



POLICY AND PROCEDURE
CONSERVATION OFFICER SERVICE

Title: **Complaints**

Effective: July 19, 2024

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Approved by:  July 19, 2024
Cam Schley
Chief Conservation Officer Date

1.0 PURPOSE

1. The purpose of this comprehensive policy is to establish a standardized and transparent framework for addressing and resolving concerns or complaints related to conservation officers, including officers acting in their capacity as special provincial constables (SPCs).
2. The core objectives of this policy are twofold: first, to facilitate an accessible and transparent complaint process; and second, to ensure that every complaint is handled in a fair and timely manner. Additionally, the Conservation Officer Service (COS) is committed to providing the public with a clear understanding of the agency's complaint resolution procedures. This includes guidance on how to:
 - a. initiate a complaint,
 - b. the potential for informal resolutions in certain situations,
 - c. the steps involved in a complaint investigation, and
 - d. the mechanisms available for appealing a decision.
3. By establishing and adhering to these principles, the COS is committed to fostering accountability and maintaining the highest level of professionalism, thereby strengthening the trust and confidence that the public places in the organization and its members.

2.0 DEFINITIONS

1. **Act (EMA)** — refers to the [Environmental Management Act \(EMA\)](#), SBC 2003, c.57.
2. **Admissible Complaint** — refers to a complaint that is determined to be admissible under
 - a. [section 5.9.2 \[Determining the Admissibility of Complaints\]](#), or
 - b. [section 5.9.4\(6\)\(b\) \[Reassessment of Determination \(Based on New Information\)\]](#).
3. **Code** — this term encompasses the formalized [Code of Conduct](#) delineated within the framework of this procedure, incorporating both the [COS Code of Professional Conduct](#) and the [Standards of Conduct for Public Service Employees](#). It serves as the comprehensive set of ethical guidelines and behavioral expectations governing the conduct of individuals within the scope of this policy.
4. **Complainant** — in the context of this policy refers to one of the following:
 - a. an individual who makes a complaint;
 - b. an individual on whose behalf a complaint is lodged; or
 - c. an individual lodging a complaint on behalf of another, if duly authorized to do so.
5. **Complaint** — for the purpose of this policy, a "complaint" is formally defined as a written allegation specifically addressing the conduct of a conservation officer (CO), COS Manager, Deputy Chief Conservation Officer (DCCO), or Chief Conservation Officer (CCO). The nature of the allegation, if substantiated, should meet the criteria for a disciplinary breach as outlined in the provisions of the [Special Provincial Constable Complaints and Discipline Regulation](#) (BC Reg. 206/98).
6. **Conduct** — means an act or omission.

7. **Constabulary Duty** — in the context of a special provincial constable (SPC), this term pertains to a specific power or duty as outlined in [section 9\(3\)](#) [*Special provincial constables*] of the [Police Act](#). It denotes the authorized powers or required responsibilities that an SPC is empowered to exercise or obliged to perform within the scope of their role.
8. **Disciplinary Authority (DA)** — herein referred to as the DA, is an appointed individual entrusted with the comprehensive oversight of misconduct complaints within the organization. The role encompasses a judicious evaluation to ascertain the presence of substantiated evidence related to alleged misconduct. In instances where misconduct is verified, the DA assumes the responsibility of determining and implementing the most suitable disciplinary or corrective measures. Examples are as follows:
 - a. A COS Manager holds disciplinary authority over a CO assigned to a region.
 - b. A DCCO exercises disciplinary authority over a CO assigned to headquarters.
 - c. The CCO has disciplinary authority over both a COS Manager and a DCCO.
 - d. The Assistant Deputy Minister (ADM) or Deputy Minister (DM) holds disciplinary authority over the CCO.
9. **Dismissal** — this term encompasses the formal revocation of designation as a CO under the Act. It signifies the removal of an individual's status as a CO, highlighting a significant action taken in response to specified circumstances outlined within the legislative framework.
10. **Frivolous Complaint** — this term denotes a complaint related to a matter of trivial significance, where the alleged conduct holds little weight or importance. It encompasses grievances lacking a reasonable basis in reality, emphasizing the absence of substantial merit or validity in the claims presented.
11. **Investigation** — means an investigation under [section 5.9.6](#) [*Admissible Complaint Investigation*].
12. **Investigator** — refers to the individual(s) appointed by the DA to conduct a thorough examination of the circumstances surrounding a complaint. This person may be a government employee, including a member of the Conservation Officer Service (COS), or an external professional engaged or contracted by the COS expressly for this purpose. It is of paramount importance that the Investigator upholds complete impartiality and maintains no prior association with the complaint. The integrity of the investigative process relies on the Investigator's commitment to unbiased scrutiny and a lack of pre-existing connections to the matters under review.
13. **Misconduct Complaint** — refers to any complaint or information received regarding an officer's conduct, alleged to fall under either:
 - a. a 'disciplinary default' as outlined in the Conservation Officer Service (COS) Policy, specifically the [Code of Professional Conduct](#), or
 - b. a failure to adhere to the [Standards of Conduct for Public Service Employees](#).
14. **Officer / Conservation Officer (CO)** — a member of the Conservation Officer Service (COS) designated under [section 106\(3\)\(b\)\(i\)](#) of the Act.
15. **Respondent** — this term refers to an SPC who becomes the subject of a filed complaint within the context of this policy. The respondent is the individual against whom an official complaint has been lodged, and subsequent procedures are initiated to address the allegations.

