



**MINISTRY OF ENVIRONMENT
CONSERVATION OFFICER SERVICE**

CHAPTER 2: PERSONNEL
SECTION 2: STANDARDS OF CONDUCT
SUBSECTION 04: CODE OF PROFESSIONAL CONDUCT

- NAME OF PROCEDURE:**
- **CODE OF PROFESSIONAL CONDUCT**
- STAFF AFFECTED:**
- Conservation Officers;
Managers, Conservation Officer Service;
Deputy Chief Conservation Officers;
Chief Conservation Officer;
- AUTHORITY:**
- *Environmental Management Act*, Section 106(3).
- RELATIONSHIP TO
PREVIOUS PROCEDURE:**
- Replaces none.
Cross-ref.: Enforcement Program Policy and Procedure
Manual chapter 2, section 2, subsection 05, "Public
Complaint" and chapter 2, section 2, subsection 06
"Complaints Against Conservation Officers Acting as Special
Provincial Constables."
- PURPOSE OF PROCEDURE:**
- The purpose of this procedure is to establish a code of conduct for members of the Conservation Officer Service by ensuring that conservation officers are accountable, identifying guidelines for determining a breach of the code and identifying the appropriate disciplinary or corrective measures.
- ISSUANCE:**
- Chief Conservation Officer

Approval: Original Signed by M. A. Hayden **Date:** January 7, 2004
Chief Conservation Officer



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1.0 DEFINITIONS:

Act means the *Environmental Management Act*, SBC 2003, c.57.

Code means Code of Conduct established by this procedure.

Dismissal includes revocation of designation as a conservation officer under the Act.

Disciplinary authority means a COS Manager in relation to a conservation officer assigned to a region; a D/Chief C.O. in relation to a conservation officer assigned to headquarters; the Chief C.O. in relation to a COS Manager or a D/Chief C.O.; and the ADM or DM in relation to the Chief C.O.

Supervisor means, in relation to a conservation officer, the Chief C.O., a D/Chief C.O., a COS Manager or any other conservation officer designated by one of these persons to supervise conservation officers.

2.0 GENERAL:

1. This Code is a guide to conservation officers in the performance of their duties and functions respecting the preservation of peace, the prevention of offences against the law, the administration of justice and other non law enforcement duties assigned to conservation officers.
2. This Code is to be interpreted as requiring that all conservation officers
 - a. accept the duty to act without favour or personal advantage,
 - b. are committed to treating all persons or classes of persons equally, regardless of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or economic and social status, and
 - c. agree to uphold rights and freedoms granted or protected by law.
3. This Code is to assist the Conservation Officer Service in delivering fair, impartial and effective enforcement services to the public in a way that does not unduly impede the ability of conservation officers to carry out their duties.
4. A conservation officer breaches this Code if the officer commits or attempts to commit any of the following disciplinary defaults as defined in Part 3.0, section A. (*Identifying a Disciplinary Default*):
 - a. discreditable conduct,
 - b. neglect of duty,



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- c. deceit,
 - d. improper disclosure of information,
 - e. corrupt practice,
 - f. abuse of authority,
 - g. improper use and care of firearms,
 - h. damage to government property,
 - i. misuse of intoxicating liquor or drugs in a manner prejudicial to duty,
 - j. conduct constituting an offence,
 - k. being a party to a disciplinary default, or
 - l. improper off-duty conduct.
5. A conservation officer, if found committing or to have committed a disciplinary default, is subject to the disciplinary or corrective measures imposed by a disciplinary authority.

