities should be described and global descriptions such as conduct operational patrols should be avoided. This value becomes \( f_i \) in the above formula. Other activities could be labeled \( f_a, f_b, \) etc.

2. Collect data when the specific activities \( f_a, f_b, \) etc. result in harm and describe the types of harm encountered. This means translating the type of harm encountered (push, slap, punch, kick etc.) into concrete terms and avoiding general terminology such as “assaulted, injured, or threatened”. This value becomes \( p_i \) in the above formula. Other activities could be labeled \( p_a, p_b, \) etc.

3. Determine the relative weighting of various harms, for example, how much more serious is a push than verbal abuse. This value becomes \( c_i \) in the above formula. Other activities could be labeled \( c_a, c_b, \) etc.

4. These values can then be inserted into the risk assessment formula for each activity to obtain overall risk, represented by \( R \) in the above formula. The factors \( R_a, R_b, R_i, \) etc. can be calculated for each specific activity.

Municipalities have not conducted this level of analysis for BEO’s. In fact, they probably have not conducted a similar process for police agencies however; the difference between the two situations is decidedly different.

Police agencies have very little choice in deciding what types of risk they want to engage in. The public demands that police engage with armed suspects, hostile crowds, violent people and hazardous incidents.
In fact, Canadian police officers are most at risk of being injured or killed when conducting the following duties:\textsuperscript{25} 26

- attending disturbances (such as parties, bar fights, family quarrels)
- arresting persons
- handling prisoners
- investigating suspicious persons
- conducting traffic stops

Assaults against police:

- male offenders were responsible for 90\% of the assaults and 66\% of the suspects were under the influence of drugs and/or alcohol
- 39\% of the suspects had a criminal record
- 53\% of the assaults occurred at night\textsuperscript{27}

There is very little opportunity for police to shift these responsibilities to others. As a result, governments ensure that police officers are provided with the best available training and equipment to address all manner of foreseeable risk. Governments also understand that if harms exceed risk mitigation efforts, they bear the additional risks and liabilities.

Governments have a choice about the level of risk they are willing to expose Bylaw Enforcement Officers. Governments who wish to direct BEO’s to engage in more riskier activities must ensure that they are properly trained, equipped and managed.

\textsuperscript{25} Comparisons with public police are helpful only insofar as the comparisons demonstrate the types of situations that are prone to violence. While “who” the enforcement agency is might mitigate some of the risk and the individual actions of the officer may also mitigate risk, when an assault takes place the attributes of the offender appear to be similar.

\textsuperscript{26} Uniformed Crime Reports Supplement: “Law enforcement officers killed and assaulted”, 1991, Washington DC, Federal Bureau of Investigation. [Note: discussions with Canadian police experts in ‘use of force’ indicate the causes for Canadian police being assaulted or killed are not any different from those found in the United States]

\textsuperscript{27} Based on a report by Saskatchewan Conservation Service tracking assaults against its officers over an 11 year period [cited previously with permission]
Bylaw Enforcement Officer Risk Survey

The 25 participants in the BEO focus group were asked to complete a brief survey. The following is a breakdown of the 20 people who responded:

**Demographics**

- Gender: Males: 16; Females: 4
- Service range: from 1.5 years to 35 years with the average 13 years

The following chart depicts the communities represented along with their approximate population and numbers of BEO’s:

<table>
<thead>
<tr>
<th>Community</th>
<th>Pop</th>
<th>#’s BEO’s</th>
<th>Community</th>
<th>Pop</th>
<th>#’s BEO’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnaby</td>
<td>230,000</td>
<td>30</td>
<td>Maple Ridge</td>
<td>85,000</td>
<td>8</td>
</tr>
<tr>
<td>Capital Regional District</td>
<td>82,000</td>
<td>7</td>
<td>Nanaimo</td>
<td>85,000</td>
<td>18</td>
</tr>
<tr>
<td>Cariboo Regional District</td>
<td>60,000</td>
<td>1</td>
<td>Prince George</td>
<td>75,000</td>
<td>15</td>
</tr>
<tr>
<td>Coquitlam</td>
<td>120,000</td>
<td>10</td>
<td>Quesnel</td>
<td>10,000</td>
<td>1.5</td>
</tr>
<tr>
<td>Delta</td>
<td>104,000</td>
<td>15</td>
<td>Squamish</td>
<td>18,000</td>
<td>3</td>
</tr>
<tr>
<td>Kamloops</td>
<td>85,000</td>
<td>24</td>
<td>Vernon</td>
<td>93,000</td>
<td>15</td>
</tr>
<tr>
<td>Kelowna</td>
<td>110,000</td>
<td>15</td>
<td>West Vancouver</td>
<td>40,000</td>
<td>8</td>
</tr>
<tr>
<td>Langford</td>
<td>28,000</td>
<td>5</td>
<td>Vancouver</td>
<td>578,000</td>
<td>280</td>
</tr>
<tr>
<td>Langley Township</td>
<td>105,000</td>
<td>5</td>
<td>Victoria</td>
<td>200,000</td>
<td>12 FT, 6 PT</td>
</tr>
<tr>
<td>Lumby</td>
<td>2,000</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Job Risk**

One of the questions asked was, “How many times have you been threatened or assaulted by a person or persons in the last 5 years?”

---

*28 See Appendix C*
Chart 3 demonstrates the results:

Chart 3: Description of Threat Level by BEO’s over 5 years

- Physical attack by an animal: 53
- Physical assault with a weapon: 13
- Physical attack without a weapon: 44
- Verbal threats holding other weapon: 56
- Verbal threats holding a gun: 2
- Verbal threats holding a knife: 22
- Verbal threats without a weapon: 1260

Chart 3 demonstrates the most frequent threat is being verbally abused however there are some caveats. The first is most of 25 people at the focus group were managers and therefore not in the field as often as BEO’s typically might be. Second, some of the physical attacks by animals occurred against specialized BEO’s who were conducting animal control on a regular basis. Thirdly, the estimate for verbal abuse is low since many of the respondents simply indicated “daily” and this description could not be quantified. Finally, there are some significant examples of dangerous incidents reported by BEO’s. (See anecdotes below). Nonetheless, the numbers are consequential and demonstrate there is a calculable risk for BEO’s from people. What was not asked in the survey is what type of event the officers were responding to at the time of the threat.