16. **Respondent Officer** — this term pertains to the CO who is the focal point of a misconduct, service, or policy complaint. The Respondent Officer is the individual against whom the allegations of misconduct are directed and is a key participant in the investigative process outlined in this policy.
17. **Responsible Official** — this term designates the specific individual appointed to assume responsibility for the comprehensive management of a service or policy complaint. The Responsible Official plays a pivotal role in overseeing the resolution process, ensuring adherence to established procedures, and facilitating effective communication between involved parties.
18. **Service or Policy Complaint** — this term encompasses complaints related to the quality of the organization's services to the community, as well as concerns regarding its administrative and operational policies and procedures. It specifically addresses feedback and grievances pertaining to the delivery of services and the adherence to established policies, ensuring a comprehensive understanding of issues related to both service quality and organizational policies.
19. **Special Provincial Constable (SPC)** — refers to an individual appointed in accordance with [section 9](#) of the [Police Act](#).
20. **Supervisor** — this term holds a dual meaning:
 - a. in the context of a [Conservation Officer](#): it refers to the CCO, a DCCO, a COS Manager, or any other designated CO appointed by any of the aforementioned individuals to oversee the activities of COs.
 - b. in relation to a [Special Provincial Constable](#): it signifies the person designated by the employer of the SPC to supervise that specific SPC.
21. **Vexatious Complaint** — this term denotes a complaint lacking reasonable or sufficient grounds, intentionally made with the purpose of harassing, annoying, or misleading. It pertains to complaints that, in their essence, are devoid of merit and are pursued with an ulterior motive inconsistent with the genuine pursuit of resolution or justice within the established complaint process.

3.0 AUTHORITY

1. This policy is enacted under the authority vested in the BC Conservation Officer Service by [section 106\(3\)](#) of the [Environmental Management Act](#). It is crafted in strict adherence to regulatory frameworks, including the [Special Provincial Constable Complaints and Discipline Regulation](#) (BC Reg. 206/98), the terms outlined in the [BCGEU Agreement](#), and the overarching [Standards of Conduct for BC Public Employees](#). This ensures that the policy aligns seamlessly with the statutory foundations and professional standards that govern the BC Conservation Officer Service.

4.0 GENERAL

1. The procedures articulated in this policy are meticulously crafted to ensure unwavering adherence to all applicable laws and regulations governing the conduct and accountability of conservation officers (COs). This commitment extends to their roles both as COs and when acting in the capacity of Special Provincial Constables. The overarching objective is not only to meet legal requirements

but also to cultivate a culture of responsible and ethical conduct among officers in every facet of their duties.

2. Any departure from these procedures shall only be contemplated under circumstances expressly permitted by law or as directed by legal counsel. Such considerations will be made with utmost regard for the rights and protections afforded to all parties involved, including complainants, COs, and any relevant personnel.
3. An allegation that, upon review, does not align with the defined criteria of a [complaint](#) as outlined in [section 2.0](#) and the stipulations stated in [BC Reg. 206/98](#), the *Special Provincial Constable Complaints and Discipline Regulation*, will not fall within the scope of this procedure.
 - a. Consequently, no further action will be taken under this protocol.
 - b. This discerning approach ensures that only valid and substantiated complaints, as defined by the established criteria and regulatory framework, are processed within the confines of this procedure.
4. Entitlement to Representation in Interviews or Questioning:
 - a. Prior to the commencement of any interviews or questioning stemming from a complaint, it is imperative that officers are explicitly informed of their entitlement to have a union representative and/or legal counsel present. This ensures that individuals undergoing inquiry have access to the necessary support and guidance during the proceedings, fostering a fair and transparent process.
 - b. Similarly, managers undergoing interviews or questioning are to be expressly made aware of their right to have legal representation present.
5. Reporting of Potential Criminal Offenses:
 - a. In the event of any potential criminal offenses, it is imperative that such instances be promptly reported to the appropriate jurisdiction's police force.
6. In cases where an officer has undergone prosecution and been acquitted for an offense punishable by either indictment or summary conviction, disciplinary proceedings may still be initiated under this procedure based on the same underlying facts and circumstances.
 - a. An officer's acquittal of criminal charges does not preclude the possibility of having acted in violation of established procedure or committing a disciplinary infraction.