3.0 PROCEDURE:

A. IDENTIFYING A DISCIPLINARY DEFAULT

Discreditable Conduct

1. A conservation officer commits the disciplinary default of discreditable conduct if:
- a. the conservation officer, while on duty, acts in a disorderly manner or in a manner that is
 - i. prejudicial to the maintenance of discipline in the Conservation Officer Service, or
 - ii. likely to discredit the reputation of the Conservation Officer Service.
 - b. the conservation officer's conduct, while on duty, is oppressive or abusive to any person,
 - c. the conservation officer contravenes a provision, standard, procedure or rule made under Section 106 of the *Environmental Management Act*,
 - d. the conservation officer withholds or suppresses a complaint or allegation of a disciplinary default against any other conservation officer, auxiliary conservation officer or special conservation officer,
 - e. the conservation officer fails to report to another conservation officer who is responsible for an investigation, or to Crown Counsel, any information or evidence, either for or against any person, that is material to an alleged offence under an enactment of British Columbia or Canada, that is being investigated by a member of the COS, or
 - f. the conservation officer suppresses, tampers with or fails to disclose to an investigating officer, or to the discipline authority, information related to a member of the COS that is material to an investigation or other proceeding under this Code or under the Special Provincial Constable Complaint Procedure Regulation.

Neglect of Duty

2. A conservation officer commits the disciplinary default of neglect of duty if;



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- a. the conservation officer, without lawful excuse, fails to promptly and diligently
 - i. obey a lawful instruction of a supervisor of the conservation officer, or
 - ii. perform his or her duties as a conservation officer.
- b. the conservation officer fails to work in accordance with instructions, or leaves an area, or other place of duty without authorization or sufficient cause or, having left a place of duty with authorization or sufficient cause, fails to return promptly, or
- c. the conservation officer is absent from, or late for, duty without reasonable excuse.

Deceit

- 3. A conservation officer commits the disciplinary default of deceit if, with intent to deceive, falsify or mislead;
 - a. the conservation officer makes or signs a false, misleading or inaccurate oral or written statement or entry in any official document or record except as part of conducting an approved undercover investigation as per procedure titled Undercover Operations, chapter 7 section 4 subsection 01 , or
 - b. the conservation officer,
 - i. destroys, mutilates or conceals all or any part of an official document or record, or
 - ii. alters, erases or adds to any entry in an official document or record.

Improper Disclosure of Information

- 4. A conservation officer commits the disciplinary default of improper disclosure of information if;
 - a. except as required in the performance of his or her duties,
 - i. discloses information that is acquired by the conservation officer in the course of being a conservation officer, or
 - ii. removes or copies a record of the Conservation Officer Service or the government, or
 - b. makes, signs or circulates a petition or statement, in respect of a matter concerning the Conservation Officer Service or the government,
 - i. knowing that all or any part of the petition or statement is false, or
 - ii. having reckless disregard as to the truth or the petition or statement.

Corrupt Practice

- 5. A conservation officer commits the disciplinary default of corrupt practice if;
 - a. the conservation officer fails to properly account for, or to make a prompt and true return of, any money or property received by the conservation officer in the course of duty,
 - b. the conservation officer agrees to be under a pecuniary or other obligation to any person in a manner that might affect the proper performance of the duties of the conservation officer, or
 - c. for personal gain or for purposes unrelated to the performance of his or her duties as a conservation officer, the conservation officer



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- i. uses his/her authority or position as a member of the Conservation Officer Service, or
- ii. uses any equipment or facilities of the Conservation Officer Service or the provincial government outside the terms of the collective agreement or in violation of government policy.

Abuse of Authority

6. A conservation officer commits the disciplinary default of abuse of authority if he or she;
- a. without sufficient cause arrests, detains or searches a person,
 - b. uses unnecessary force on a person,
 - c. while on duty, is discourteous or uncivil or uses profane, abusive or insulting language to a person including, without limitation, language that tends to demean or show disrespect to a person on the basis of that person's race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or economic and social status, or
 - d. harasses, intimidates or retaliates against a person who makes a report about the conduct of a conservation officer or who has submitted a complaint under the Conservation Officer Public Complaint Procedure.

Improper Use and Care of Firearms

7. A conservation officer commits the disciplinary default of improper use and care of firearms if the conservation officer uses or cares for firearms in a manner that is contrary to the standards set out in the Conservation Officer Service procedures respecting firearms training, use, care, handling, storage or transportation.

Damage To Government Property

8. A conservation officer commits the disciplinary default of damage to government property if the conservation officer;
- a. with intent or through negligence loses, destroys or causes any damage to
 - i. any government property, or
 - ii. any property the care of which has been entrusted to the conservation officer in the course of the conservation officer's duties, or
 - b. fails to report any loss or destruction of or any damage to any property referred to in paragraph a., however caused.