Respondents were asked to identify the types of weapons that were used during threats or attacks. The responses were:

- shivs [a homemade knife-like object]
- bats
- can of food
- axe/machete
- pipe
- cigarettes to the eye
- bicycle
- vehicle
- knives
Injuries occurring from attacks included:

- Bruises, strains, scrapes
- Bites to hands and legs (animal)
- Puncture wounds and bites requiring stitches
- Wrist injury requiring surgery (from human)
- Eye injury

The consultant asked focus group participants to comment on where they perceived significant health and safety risks. The following is their responses:

- Dealing with drunks in public buildings
- Dealing with individuals fighting with each other
- Individual carrying edged weapons and guns
- Dogs
- Exposure to false accusations (illegal suites)
- Booby-trapping of tent squats and grow-ops (inadvertent or re-inspection of old sites)
- Assault by property owners
- Struck by cars in parking lots (intentional or accidental)
- Environmental hazards: asbestos, lead paint, mold, decommissioned grow-ops
- Shoddily-constructed or derelict buildings
- Working alone, at night or with no backup
- Squatters with mental health issues
- Squatters with hepatitis, HIV/AIDS
- Infectious diseases
- Rough terrain

The consultant has received a number of submissions from BEO’s that describe personal encounters with risk. The consultant has not attempted to substantiate these incidents but believes they are the types of harms that could easily occur, especially when BEO’s expand their roles into more enforcement-oriented practices. These submissions are presented in an edited version below.\(^{29}\)

**Regina v. Baksay: Man Jabs Lit Cigarette into Parking Officer’s Eye**

> On May 13, 2009 Josef Baksay stood trial in West Vancouver for assaulting a peace officer and assault with a weapon—specifically, a lit cigarette which Baksay allegedly jabbed into West Vancouver Bylaw Enforcement Officer _____________ eye whilst aggressively protesting a parking ticket on a City street. ...

\(^{29}\) Anecdotes were edited by Deborah A. Juch in 2011 (City of Langford). Permission for use granted.
In his findings the Honourable Judge Dohm stated Baksay’s testimony was “unworthy of belief” and his assertions “nonsensical.” He said:

“Bylaw Enforcement Officers deserve the support of society and society’s protection” as they are “even more vulnerable than are police officers…and are often met with abuse from…the public who are not happy with a ticket.”

Owner Physically Interferes with Officer-Dog Seizure

I remember the case of a young man with a Doberman; this dog was not terribly bad, but the owner refused to confine him and the dog was chasing children in the area. The owner refused to talk about the matter with me; he slammed the door in my face after the last incident. In a few days I had a warrant and asked for RCMP assistance to execute. The two constables and I entered the house and put the dog in my truck. The dog owner was not home but I called to notify him; he became angry and said he was heading home. The constables insisted I leave before he arrived, but as I was leaving the owner arrived, swerved his truck sideways into the path of my vehicle, jumped out and headed to the back of my truck. I also got out and blocked his attempt to release the dog.

The constables came running down the road to assist, ordered the owner to back off and settle down. …. I drove to the pound and the owner came roaring up in the same truck and we were in a fight again. It ended when a friend of the owner’s, who had stayed in the truck, came out and tackled him and dragged him into his truck.

Property Owner Physically Intimidates Officers; Man Sprays Officer with Water

I attended a 10-acre property regarding a complaint of a gravel business conducted there. While on the property I noted the property owner had two large, new buildings; when I asked about these the man became agitated and told me to leave his property—which I did, immediately.

Later I had to return for follow-up, and I decided I would need back up and took along the Dog Control Officer. When we arrived the owner immediately became irate that I had brought someone else. We both tried to reason with him but the more we talked the more irate he got. At one point his wife came out and he shoved her, which was offensive but wasn’t the main concern. Of course we asserted our authority to be on his property but he didn’t buy it. After he began swinging his arms we thought it best to leave. We each had to turn vehicles around, and we were not getting off the property fast enough for him. He aggressively approached my vehicle, yelling at me and swinging his arms like he was getting angrier.

In another case I went onto a property to have a backyard brush fire put out. I began by speaking with a young man there but his father (the property owner) soon came out to see what was going on. I could smell the odour of alcohol on him. The father was argumentative, and finally grabbed the hose as if to put water on the fire. He sprayed me first before directing the water on the fire. I waited – not showing any fear--until the fire was put out.
Skateboarder Assaults Officer, Slow Police Response

Back in July 2009 I was assaulted by a skateboarder. I was in uniform and in a marked City vehicle when I observed a young man boarding in the no-skate zone. Upon telling him to get off the board he told me to fuck off. I repeated my order and he repeated the same reply. I got out of my vehicle and asked him for ID to which he replied, “Fuck you.” I got in front of him to stop him and after a brief verbal exchange he pushed me at which time I took him to the ground and held him there till he calmed down. He had hit my phone out of my hand as I was about to call 911; a citizen picked it up for me. I called 911, identified myself and told them I needed immediate assistance as I had been assaulted.

Severe Assaults on Officers in Large Urban Centre

The one that stands out the most was a female officer who got punched in the face by a restaurant valet so hard; her head hit the wall she was standing next to. She started bleeding aggressively on the sidewalk with a shattered jaw. The valet was arrested and charged.

I personally had a bottle thrown down at me from a high-rise tower as I was walking on the sidewalk. I was lucky that they didn't time the drop properly and it missed me. It was an anonymous crime and I could have died from it.

The most common form of assault in the City was having something thrown at the officer. One officer I know ticketed a guy who swore and yelled at him in return. After, when the officer proceeded on foot down the street the guy drove ahead a few blocks, bought a pink Slurpee at a 7-11, waited in the store for the officer to come along, then came out and threw the drink at his white uniform. I assume the point was to demean the officer. Retaliation is often about demeaning or demoralizing the officer. This one took a lot of premeditation to do.

Another incident I remember, an officer on a bicycle had issued a meter ticket and the man who got it was so enraged he punched the officer twice in the head, then picked the officer up and threw him into the street--into traffic right in front of a fire truck! Luckily the driver stopped in time. The fire fighters helped the officer but the man, who was a UN Gang member, calmly walked off with two other guys there. The police came, mulled around a bit, eventually did nothing, nobody was charged.

Park Transient Chases Officer; Loaded Gun in Purse; Pit Bulls Attack on Command; Parking Officers Hit By Drivers

Last year, an officer responding to a reported transient camp in a park, walked into the park from the parking lot having left his vehicle there. He found the camp and tried to discuss the situation with the individual in it. The transient became hostile and threatening and chased the officer when he backed out of the camp. The officer had the presence of mind to grab his keys as he was running so as to unlock his vehicle the moment he got to it. The transient began pounding the
exterior of the vehicle and the officer immediately called for RCMP who arrived within minutes and took the man into custody.

The officer had called in his location on arrival and immediately backed out when he recognized the threat. We have RCMP radio integrated into our equipment so immediate contact with police assisted greatly.

Two officers were on patrol later one evening. One returned to the office to find a stranger (female) rummaging through the other officer’s personal vehicle. The officer called for backup, then ordered the stranger to get out of the vehicle, sit on the ground, and remove her shoes which the officer pulled out of reach. The woman repeatedly asked the officer if she could get cigarettes out of her purse, but the officer refused to allow it. When the RCMP searched the female’s purse they found a loaded handgun.