5.0 SPC COMPLAINT

1. This complaint policy section serves as a comprehensive framework, designed to address and resolve concerns or complaints against Conservation Officers (COs) acting in their capacity as Special Provincial Constables (SPC), in strict adherence to the procedures outlined in [BC Reg. 206/98](#).
2. A '**Special Provincial Constable (SPC) Complaint**' pertains to any received complaint or provided information concerning the behavior of an officer exercising their powers in the capacity of a Special Provincial Constable (SPC). This may encompass instances of a breach of the *Conservation Officer Service (COS) Disciplinary Default*, violation of the *Public Service Agency (PSA) Code of Conduct/Ethics*, or infringement upon the standards outlined in the *Union Bargaining Unit Default*, such as cases involving workplace bullying.

5.1 Discipline Authority (DA)

1. The DA is the excluded COS manager with line authority over the respondent officer(s).
 - a. In the context of an SPC complaint, the DA is specifically designated as the DCCO.
 - b. The role of the DA is designated by the CCO, specifying a distinct position within the organizational structure responsible for overseeing disciplinary matters.

2. **Roles and Responsibilities of the DA:**
 - a. Reviews Triage/Assessment and Consults with COS Executive:
 - i. The DA meticulously reviews triage and assessment processes, engaging in consultations with the COS Executive.
 - ii. Provides recommendations for procedural enhancements and seeks approval from relevant stakeholders.
 - b. Monitors Supervisor Responsibilities:
 - i. Oversees and ensures that supervisors fulfill their assigned responsibilities throughout the complaint resolution process.
 - c. Updates COS Executive as Required:
 - i. Provides regular updates to the COS Executive on the status and progress of ongoing complaints and investigations.
 - d. Consults with PSA and PSB if Required:
 - i. Engages with the PSA and PSB as necessary for guidance and collaboration.
 - e. Reviews Completed Investigator Report:
 - i. Thoroughly reviews the investigator's report upon completion, ensuring a comprehensive understanding of the findings.
 - f. Consults with COS Supervisor and Investigator:
 - i. Collaborates with the COS Supervisor and Investigator to gain insights into the investigation process and findings.
 - g. Recommendation of Disciplinary Action:
 - i. Recommends whether disciplinary action is warranted or not to the COS Executive.
 - h. Consults with PSA / MYHR and Issues Letters:
 - i. Engages with PSA and MYHR, issues necessary letters to involved parties, and collaborates with relevant departments for seamless execution.
 - i. Concludes the File and Imposes Disciplinary Action, if Required:
 - i. Ensures proper documentation and file closure.
 - ii. Updates the complaint log accordingly to facilitate transparency and accountability.
 - iii. Takes necessary steps to impose disciplinary action if deemed necessary.

5.2 Supervisor

1. The term "*Supervisor*" carries a dual meaning within the framework of this policy:
 - a. Conservation Officer Context: Within the context of COs, supervisory roles are undertaken by key figures, including the Chief Conservation Officer (CCO), the Deputy Chief Conservation Officer (DCCO), a designated COS Manager, or any other CO specifically appointed by the aforementioned authorities.
 - i. These appointed supervisors bear the crucial responsibility of diligently overseeing and adeptly managing the spectrum of activities undertaken by COs within their designated jurisdiction.

- ii. Their role is pivotal in ensuring the effective execution of conservation initiatives and maintaining the highest standards of environmental stewardship.
- b. Special Provincial Constable Context: In the context of a Special Provincial Constable (SPC), the appointed supervisor serves as a key managerial figure designated by the employer to provide comprehensive oversight and guidance to the assigned SPC.
 - i. In assuming this pivotal role, the appointed supervisor takes on the responsibility of directing and managing the day-to-day activities of the SPC, ensuring strict adherence to pertinent policies and regulations.
 - ii. This supervisory relationship is integral to maintaining the highest standards of performance, accountability, and compliance within the framework of law enforcement protocols.