Misuse of Intoxicating Liquor or Drugs in a Manner Prejudicial to Duty

9. A conservation officer commits the disciplinary default of misuse of intoxicating liquor or drugs in a manner prejudicial to duty if;



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- a. the conservation officer, on reporting for or while on duty, is impaired by drinking intoxicating liquor, using a drug for non-medical purposes or intentionally misusing a prescription drug, or
- b. the conservation officer, without proper authority, makes any use of, or receives from any other person, an intoxicating liquor or a non-medicinal drug while on duty.

Conduct Constituting an Offence

10. A conservation officer commits the disciplinary default of conduct constituting an offence if the conservation officer is found guilty of an offence under an enactment of Canada, or any province or territory in Canada that renders the conservation officer unfit to perform his or her duties as a conservation officer or that is likely to discredit the reputation of the Conservation Officer Service.

Being a Party to a Disciplinary Default

11. A conservation officer commits the disciplinary default of being a party to a disciplinary default if the conservation officer aids, abets, counsels, or is an accessory after the fact to a disciplinary default under this code.

Improper Off-Duty Conduct

12. A conservation officer commits the disciplinary default of improper off-duty conduct if;
- a. the conservation officer, while off-duty, asserts or purports to assert authority as a conservation officer or peace officer and does an act that would constitute a disciplinary default if done while the conservation officer is on duty, or
 - b. the conservation officer, while off duty, acts in a manner that is likely to discredit the reputation of the Conservation Officer Service.

Exception

13. A conservation officer does not commit a disciplinary default under section 1 a. or b. or 6 c. if the conservation officers' action, omission or conduct, as the case may be, is necessary in the proper performance of authorized work.

B. ACTION TAKEN AS A RESULT OF A DISCIPLINARY DEFAULT

1. After finding that a disciplinary default has occurred and in accordance with the Collective Agreement for unionized employees, the disciplinary authority may recommend or impose one or more of the following disciplinary or corrective measures in relation to the conservation officer concerned:
- a. dismissal (Deputy Minister)
 - b. revocation of C.O. designation (Chief C.O.);
 - c. suspension up to 5 days (Chief C.O.);
 - d. suspension of C.O. designation (Chief C.O.);



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- e.** direction to work under close supervision;
 - f.** direction to undertake special training or retraining;
 - g.** direction to undertake professional assessment and/or counselling;
 - h.** written reprimand;
 - i.** verbal reprimand.
- 2.** If the disciplinary authority considers that one or more disciplinary or corrective measures are necessary, an approach that seeks to correct and educate the conservation officer concerned takes precedence over one that seeks to blame and punish, unless the preferred approach is unworkable or would bring the administration of Conservation Officer Service discipline into disrepute.
- 3.** Aggravating and mitigating circumstances must be considered in determining just and appropriate disciplinary or corrective measures for a breach of this Code, including, without limitation,
 - a.** the seriousness of the breach,
 - b.** the conservation officer's record of employment as a conservation officer, including, without limitation, his or her service record of discipline, if any, and any other current record concerning past discipline defaults,
 - c.** the impact of the proposed disciplinary and corrective measures on the conservation officer and on the conservation officer's career and family,
 - d.** the likelihood of future breaches of this Code by the conservation officer,
 - e.** whether the conservation officer accepts responsibility for the breach and is willing to take steps to prevent a recurrence of the breach,
 - f.** the degree to which the Conservation Officer Services' policies, standards, rules or internal procedures or the actions of the conservation officer's supervisor contributed to the breach,
 - g.** the range of disciplinary or corrective measures imposed in similar circumstances, if known, and
 - h.** other aggravating or mitigating factors.
- 4.** The disciplinary authority that undertakes any action under B. 1 (a) to (h) shall ensure that appropriate documentation is placed in the conservation officer's personnel file.
- 5.** Nothing in this Code prevents the Chief Conservation Officer or the Minister from doing one or both of the following:
 - a.** issuing an apology on behalf of the Conservation Officer Service or the government or, with the consent of the conservation officer on behalf of conservation officer;
 - b.** considering, proposing or implementing policy changes designed to prevent recurrence of a breach of this Code.