Three years ago, we had two officers respond to a complaint of pit bulls running at large. On arriving the officers observe the dogs run into a yard; they approached the owner who is well known to them. The owner responded by ordering the dogs to attack the officers—and the dogs charged. The officers jumped a fence to get away, immediately called 911, and within minutes multiple RCMP officers responded Code 3 (lights and sirens). The dog owner wasn’t charged but was warned for the threats and the dogs were impounded.

This last situation has occurred a few times. An officer approaches a vehicle to write a parking ticket and then the owner arrives back. He ignores the officer who usually stands at the rear of the vehicle to record the licence plate and view the validation tag. The vehicle owner will back up and strike the officer with the vehicle, then speed off. In one instance the officer was knocked right off his feet and fell onto the vehicle.

Death Threat Over Parking Ticket

I am a bylaw officer in a lower mainland City. This incident occurred as I was ticketing a vehicle in a no-parking zone. To make a long story short, the driver uttered death threats to me and some of the people who witnessed the altercation. Other citizens as well as I called 911 while I backed away from this aggressive male. When I finally used a piece of my equipment to defend myself he decided to retreat into a high-rise nearby. The police arrived and charges of uttering death threats to a peace officer were recommended.

Crown council agreed and the man received a conditional sentence with probation, and orders for an anger management course and no-contact with myself for a year.

This just shows how aggressive the public can be over a $50.00 parking ticket which would have been discounted. I now look at the public differently and I know if the man had decided on an all-out attack, using the cell phone for 911 would not be fast enough.

For police officers, these scenarios may seem common but for BEO’s they represent an element of danger many are not prepared or equipped for. For police officers, a significant amount of information is available to them about individuals involved in any particular incident or
individuals associated with specific premises (if police have previously attended) while this information is not readily available to BEO’s.  

The above anecdotes demonstrate:

- violence can erupt from relatively low-key situations
- the people BEO’s come into contact with are sometimes exactly the same types of people that police struggle with
- BEO’s often do not have access to important background information about people they are coming into contact with which could assist BEO’s in reducing their exposure to risk
- back-up is rarely available for BEO’s dealing with these situations, especially in rural communities where “timely” police assistance may be measured in hours not minutes

Focus group participants were also asked whether:

- the risk was changing over time
- they felt their job places them at a high level of risk
- they are frequently being asked to assist the police in a policing matter, and
- the calls for assistance from the police is increasing

The answers are as follows:

16. Based on your experiences over the last 5 years, do you think the number of threats or assaults against Bylaw Officers FROM PEOPLE is: 

- Increasing 55% (n=11)
- Staying approximately the same 45% (n=9)
- Decreasing ____

17. Your job places you at a high level of risk of violence from individuals you contact during the course of your duties. 

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>10% (2)</td>
<td>60% (12)</td>
<td>15% (3)</td>
<td>10% (2)</td>
<td>10% (2)</td>
</tr>
</tbody>
</table>

18. During the last two years, approximately how many times have you been asked to assist the police in a policing matter? 488+ times

19. In your experience, is the frequency of calls from the police for assistance for police only matters: [Insert √ mark where appropriate]

- Increasing 45% (9)
- Staying approx. the same 45% (9)
- Decreasing 5% (1)

---

30 There are specific restrictions placed on police agencies in sharing information from databases they have access to such as CPIC, PIRS or PRIME.
The conclusions from these questions are:

- there is a slight increase in the perception of threats or assaults against BEO’s according to managers
- managers believe there is a strong perception of risk (70%) from violence for BEO’s
- BEO’s are frequently being asked to assist police in “policing matters” although there is a debate about whether this number is increasing.\textsuperscript{31} In some communities, Fire Departments are using BEO’s to gain access to premises in order to conduct fire inspections, after a 24-hour inspection notice has been served. In these cases, BEO’s will often contact the police, who will remain off-site unless called upon, while the BEO and the fire official inspect the house.

\textit{Equipment & Training}

There were 19 communities represented at the BEO focus group which provided a broad spectrum of experience, community size and regional representation. Despite the representative nature of the survey participants, the following table implies that approximately 50% BC’s communities issue their BEO’s with either batons, handcuffs and/or OC spray when in fact very few communities actually issue these types of equipment. Nonetheless, any community that issues these types of equipment must assume all responsibilities including providing training and re-certification. The survey question asked BEO’s about equipment they have been issued.

<table>
<thead>
<tr>
<th>Insert √ mark if issued</th>
<th>Insert √ mark if issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Impact weapon (straight baton)</td>
<td>0</td>
</tr>
<tr>
<td>21. Impact weapon (expandable baton)</td>
<td>9\textsuperscript{32} 33</td>
</tr>
<tr>
<td>22. Aerosol weapon (pepper spray)</td>
<td>8</td>
</tr>
<tr>
<td>23. Handcuffs</td>
<td>6</td>
</tr>
</tbody>
</table>

\textsuperscript{31} Frequency of police using bylaw enforcement officers will vary by jurisdiction. The survey did not explore the nature of the assistance.

\textsuperscript{32} One community decided against issuing the baton after they received training.

\textsuperscript{33} One community has issued batons and pepper spray to its officers on the condition that they only use them against animals. If an officer was found to have used excessive force against a person with these weapons (in this case) it is unlikely a civil court would allow the government to escape any judgement simply because it issued the weapons purely as self-defence use against animals.
Participants were asked whether as a Bylaw Officer, they received basic training in:

<table>
<thead>
<tr>
<th>Skill</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. Using empty hand tactics (this is using your hands to defend yourself from physical attacks)</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>25. Using impact weapons (e.g. batons)</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>26. Using handcuffs</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>27. Using aerosol weapons</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>28. Using dialogue skills to defuse hostility</td>
<td>18</td>
<td>1</td>
</tr>
</tbody>
</table>

All participants rated the training they received as “good” to “excellent”.

The decision to issue impact weapons, handcuffs, and aerosol weapons raises many political and legal questions such as:

- what types of activities do we want our BEO’s to be engaged in
- what is the best way to protect our officers
- what are the liabilities associated with issuing these types of equipment and what are the liabilities if we do not
- what type of message are we sending out to the citizenry
- is it legal for our BEO’s to have this type of equipment

The last question is interesting in that batons and aerosol sprays are listed as prohibited weapons\textsuperscript{34}, meaning the only people authorized to carry these devices are peace officers. It is possible that municipal or regional governments may be exposing themselves to liability if they do not:

- clarify whether BEO’s are peace officers,
- adequately provide protection for BEO’s after they have been asked to conduct activities where there is a known increased risk, and
- provide adequate training and governance for the use of self defence tactics especially as it relates to prohibited weapons, and
- have adequate policies in place governing the use of these weapons.