2. Roles and Responsibilities of the Supervisor:

- a. Complaint Intake and Advisory Role:
 - i. The supervisor oversees the initial intake of complaints, providing guidance to both the COS Executive and the respective COS Inspector.
- b. Triage and Assessment:
 - i. Collaborates with PSA and PSB in triaging and assessing complaints.
 - ii. Recommends the appropriate process stream or dismissal of the complaint to the COS DA.
- c. Process Implementation:
 - i. Proactively advances with the authorized process, ensuring swift execution.
 - ii. Issues pertinent notifications to the complainant, respondent, or any other relevant parties in accordance with COS protocols, maintaining effective communication throughout.
- d. Oversight and Quality Assurance:
 - i. Supervises the responsibilities of the COS Professional Standards Inspector (PSI) and any other investigators assigned to the investigation.
 - ii. Provides quality assurance, guidance, coaching, and mentorship to the assigned investigator(s) throughout the investigation.
- e. Records Maintenance:
 - i. Ensures the proper maintenance and completion of the PSI restricted drive folder and the complaint log.
- f. Consultation with External Agencies:
 - i. Collaborates with external entities such as PSA, PSB, or other agencies when required or mandated by legislation.
- g. Review of Investigator Report:
 - i. Reviews the completed Investigator Report and ensures its submission through the appropriate process as directed or mandated by legislation.

5.3 Identifying an SPC Complaint

1. Processing Complaints against Conservation Officers:
 - a. All complaints against COs, whether acting in the capacity of an SPC or having identified themselves as such, will be meticulously processed in strict accordance with [BC Reg. 206/98](#).
2. Initiating a Complaint:
 - a. Complaints can be initiated either by submitting a completed [Public Complaint Form](#) or by providing a detailed letter.
 - b. Every complaint will be treated with equal consideration; however, utilizing the Complaint Form is encouraged as it streamlines the resolution process by gathering pertinent information.
 - c. In cases where the complainant faces challenges with writing in English, the DA is responsible for assisting in form completion.
 - d. It is imperative that the complainant signs the form and comprehends its content before the complaint can be officially accepted.
3. Receipt and Transmission of Complaints:
 - a. Any member of the COS, as well as members of the ADM, Deputy Minister, or Minister, may receive a complaint.
 - b. It is imperative that upon receipt, the complaint be promptly forwarded to the appropriate DA.
 - c. In instances where the complaint is initially received by the ADM, Deputy Minister, or Minister, it is their responsibility to transmit it to the CCO, who will then ensure it reaches the designated DA.
 - d. The information requirements stipulated in BC Reg. 206/98 remain in full effect.
 - e. It is crucial that the Minister, other elected officials, or other senior executives who receive a complaint are kept informed of its outcome and resolution.
4. Handling of Complaints:
 - a. All complaints received, regardless of their level, will be handled in accordance with the procedures outlined herein.
 - b. Any inquiries regarding the status of a complaint can be directed to the CCO.

5.4 Making a Complaint

1. Any member of the public holds the right to lodge a complaint against an SPC when directly impacted by or having directly witnessed conduct allegedly involving the SPC that falls within either of the following categories:
 - a. the improper exercise or performance of a constabulary duty;
 - b. neglect, without good or sufficient cause, to exercise or perform a constabulary duty.
2. An individual, acting as a representative for a member of the public outlined in subsection (1), is empowered to file a complaint on behalf of said member if, due to age or a mental or physical condition, the member is unable to provide consent for the complaint.

5.5 Timeline

1. An SPC complaint **must** be made **within 6 months** of the alleged incident.

5.6 Complainant Rights

1. A complainant who provides valid contact information will:
 - a. be kept informed of the status of their complaint; and
 - b. at the conclusion of the complaint process, receive a written decision from the DA.
2. If an SPC complaint is accepted, a complainant who provides valid contact information will also be provided an opportunity to:
 - a. participate in an informal resolution process (as applicable); and
 - b. indicate what they believe would be an appropriate remedy in the circumstances.