\textsuperscript{34} Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted, SOR/98-462
**Policies**

Participants were also asked whether specific policies exist within their local communities.

<table>
<thead>
<tr>
<th>Are there policies and procedures on the following:</th>
<th>Present? Yes or No</th>
<th>Is such a policy important to have?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>37. Arresting citizens as a <strong>private citizen</strong> under section 494 of the Criminal Code</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td>38. Arresting citizens as a <strong>peace officer</strong> under section 495 of the Criminal Code</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>39. Responding to matters that are obviously of a criminal nature</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>40. Making use of confidential informants or agents</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>41. Dealing with impaired drivers or suspected impaired drivers</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>42. Working with other law enforcement agencies (e.g. police, commercial vehicle inspectors, liquor control officers etc.).</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>43. Pursuing vehicles or driving a vehicle with the intent of “closing the distance” between yourself and the other vehicle for the purposes of identification or arrest</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td>44. Dealing with people known to be wanted on arrest warrants</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>45. Responding to emergency calls for service (including those from other officers requiring emergency assistance)</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>46. Knowing what to do in the event of being involved in a motor vehicle accident</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>47. Responding to people who are hostile</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>48. Reporting incidents where hostility is encountered</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>49. Dealing with people suspected of having infectious diseases</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>50. Dealing with people who are in possession with sharp objects such as hypodermic needles</td>
<td>5</td>
<td>14</td>
</tr>
<tr>
<td>51. Code of Conduct for Bylaw Officers</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>52. Authorities as a Bylaw Officer on and off duty</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>53. Responding to or assisting police with drug houses</td>
<td>7</td>
<td>13</td>
</tr>
</tbody>
</table>

The most frequent policies listed are ones on:

- responding to people who are hostile (13)
- reporting incidences where hostility is encountered (14), and
• knowing what to do when involved in a motor vehicle accident (13)

Very few communities have policies on the specific activities that can create significant liabilities for local governments such as:

• responding to emergency calls for service
• authorities of a Bylaw officer on and off duty
• dealing with people who are in possession of sharp objects and hypodermic needles
• responding to calls of an obvious criminal nature
• working with other law enforcement agencies
• making arrests as a private citizen or as a peace officer

Clearly, departments need to strengthen their policies in all areas especially in those communities where officers are engaging in activities where there is a heightened risk. Policies represent a risk mitigation strategy. They are statements of principle from which more directive procedures can be developed. Policies guiding Bylaw Enforcement Officers should be consistent with the philosophical premise of bylaw enforcement in the community and should also based on a clear understanding of the theoretical research behind the rationale.

Many BEO’s from large urban communities commented on an aspect of governance that may not be present in smaller communities. One of the structural features of expanding organizations is the propensity to develop specialties and to have separate managers oversee those areas. The risk is that different managers with different mandates will employ very different governance models and risk management strategies. This, in fact, is what is happening as BEO’s reporting to different work units in large municipalities are managed in very different ways than other BEO’s reporting to a different manager. This is further compounded by the fact that sometimes these departments are managed by people with no enforcement background. It may be advantageous to roll all BEO positions under a single locus of control within the organization and to have that person experienced in enforcement matters.

Recommendation:

• It is recommended that communities develop policies on each of the following areas regardless of whether they envision their officers actually conducting these activities:
  – Arresting citizens as a private citizen under section 494 of the Criminal Code
  – Arresting citizens as a peace officer under section 495 of the Criminal Code
  – Responding to matters that are obviously of a criminal nature
  – Making use of confidential informants or agents
  – Dealing with impaired drivers or suspected impaired drivers
  – Working with other law enforcement agencies (e.g. police, commercial vehicle inspectors, liquor control officers etc.).
The Alberta Model

In 2005, an MLA Review of Special Constables in Alberta resulted in a change in the way in which that Province viewed bylaw officers. In an attempt to more clearly demonstrate the continuum between bylaw officers and police officers, the review proposed several new designations, specifically:

1. Alberta Peace Officer (APO) Levels 1 and 2, and
2. Community Peace Officer (CPO) Levels 1 and 2

The Public Security Peace Officer Program of Alberta

... operates under the auspices of the Peace Officer Act, allowing the Government of Alberta to designate agencies and provide individuals with peace officer status for specific job functions. Duties and functions within the program vary greatly, from out-of-province police officers, to parking control personnel employed by a municipality. Regardless of the participating agency, the Public Security Peace Officer Program is designed to ensure minimum standards of training, accountability, and professionalism.

Section 1(f) of the Peace Officer Act Statutes of Alberta 2006 C. p-3.5 defines a “peace officer” as:

i. a person referred to in section 7(1), or
ii. any other person appointed as a peace officer under another enactment who is designated by the regulations as a peace officer to whom all or part of this Act and the regulations apply;

---

Section 7(1) states:

7(1) Subject to the regulations, the Minister may, on the application of an authorized employer, appoint a person as a peace officer if the person
   a) is employed or engaged or will be employed or engaged by the authorized employer in the capacity of a peace officer, and
   b) complies with any other conditions provided for in the regulations.

(2) The appointment of a peace officer must include the following terms:
   a) the authority, responsibility and duties of the peace officer,
   b) the territorial jurisdiction of the peace officer,
   c) the weapons the peace officer is authorized to carry, if any,
   d) the equipment the peace officer is authorized to use, if any,
   e) the title the peace officer is authorized to use,
   f) any terms and conditions the Minister considers appropriate, and
   g) any other matter specified in the regulations.

Alberta Peace Officer – Level 1
These officers are employed by the Alberta Solicitor General and Public Security. They have the authority to enforce federal and provincial statutes that are tied to their mandate. They may be given authority to carry a firearm.

Alberta Peace Officer – Level 2
Level 2 APO’s are employed by the Government of Alberta or the Government of Canada. These officers are armed and the entry level requirements are very similar to those of the police.

These officers have a narrow focus that might include “fraud investigations, fish and wildlife officers, and inspector and compliance officers conducting enforcement under provincial statutes.”36

Alberta’s APO’s have duties that are closer to the “policing” end of the continuum. They are empowered to enforce traffic violations on provincial highways, conduct investigations of a criminal nature, conduct complex investigations into offences against the environment (e.g. fish and wildlife) and conduct security for VIP’s.

The uniform of APO’s is consistent with those of police officers, the hiring standards closely approximate, if not in practice exactly replicate, those of regular police officers. Alberta APO’s are accountable through the Police Act.

36 *Ibid*
Alberta’s *Community Peace Officer Program* more closely mirrors the range of duties currently being conducted by BEO’s in British Columbia.

**Community Peace Officer - Level 1**

The key features of Level 1 CPO’s are:

- they generally do not wear paramilitary uniforms that can confuse the public into thinking they are “police” officers (Note: the uniform style may be changing slightly)
- their duties are considered low risk although there is the ability for them to qualify for “enhanced” duties that may expose them to slightly higher levels of risk
- they are required to pass an human performance physical abilities test that approximates the level of fitness of entry level police officers (Physical Abilities Requirement Evaluation or Correctional Officer Physical Abilities Test)
- at minimum, they must successfully complete an approved course from the Public Security Staff College on Human Relations, Legal Studies and Officer Safety

Community Peace Officer (Level 1) can enforce moving violations under the *Traffic Safety Act* and parts of the *Gaming and Liquor Act*.  

Agencies can assign their officers to more advanced duties providing they have completed an approved course. These enhanced duties include:

- Non-Urgent Community Calls: *Criminal Code* authority may be granted for the offences of ‘Theft not exceeding $5000’ and ‘Mischief not exceeding $5000’.
- *Criminal Code* Warrants: Ability to arrest and release, unless Judicial Interim Release hearing required.
- Motor Vehicle Collisions: Ability to investigate and submit reports involving non-injury events.

**Qualifications**

To qualify to be a CPO Level 1, candidates must have the following:

- Grade 12 or equivalent qualification
- Minimum age of 18 years old
- Is competent and of good character
- No criminal record, or if the person has a criminal record, that a pardon has been received.
- No outstanding criminal charges and not subject of a criminal investigation. A criminal record and police check must be completed and submitted by the authorized employer.

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37 *Ibid*

38 *Ibid*
Note: Criminal Record and police checks will only be recognized as valid for 21 days after the law enforcement agency has completed the check.

- Indicate that three reference checks satisfactory to the employer have been completed.
- Successful completion of an approved physical abilities evaluation test for uniformed enforcement roles. Authorized employers may use a variety of physical evaluations tests but these tests must be reviewed and approved by the Director.  

Currently approved tests are:

- **Physical Abilities Requirement Evaluation**: This is the current standard for many Alberta police agencies and can be completed at a number of institutions in Alberta. For the purposes of this program a passing score is at or under four minutes and forty five seconds. (00:04:45)
- **Correctional Officer Physical Aptitude Test.**
- **Other tests may be approved after submission and review by the Director.**
- **Successful completion of training course(s) approved by the Director.**

**Training for Community Peace Officer Level 1**

CPO’s receive their training from the Solicitor General and Public Security Staff College. The training for CPO’s is a single block of training lasting 6 weeks. Estimates for a 7.5 hour instructional day would mean that CPO Level 1 training would be 225 hours. Course content includes:

- “Use of Force training, theory/practical (Use of Force model)
- Baton, O/C
- Verbal Judo
- Legal studies including Criminal Code, Use of Force, Search/Seizure, Charter of Rights and Freedoms, Powers of Arrest, and Evidence/Testifying
- Scenario training
- Traffic training
- Intelligence/Gangs
- Occupational Health and Safety
- Other relevant information
- 6 Weeks”

---

39 Ibid
40 Ibid
41 Solicitor General and Public Security Bulletin
42 The current JIBC training is approximately 42 hours of instructional time (15 hours being face-to-face).
43 Provided by the Inspector in charge of training at Officer Training Unit of the Ministry of Solicitor General and Public Safety
Content of training must be previously approved by the Director of the Public Security Division of Alberta.

Enhanced training is also available for agencies wanting their officers to conduct ‘Non-Urgent Community Calls’, Non-Injury Motor Vehicle Collision (MVC) investigations, and Criminal Code warrant execution. These courses are completed at the Solicitor General and Public Security Staff College.

Community Peace Officer - Level 2

Level 2 CPO’s responsibilities are more administrative. They do not have authority to enforce moving traffic violations or any offence under the Gaming and Liquor Act. Examples of CPO Level 2 positions includes: exhibit custodians for police services, RCMP detachment clerks, parking enforcement officers, automated traffic enforcement operators, and animal control specialists. [emphasis added]

Level 2 CPO’s do not have a uniform however, “the Level 1 uniform and vehicle requirements may be utilized if the authorized employer so desires.”

Alberta has restricted the types of uniforms peace officers can wear. Specifically, section 54(2) of the Police Act [which] prohibits the wearing of a uniform that would lead the public to a mistaken belief that the wearer is a police officer. They must also ensure that the design does not duplicate the Alberta Peace Officer uniform in a manner that would lead the public to a mistaken belief that the wearer is an Alberta Peace Officer. [emphasis added]

Qualifications

The qualifications for a CPO Level 2 are:

- Grade 12 or equivalent qualification
- Minimum age of 18
- Is competent and of good character
- No criminal record, or if the person has a criminal record, that a pardon has been received.
- No outstanding criminal charges and not subject of a criminal investigation. A criminal record and police check must be completed and submitted by the authorized employer.

---

44 Solicitor General and Public Security Bulletin
46 Ibid
Note: Criminal record and police checks will only be recognized as valid for 21 days after the law enforcement agency has completed the check.

- Indicate that three reference checks satisfactory to the employer have been completed.
- Successful completion of an ‘in house’ training program developed by the authorized employer and approved by the Director.47

**CPO Level 2 Training**

Level 2 CPO’s are not required to complete the 6-week program at the Public Security Staff College although it is recommended. Employers who wish to conduct their own basic training must first have this training reviewed by the Director of the Public Security Division.48

**Authorized weapons:**

Alberta Peace Officers (APO’s) are authorized to carry: firearms, batons, OC spray, conducted energy weapon and tear gas. The training to authorize carrying and using these weapons must be previously authorized by the Director of Public Security Division and, where required, officers require re-certification for the use of these weapons on a set periodic basis.

Community Peace Officers Level I are authorized to carry batons and OC spray. CPO’s who are enforcing the Animal Protection Act, Stray Animal Act, Dangerous Dogs Act and Wildlife Act are authorized to carry shotguns.

APO’s and CPO’s must re-certify with firearms annually and all other weapons every 36 months.

**Benefits of the Alberta’s Public Security Peace Officer Program**

Alberta’s program standardizes the functions of peace officers for the Province. The Program:

- clarifies the question about who is and who is not a peace officer
- it provides autonomy for local governments to decide what level of enforcement they would like peace officers in their jurisdiction to conduct
- it sets out the requirements for appointments and the required training for each level. If a local government wanted a more enforcement-oriented group of peace officers, then they would have to comply with the specific standards of selection, training and equipment for that level.
- it provides clarity for other law enforcement authorities as to what kind of training to expect from when working with APO’s or CPO’s.

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48 Ibid
Recommendation:

- It is recommended that Police Service Division assume leadership for engaging municipalities in discussions about adopting a model of bylaw enforcement for the Province that creates levels of enforcement authorities with specific standards for selection, training and governance.