5.7 Withdrawal of a Complaint

1. A complainant may withdraw their complaint at any time by submitting a request to the DA.
 - a. A withdrawal request may only be cancelled within 3 weeks of its submission.
2. Even if withdrawn, the DA may initiate a complaint investigation if they believe it to be in the public interest and/or the best interests of the COS. In this situation, the complainant has abandoned the rights set out in section [5.6 above](#).

5.8 Informal Resolution

1. A supervisor has the authority to actively pursue an informal resolution for a complaint that has been deemed admissible.
2. An admissible complaint achieves informal resolution when a mutually agreeable resolution is proposed and accepted by both the complainant and the respondent.
3. Importantly, subsection (1) does not preclude the possibility of informally resolving an admissible complaint at any point during an ongoing investigation into the complaint.
4. Upon the successful informal resolution of an admissible complaint, the supervisor is required to:
 - a. create a comprehensive record of the resolution or disposition, along with any disciplinary or corrective measures that have been instituted,
 - b. expediently distribute a copy of this record to the complainant, the director, and the respondent involved.

5.9 Complaint Process

1. The following sections (5.9.1 to 5.9.8) delineates a comprehensive and structured approach for effectively managing misconduct complaints involving SPCs.

5.9.1 Procedure for complaint by member of public

1. A member of the public has the right to file a complaint against an SPC if they have directly experienced or witnessed conduct by the SPC that is alleged to involve either of the following:
 - a. the improper exercise or performance of a constabulary duty; or
 - b. neglect, without good or sufficient cause, to exercise or perform a constabulary duty.
2. An individual who is recognized and acting on behalf of a member of the public as described in subsection (1) may lodge a complaint on behalf of the individual if they are unable to provide consent due to age or a mental or physical condition.
3. A complaint must be submitted to the Director¹ or the Supervisor², in writing, within 6 months after the occurrence of the conduct described in subsection (1).
4. A complaint must include the following information:
 - a. the complainant's full name;
 - b. an address for sending notices to the complainant in relation to the complaint;
 - c. the details of the complaint, including the respondent's name if known;
 - d. a description of the conduct, in as much detail as possible; and
 - e. the names of any witnesses and their respective addresses, if known.
5. If a complaint is submitted to the director, the director must promptly send a copy of the complaint to the supervisor.
6. If a complaint is submitted to the supervisor, the supervisor must promptly send a copy of the complaint to the director.
7. After receiving a complaint from the director or complainant, the supervisor must promptly send a copy of the complaint to the respondent.

5.9.2 Determining the Admissibility of Complaints

1. Upon receiving a complaint, the director is tasked with assessing its admissibility.
2. A complaint is deemed admissible if it satisfies the following criteria:
 - a. The complainant is directly affected by or directly witnesses the conduct described in the complaint.
 - b. The conduct in question pertains to a constabulary duty.
 - c. The complaint meets one of the following conditions:
 - i. It is submitted within the specified time limit as outlined in [section 5.9.1\(3\)](#).

¹ In this context, "Director" refers to the Director of Police Services.

² In this context, "Supervisor" refers to the Inspector of Provincial Standards.

- ii. If the complaint is not submitted within the time limit specified in [section 5.9.1\(3\)](#), the director may still proceed if it is deemed to be in the public interest.
- d. The complaint provides all the requisite information as stipulated in [section 5.9.1\(4\)](#).
- e. The complaint is neither frivolous nor vexatious in nature.

5.9.3 Notice of Determination Regarding Admissibility

1. Following the determination of whether a complaint is admissible or inadmissible, the director is obliged to promptly provide written notice of the decision to both the complainant and the supervisor.
2. In the event the director deems a complaint to be inadmissible, the notice issued pursuant to subsection (1) must encompass:
 - a. the director's rationale behind the determination, and
 - b. notification of the reconsideration procedure as outlined in [section 5.9.4](#).
3. Upon receiving the notice mentioned in subsection (1), the supervisor is required to expeditiously dispatch a copy of the notice, including, where applicable, the rationales and notification detailed in subsection (2), to the respondent.

5.9.4 Reassessment of Determination (Based on New Information)

1. The director may, at the request of the complainant, review a determination of inadmissibility if new and relevant information has come to light.
2. The request under subsection (1) must be in writing and submitted to the director within 30 days from the complainant's receipt of the notice mentioned in [section 5.9.3\(1\)](#).
3. The director may extend the time period for requesting a review if:
 - a. There are special circumstances that prevented the request from being made within the initial 30-day timeframe, as determined by the director.
 - b. The director deems it appropriate to grant an extension.
4. Upon receiving a request under subsection (1), the director must promptly provide a copy of the request to the supervisor.
5. After receiving a copy of the request sent under subsection (4), the supervisor must promptly send a copy of the request to the respondent.
6. Following a review of the request under subsection (1), the director may:
 - a. confirm the original determination, or
 - b. determine that the complaint is admissible.

5.9.5 Formal Notice of Director's Determination upon Reconsideration

1. Following the decision made under [section 5.9.4\(6\)](#), the director is required to promptly provide written notice of the decision to both the complainant and the supervisor.

2. Upon receipt of the notice as described in subsection (1), the supervisor must expeditiously forward a copy of the notice to the respondent.

5.9.6 Admissible Complaint Investigation

1. If a supervisor does not succeed in reaching an informal resolution for an admissible complaint under [section 5.9.7](#), the supervisor is obligated to:
 - a. initiate a formal investigation into the complaint, and
 - b. promptly notify the respondent and the director of the investigation.
2. Should a supervisor be unsuccessful in informally resolving an admissible complaint under [section 5.9.7](#), the complainant retains the right to request a formal investigation into the complaint.
3. The request under subsection (2) must be submitted in writing to the supervisor within 10 days following the failure of the informal resolution.
4. Upon receiving a request for an investigation into an admissible complaint in accordance with subsection (3), the supervisor is required to:
 - a. commence a thorough investigation into the complaint, and
 - b. promptly inform the respondent and the director of the investigation.

5.9.7 Resolution and Findings Report

1. No later than 7 days following the conclusion of an investigation into a valid complaint against an SPC, the supervisor shall provide a notification to the complainant, the director, and the respondent. This notification must include:
 - a. A concise summary of the investigation's findings and outcomes.
 - b. Details regarding any disciplinary or corrective actions proposed by the supervisor as per [section 5.9.8](#). This should encompass any written submissions provided by the respondent's employer in response to the complaint and the investigation.

5.9.8 Disciplinary or Corrective Measures

1. Following a comprehensive evaluation of the investigation findings, the supervisor has the authority to apply one or more of the subsequent disciplinary or corrective measures in relation to the respondent involved:
 - a. Dismissal;
 - b. Suspension without pay for a maximum of 5 scheduled working days;
 - c. Mandate to work under heightened supervision;
 - d. Directive to undergo specialized training or retraining;
 - e. Directive to engage in professional counseling;
 - f. Issuance of a written reprimand;
 - g. Issuance of a verbal reprimand.
2. These measures are to be employed judiciously based on the specific circumstances and gravity of the misconduct identified.

5.10 Appeals

1. The existing BC. Reg 206/98 does not include explicit provisions or delineated procedures for the appeal of decisions related to SPC complaints.
2. At present, there is no formalized avenue for individuals to appeal decisions pertaining to SPC complaints within the current legislative structure.

5.11 Documenting an SPC Complaint

1. The supervisor is responsible for filling out a [Public Complaint Form](#), when required, and assigning a unique file number to the complaint.
 - a. The file number format should be 31008-20 (ENFORCEMENT - COMPLAINTS AGAINST COs), followed by the Region number, and the name of the staff member being complained against.
 - i. For instance, it should appear as 31008-20/R2/Simpson.
2. Every supervisor is responsible for keeping a detailed record of all submitted complaints, including the resolution status of each.
 - a. This log must be provided semi-annually to the respective DA overseeing the supervisor.
 - b. The DA will, in turn, furnish a summary of complaints to the CCO twice a year for statistical analysis and tracking purposes.

6.0 MISCONDUCT COMPLAINT

1. A "**Misconduct Complaint**" encompasses any received complaint or provided information concerning an officer's behavior. This pertains to allegations falling into either of the following categories:
2. A '*disciplinary default*,' as detailed in the [COS Policy](#), is specifically outlined within the [Code of Professional Conduct](#). This category addresses conduct that deviates from established professional standards, with examples including but not limited to the following:
 - a. **Unlawful use of Force:** Any use of force by an officer that exceeds what is considered legally justifiable, leading to unnecessary harm or injury to an individual.
 - b. **Neglect of Duty:** Failure to perform assigned duties or responsibilities in a timely and effective manner, potentially compromising public safety or mission-critical objectives.
 - c. **Unprofessional conduct:** Engaging in behavior unbecoming of a public service officer, such as using inappropriate language or engaging in discriminatory practices.
3. Instances where an officer fails to adhere to the [Standards of Conduct for Public Service Employees](#). This refers to behavior that falls short of the expected ethical and professional conduct outlined for public service personnel. Examples include, but are not limited to, the following:
 - a. **Conflict of Interest:** Failing to disclose or address situations where an officer's personal interests may conflict with their professional obligations, potentially leading to biased decision-making.
 - b. **Misuse of Authority:** Using one's position or power for personal gain, rather than in service to the public, which can undermine trust in the agency and erode public confidence.