Conclusion

Bylaw Enforcement Officers in British Columbia have been given a very broad mandate by many of the communities they serve. In some communities, officers are conducting duties that were formerly exclusively in the purview of the police such as, ejecting squatters from public places and responding to reports of drunkenness and rowdy behaviours in public venues. While many communities have chosen to make a clear separation between the duties of local police and Bylaw Enforcement Officers, this is changing. The primary reason for change is local communities are being pressured by the public to enforce regulations and ensure local compliance with bylaws. At the same time, local police are being tasked to do more with less and police managers may find themselves having to make difficult choices about how they wish to allocate resources and what types of calls for service they will be the primary response agency. This leaves civic governments with asking Bylaw Enforcement units to respond.

This review began with a municipality calling the Justice and Public Safety Division at Justice Institute of British Columbia looking for training on how to stop commercial vehicles that were driving through residential areas in their hilly community. The municipality recognized that both the local police and the Province’s commercial vehicle safety inspectors have the power to do this but those two agencies were already over-tasked and under-resourced.

This review reflects what LIBOA and Bylaw Enforcement Officers around the Province have known for years which is, there is a very wide variance between how Bylaw Enforcement Officers are being tasked in British Columbia and there are considerable inconsistencies in how officers are prepared for these duties.

A significant finding of this review was that the status of Bylaw Enforcement Officers as peace officers, is not clearly established in statute. While it is acknowledged by (lower) Provincial Courts it has yet to be confirmed through case law by (higher) Supreme or Appellate Courts. The implications of this can be significant for municipal governments who currently authorize their officers to carry batons and OC spray since those are considered prohibited weapons.
Municipalities may also be caught in the middle here if they do not issue these types of defensive weapons since there may be an “industry-standard” established based on the type of equipment police are using to deal with similar public disorder incidents.

This review discussed the element of risk encountered by officers and determined that while the risk may not be, in whole, great (compared to police) there is still a risk and, at times, this risk can be very significant. Furthermore, some of the activities that Bylaw Enforcement Officers are conducting are the same type of activities where police officers would not engage people without adequate defensive training and equipment such as, enforcing moving (motor vehicle) violations, ejecting drunks from public spaces, moving squatters from secluded areas (derelict buildings, local forests), dealing with people with mental illnesses, entering into private property where angry and sometimes violent people are present who may object to the intrusion.

A simple solution would be for municipalities to simply not task officers with higher-risk duties but many local governments are struggling with containing these types of situations with existing resources. The solution is to recognize the complexity and inherent risks associated with the assigned duties and provide better training, equipment and authority to better protect the officers, the public and the employer. There are three administrative bodies who could take the lead in this: the Ministry of Public Safety and Solicitor General (Police Services), the Ministry of Community, Sport and Cultural Development and the Union of BC Municipalities.

The Province of Alberta has developed a model that could be very useful for British Columbia. They have created two distinct levels of peace officers each with two other levels to

allow[ing] the Government of Alberta to designate agencies and provide individuals with peace officer status for specific job functions. Duties and functions within the program vary greatly, from out-of-province police officers, to parking control personnel employed by a municipality. Regardless of the participating agency, the Public Security Peace Officer Program is designed to ensure minimum standards of training, accountability, and professionalism.49

Perhaps the model that would be most appropriate for British Columbia would be that of the Community Peace Officer Level 1 and 2. Level 1 Community Peace Officers could be tasked with more of the higher risk enforcement duties that some municipalities in British Columbia are already assigning their officers and Level 2 Community Peace Officers can be assigned more “administrative” duties.

The advantage for adopting this model is it provides a clear framework for local governments as to what they need to do if they want to assign more than administrative duties to Bylaw Enforcement Officers. With clearly stated training standards for each level, local governments know in advance that if they want their officers to conduct certain higher-risk duties then these officers will need additional training and appropriate defensive equipment.

Alberta provides a model that helps reduce risk for Bylaw Enforcement Officers and limits local governments’ exposure to civil liability. It provides clarity as to the legal status of Bylaw Enforcement Officers by identifying them, in statute, as peace officers. Finally, the Alberta model provides a framework for standardizing governance.

Bylaw Enforcement Officers in British Columbia are a tremendous community asset. They provide public education, ensure compliance and, where necessary, enforce local ordinances all of which increase overall public safety and security. Changes to better clarify the status and role of these officers would benefit everyone.
APPENDIX A: Task Analysis Chart for Bylaw Enforcement Officers
### Task Analysis Chart for Bylaw Enforcement Officers 2011