- c. **Harassment or Bullying:** Engaging in persistent, unwelcome behavior or actions that create a hostile or intimidating work environment for colleagues or members of the public.
4. These complaints serve as crucial mechanisms for upholding the integrity and accountability of our officers, ensuring they operate within the bounds of established codes of conduct and professional ethics.

6.1 Discipline Authority (DA)

1. The DA is the excluded COS manager with line authority over the respondent officer(s).
 - a. Typically, the Inspector will act as the DA, but it may be the DCCO or CCO, depending on the officer(s) and/or ranks involved.
2. If a misconduct complaint concerns the CCO, the DA will be the Assistant Deputy Minister or the Deputy Minister, as appropriate.
3. The DCCO or CCO may remove and replace the DA with cause, excluding those circumstances outlined in subsection (2) above. The appointment of a new DA will be in writing.

6.2 Making a Complaint

1. A misconduct complaint may be submitted to the COS in person, by email, phone, fax, or mail.
 - a. While complainants are encouraged to use the [COS Complaint Form](#), it is not required.
 - b. In the event of an initially in-person or phone-based complaint, it is imperative that the complainant subsequently formalize the complaint by providing a written follow-up.
2. A complaint may be made by any person who is directly affected by or who witnesses officer misconduct.
3. A complaint may be filed by an individual known to and acting on behalf of a person described in subsection (2) above, if that person:
 - a. consents to the complaint being made on their behalf, or
 - b. because of age or a mental or physical condition, is incapable of giving consent.
4. A complaint may be made by a third-party complainant if that individual is in possession of compelling evidence suggesting officer misconduct.

6.3 Timeline

1. A misconduct complaint **must** be made **within 6 months** of the alleged incident.
 - a. If the complaint involves several separate incidents, on different dates, it must be made within 6 months of the last alleged incident.
2. The time limit for making a complaint may be extended by the DA if they believe it to be in the public interest and/or the best interests of the COS.
3. **NOTE: While there is no prescribed time limit for resolving a complaint, each complaint will be managed expeditiously and should be resolved no later than 6 months after it has been received.**

6.4 Complainant Rights

1. A complainant who provides valid contact information will:
 - a. be kept informed of the status of their complaint; and
 - b. at the conclusion of the complaint process, receive a written decision from the DA.
2. If a misconduct complaint is accepted, a complainant who provides valid contact information will also be provided an opportunity to:
 - a. participate in an informal resolution process (as applicable); and
 - b. indicate what they believe would be an appropriate remedy in the circumstances.

6.5 Withdrawal of a Complaint

1. A complainant may withdraw their misconduct complaint at any time by submitting a request to the DA.
 - a. A withdrawal request may only be cancelled within 3 weeks of its submission.
2. Even if withdrawn, the DA may initiate a complaint investigation if they believe it to be in the public interest and/or the best interests of the COS. In this situation, the complainant has abandoned the rights set out in section [6.4 above](#).

6.6 Informal Resolution

1. The goal of informal resolution is to find a mutually agreeable solution to a misconduct complaint.
 - a. The focus is on dialogue, education and, where applicable, repairing any harm done.
2. Informal resolution is only available for a misconduct complaint that is less serious and relatively uncomplicated in nature. It is not available for complaints that:
 - a. allege serious physical, emotional or psychological harm or financial loss to the complainant;
 - b. allege violation of the complainant's dignity or privacy, or rights recognized by law; or
 - c. in any other way appears to require a formal investigation in order to maintain public confidence in the COS.
3. Informal resolution is a voluntary process and will only be considered valid if:
 - a. the affected parties' consent to the process, and
 - b. it has been authorized by the DA.
4. Informal resolution is available at any time in the complaint process.
5. A complainant may appoint a person of their choice to act as support during the informal resolution process.
 - a. The role of the support person is to help ensure the complainant's voice is heard.
6. If there are multiple complainants and/or respondent officers, informal resolution is available to those participants who are willing.

7. If a misconduct complaint is unsuitable for informal resolution, or the informal resolution process is unsuccessful, a complaint investigation will be initiated.