<table>
<thead>
<tr>
<th><strong>ASSESSING INITIAL COMPLAINTS</strong></th>
<th>Receive complaint</th>
<th>Document complaint</th>
<th>Assess geographic and agency jurisdiction</th>
<th>Refer to appropriate agencies</th>
<th>Research building plans, licenses, titles</th>
<th>Interpret legislation, regulations, policies &amp; procedures</th>
<th>Determine appropriate resources (equip, personnel, experts)</th>
<th>Determines when inspections are required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONDUCT INVESTIGATION</strong></td>
<td>Identify sources of evidence for investigation</td>
<td>Develop operational plan for investigation</td>
<td>Secure evidence</td>
<td>Document evidence (written, photos, measurements)</td>
<td>Collect evidence</td>
<td>Impound chattel</td>
<td>Maintain evidence continuity</td>
<td>Incorporates expert opinion into investigation</td>
</tr>
<tr>
<td></td>
<td>Determine compliance or enforcement action</td>
<td>Determine inspection of investigation status including need for follow-up inspections</td>
<td>Record enforcement or inspection issues for future use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CONDUCT LEGAL PROCESSES</strong></td>
<td>Determine if compliant</td>
<td>Apply for search and entry warrants</td>
<td>Execute search or entry warrants</td>
<td>Serve legal notices</td>
<td>Serve summonses &amp; subpoenas</td>
<td>Issue stop work orders</td>
<td>Secure removal of people from property</td>
<td>Conduct property clean-ups</td>
</tr>
<tr>
<td></td>
<td>Initiate civil injunction</td>
<td>Conduct charge approval for bylaws</td>
<td>Issue MTI</td>
<td>Prosecute MTI</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONDUCT INSPECTIONS</td>
<td>Inspect properties (nuisance, weeds, businesses etc)</td>
<td>Inspect vehicles such as large trucks, taxis</td>
<td>Assist LEO’s</td>
<td>Inspect medical marijuana grow-ops</td>
<td>Inspect sidewalks on business premises</td>
<td>Inspect drug-related properties and police involvement</td>
<td>Coordinate multi-agency inspections</td>
<td>Conduct multi-agency inspections</td>
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</tr>
<tr>
<td>CONDUCT INTERVIEWS</td>
<td>Locate witnesses</td>
<td>Check identification</td>
<td>Conduct non-called conversation</td>
<td>Take statements including from minors</td>
<td>Interview reluctant witnesses</td>
<td>Communicate with property owners and licensees</td>
<td>Contact licensee (if appropriate)</td>
<td></td>
</tr>
<tr>
<td>CONDUCT ANIMAL CONTROL</td>
<td>Maintain animal pound</td>
<td>Assess health and welfare of animals</td>
<td>Respond to dangerous animals (dogs)</td>
<td>Capture animals</td>
<td>Transport animals</td>
<td>Determine animals for destruction</td>
<td>Prepare livestock compensation claim forms</td>
<td></td>
</tr>
<tr>
<td>CONDUCT PATROL (INCL PROACTIVE)</td>
<td>Travel to inspection site</td>
<td>Document initial observations</td>
<td>Identify resources for inspection including external agencies</td>
<td>Conduct ‘first officer’ on scene duties if an emergency</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONDUCT ADMIN DUTIES</td>
<td>Maintain files and records</td>
<td>Demonstrate computer skills</td>
<td>Compile statistics</td>
<td>Assist with policies, procedures and budgets</td>
<td>Collect outstanding budgets</td>
<td>Issue business licenses</td>
<td>Enforce business licenses</td>
<td>Assess bylaw notice dispute (1st stage)</td>
</tr>
<tr>
<td>Draft RCC</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>DEMONSTRATE PROFESSIONAL CONDUCT</td>
<td>Act with professional ethics</td>
<td>Maintain healthy lifestyle</td>
<td>Maintain positive public image regarding self and equipment</td>
<td>Maintain currency on legislation, regulations and policies &amp; procedures</td>
<td>Liaise with external agencies</td>
<td>Develop contacts in community</td>
<td>Demonstrate proper court demeanor</td>
<td>Demonstrate commitment to Public Services Act, anti-harassment and discrimination policies</td>
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</tr>
<tr>
<td>PRACTICE EFFECTIVE COMMUNICATION SKILLS</td>
<td>Maintain notebook according to ideal standards</td>
<td>Draft letters, memos, briefing notes</td>
<td>Communicate with diverse cultures</td>
<td>Demonstrate conflict resolution skills</td>
<td>Provides expertise to local government committees</td>
<td>Educate public/industry</td>
<td>Delivers training</td>
<td>Conduct compliance meeting</td>
</tr>
<tr>
<td>PRACTICE OFFICER SAFETY</td>
<td>Determine environ, social and economic risks</td>
<td>Maintain officer safety training standards</td>
<td>Defuse conflict where appropriate</td>
<td>Practice OH&amp;S safety procedures</td>
<td>Demonstrate appropriate use of safety equip</td>
<td>Maintain scene safety</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## APPENDIX B: Knowledge, Skills and Abilities of Bylaw Enforcement Officers

### CONDUCT LEGAL PROCESS

#### KNOWLEDGE
- Bylaws
- Community Charter
- Offence Act
- Criminal Code
- Case Law
- Charter of Rights and Freedoms
- Local Government Act
- Policy and procedures
- Other agencies with mandates Relating to issues
- Court processes and procedures

#### SKILLS AND ABILITIES
- Effective presentation skills
- Effective communication skills
- Read/interpret written materials
- Analyze information
- Construct proper information to obtain search warrants
- Construct proper information to obtain entry warrant
- Use computer
- Organize inspection team
- Plan and ensure officer/team safety
- Observe and record pertinent information
- Document actions
- Complete notices/forms
- Engage/organize other agencies when appropriate
- Effective decision making
- Tact

### CONDUCT INSPECTION

#### KNOWLEDGE
- Bylaws
- Right of entry/access
- Relevant agencies to assist in addressing issues
- Community Charter
- Local Government Act
- Charter of Rights and Freedoms
- Specialized equipment (noise meter, camera, scales etc.)
- Limitations on authority
- Criminal Code
- Freedom of Information and Privacy Protection Act

#### SKILLS AND ABILITIES
- Effective tactful communication
- Organize information
- Organize inspection team
- Interpret bylaws, statutes, policies and regulations
- Document inspections
- Solve complex problems
- Coordinate collection of information
- Prepare reports
- Enter information into computer systems
### Conduct Animal Control

#### Knowledge
- Provincial and municipal bylaws
- Search and seizure rights
- Inspection powers
- Animal behaviour, health and welfare
- Species identification
- Safe procedures and tools
- Diseases
- Fees/Administration/Licensing
- Reunification
- Personal protective equipment
- Court evidence and witness
- Lawful and correct statements

#### Skills and Abilities
- Conflict resolution
- Animal expertise
- Safe animal handling and transportation
- Equipment use
- Driving
- Database access
- Administrative skills
- Observation
- Proactive patrol skills
- Quick reaction
- Physical fitness
- Public education
- Public speaking
- Sales
- Ticketing PR/Communication
- Evidence collection
- Persuasion

### Conduct Administrative Duties

#### Knowledge
- Bylaws
- Policy and procedures
- Legislation
- Internal database and software programs
- Collection data
- Framework bylaws
- Evidence Act and procedures
- Budgetary principles
- Policy and procedures
- Knowledge of other agencies/referrals

#### Skills and Abilities
- Computer
- Organized
- Multitasking
- Effective communication
- Records management
- Records search
- Run meetings
- Interpretation and application of laws and bylaws
- Analyze and assess budget
- Report writing
- Investigation
- Prioritizing
## CONDUCT PATROL

### KNOWLEDGE
- Bylaw offences
- Note-taking requirements
- Geography (area)
- Stakeholders in area
- Issues in area
- Council direction
- Priorities/Key issues
- Mandate
- Scope of duties
- Discretion policy
- Use of vehicle
- Importance—patrol goals
- Safety patrol
- Other agencies and jurisdictions
- WorkSafe requirements
- Authority and jurisdiction

### SKILLS AND ABILITIES
- Observation
- Driving
- Note-taking
- Organization
- Equipment use
- Communication
- Proactive patrol
- Self-defence
- Tact and diplomacy
- Public education/contact
- Processing
- Evaluation
- Prioritization
- Impartial/fair
- People skills
- Image/perception
- Operate bicycle
- Operate vessel

## ASSESSING INITIAL COMPLAINT

### KNOWLEDGE
- Jurisdictional areas
- Referral agencies
- Location of knowledge base
- Bylaws, statutes, acts
- Other departments’ functions
- Other external agencies and mandates

### SKILLS AND ABILITIES
- Communication
- Computer keyboarding
- Software
- Writing
- Interpretation of legislation, bylaws, plans etc.
- Scheduling, prioritization
- Secure outside or inter-agency assistance

## CONDUCT INITIAL INVESTIGATION

### KNOWLEDGE
- Evidentiary processes
- Authorities and jurisdiction
- Storage facilities for evidence
- Storage procedures and security protocol
- Search and Seizure
- Charter of Rights
- Referral of external agencies
- Permissibility of evidence
- Enforcement processes, policies and procedures
  - Offence Act
  - Evidence Act

### SKILLS AND ABILITIES
- Physical ability (lift, walk, chase)
- Planning and prioritization
- Recognize evidence
- Computer skills (keyboarding)
- Software
- Recognize when other agency assistance is required
- Interpret legislation, policies and procedures
- Note-taking (written)
APPENDIX C: Bylaw Enforcement Officer Survey
Bylaw Officer Survey

The following survey is designed to provide the consultant with information about job risk, equipment suitability, training needs and policies and procedures as they relate to Bylaw Officers.

**DEMOGRAPHICS**

<table>
<thead>
<tr>
<th>1. Gender</th>
<th>2. Your official job title:</th>
<th>3. # of completed years service as a Bylaw Officer</th>
<th>4. What community do you represent?</th>
<th>5. What is the approximate size of the population in your community?</th>
<th>6. What is the approximate number of Bylaw Officers in your organization?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male ____</td>
<td>__________________________</td>
<td>____ yrs</td>
<td>______________________________</td>
<td>______________________________</td>
<td>__________</td>
</tr>
<tr>
<td>Female ____</td>
<td></td>
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</tr>
</tbody>
</table>

**JOB RISK**

While fulfilling your responsibilities as a Bylaw Officer during the last five (5) years how many times have you been threatened or assaulted by a person or persons in the following manner:

<table>
<thead>
<tr>
<th>Threat</th>
<th># of Times</th>
<th>Threat</th>
<th># of Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Verbally threatened by someone <em>without</em> a weapon</td>
<td>____</td>
<td>11. Physically attacked by someone without a weapon</td>
<td>____</td>
</tr>
<tr>
<td>8. Verbally threatened by someone who is holding a knife</td>
<td>____</td>
<td>12. Physically attacked by someone with a weapon</td>
<td>____</td>
</tr>
<tr>
<td>9. Verbally threatened by someone who is holding a gun</td>
<td>____</td>
<td>13. Physically attacked <em>by an animal</em></td>
<td>____</td>
</tr>
<tr>
<td>10. Verbally threatened by someone who is holding some other kind of weapon</td>
<td>____</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

Justice and Public Safety Division of the Justice Institute of British Columbia
February 2012
14. If you were **physically attacked** by someone with a weapon, what kind of a weapon was it?

________________________________________

15. If you were physically attacked as a Bylaw Officer by a person or animal, please describe any injuries you received.

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

16. Based on your experiences over the last 5 years, do you think the number of threats or assaults against Bylaw Officers **FROM PEOPLE** is:

<table>
<thead>
<tr>
<th>Increasing</th>
<th>Staying approximately the same</th>
<th>Decreasing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

17. Your job places you at a **high level of risk** of violence from individuals you contact during the course of your duties.

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

18. During the last two years, approximately how many times have you been asked to assist the police in a **policing matter?**

_____ times

Increasing _____ Staying approx. the same _____ Decreasing _____

---

**EQUIPMENT & TRAINING**

Please check all types of equipment you are **issued** to use on duty

<table>
<thead>
<tr>
<th>Insert ✓ mark if issued</th>
<th>Insert ✓ mark if issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. Impact weapon (straight baton)</td>
<td>27. Flex-cuffs</td>
</tr>
<tr>
<td>26. Aerosol weapon (pepper spray)</td>
<td>29. Protective gloves</td>
</tr>
<tr>
<td>27. Handcuffs</td>
<td></td>
</tr>
</tbody>
</table>

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The following questions refer to training you may have received to assist you in your duties and your assessment of this training.

As a Bylaw Officer, have you received basic training in:

<table>
<thead>
<tr>
<th>Skill</th>
<th>Assessment of Training Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>30. Using empty hand tactics (this is using your hands to defend yourself from physical attacks)</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>31. If yes, would you describe the training as:</td>
<td>Poor _____ Adequate _____ Good _____ Excellent _____</td>
</tr>
<tr>
<td>32. Using impact weapons (e.g. batons)</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>33. If yes, would you describe the training as:</td>
<td>Poor _____ Adequate _____ Good _____ Excellent _____</td>
</tr>
<tr>
<td>34. Using handcuffs</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>35. If yes, would you describe the training as:</td>
<td>Poor _____ Adequate _____ Good _____ Excellent _____</td>
</tr>
<tr>
<td>36. Using aerosol weapons</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>37. If yes, would you describe the training as:</td>
<td>Poor _____ Adequate _____ Good _____ Excellent _____</td>
</tr>
<tr>
<td>38. Using dialogue skills to defuse hostility</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>39. If yes, would you describe the training as:</td>
<td>Poor _____ Adequate _____ Good _____ Excellent _____</td>
</tr>
</tbody>
</table>
POLICIES

The following table asks questions about whether specific policies exist within your organization and whether such policies are important to have.

<table>
<thead>
<tr>
<th>Are there policies and procedures on the following:</th>
<th>Present? Yes or No</th>
<th>Is such a policy important to have? Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>40. Arresting citizens as a <strong>private citizen</strong> under section 494 of the Criminal Code</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>41. Arresting citizens as a <strong>peace officer</strong> under section 495 of the Criminal Code</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>42. Responding to matters that are obviously of a criminal nature</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>43. Making use of confidential informants or agents</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>44. Dealing with impaired drivers or suspected impaired drivers</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>45. Working with other law enforcement agencies (e.g. police, commercial vehicle inspectors, liquor control officers etc.).</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>46. Pursuing vehicles or driving a vehicle with the intent of “closing the distance” between yourself and the other vehicle for the purposes of identification or arrest</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>47. Dealing with people known to be wanted on arrest warrants</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>48. Responding to emergency calls for service (including those from other officers requiring emergency assistance)</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
<tr>
<td>49. Knowing what to do in the event of being involved in a motor vehicle accident</td>
<td>Yes ___/No ___</td>
<td>Yes ___/No ___</td>
</tr>
</tbody>
</table>
50. Responding to people who are hostile | Yes ___/No ___ | Yes ___/No ___  
51. Reporting incidents where hostility is encountered | Yes ___/No ___ | Yes ___/No ___  
52. Dealing with people suspected of having infectious diseases | Yes ___/No ___ | Yes ___/No ___  
53. Dealing with people who are in possession with sharp objects such as hypodermic needles | Yes ___/No ___ | Yes ___/No ___  
54. Code of Conduct for Bylaw Officers | Yes ___/No ___ | Yes ___/No ___  
55. Authorities as a Bylaw Officer on and off duty | Yes ___/No ___ | Yes ___/No ___  
56. Responding to or assisting police with drug houses | Yes ___/No ___ | Yes ___/No ___  

54. If you have any other comments or suggestions, please feel free to make them here.