6.7 Appeals

1. A complainant may appeal a DA's decision that the allegation was unsubstantiated.
2. A complainant may not appeal:
 - a. the dismissal of a complaint, or
 - b. any corrective or disciplinary measures imposed.
3. An appeal must include:
 - a. the decision being appealed,
 - b. the reason(s) for the appeal, and
 - c. supporting information, if available.
4. An appeal **must** be submitted **within 30 days** of receiving the decision being appealed.
 - a. The time limit for submitting an appeal may be extended by the review official if they believe it to be in the public interest or the best interests of the COS.
5. The CCO will act as the review official for an appeal or reassign this duty to an independent and appropriately qualified individual.
 - a. The review official's decision is final.
6. A respondent officer, if a member of the BCGEU, may appeal a DA's decision by filing a grievance in accordance with the [Public Service \(Master\) Agreement](#).

6.8 Excluded Complaints

1. This policy does not apply to the misconduct complaints described below.
2. A complaint against a CO acting in their capacity as an Auxiliary or Special Conservation Officer, pursuant to a designation under [section 106\(3\)\(b\) of EMA](#), will be forwarded to the most appropriate manager with line authority over that individual.
 - a. Refer to [section 5](#) (SPC Complaint) for detailed instructions on how to file a complaint regarding a Special Provincial Constable (SPC).

6.9 Confidentiality and Privacy

1. The COS will protect the privacy and confidentiality of all parties involved in the complaint process, to the extent allowed by law.
 - a. However, disclosure may be necessary for the proper conduct of a complaint investigation or the public interest.

6.10 Complaint Process

1. The following sections (6.10.1 to 6.10.9) delineates a comprehensive and structured approach for effectively managing misconduct complaints involving COs.

6.10.1 Complaint Intake

1. Upon receipt at HQ, complaints will be forwarded to the Inspector of Provincial Standards for initial review.
 - a. The-Inspector of Provincial Standards will review complaints and forward them to the DA for further action.
2. COS staff are available to assist complainants in submitting misconduct complaints, providing necessary support as required.
3. When assisting in completing a [COS Complaint Form](#), COS staff will:
 - a. ensure the complainant's agreement with the form's contents, and
 - b. accurately document the extent of assistance provided.
4. If a complaint is informally resolved upon receipt (e.g., through advice or information), the DA may authorize this as an [informal resolution](#).
 - a. In such instances, a signed [Informal Resolution Agreement](#) is **not required**, but documentation of the complainant's satisfaction is essential.
5. If complaints are submitted in a written format, including via email, there is no requirement to transpose the information into a distinct complaint form.

6.10.2 Complaint Review

1. The DA will make a preliminary determination to accept or dismiss a misconduct complaint. A misconduct complaint will be accepted if it:
 - a. Contains at least one allegation that, if proven true, would constitute a misconduct complaint.
 - b. Originates from an eligible person.
 - c. Is received within the specified time limit (as appropriate).
 - d. Involves a current employee.
2. Complaints not meeting the above criteria, or with allegations assessed as frivolous or vexatious, may be dismissed.
3. The DA will email their overseeing member of COS Executive with:
 - a. A concise summary of the complaint.
 - b. Indication of whether the complaint was accepted or dismissed.
 - c. An attachment of the original complaint (e.g., completed COS Complaint Form).

4. If the complaint includes credible allegations of an offense, the DA will delay email notification as described in item #3 above and immediately notify the CCO in writing.
 - a. Depending on circumstances, the DA may also be required to inform the relevant law enforcement agency.
5. The COS Executive must confirm whether a misconduct complaint will be accepted or dismissed before the complaint process proceeds further.

6.10.3 Complaint Tracking

1. All misconduct complaints (accepted or dismissed) will be tracked.
2. The DA will ensure the complaint process is properly documented, including the complaint timeline, key decisions, and actions.
3. Following a review of the complaint, the COS Supervisor will:
 - a. open the "COS_Restricted_PSI" file folder on the COS shared drive (O:);
 - b. complete all applicable fields in the *Professional Standards Investigations Tracking Log* ("tracking log");
 - c. create a file folder ("PSI File") labeled with the PSI number assigned in the tracking log; and
 - d. save all relevant documents to the PSI File, ensuring consistent and clear file naming.

6.10.4 Notice of Dismissal

1. If a misconduct complaint is dismissed, the DA will send a [Notice of Dismissal](#) to the complainant within 3 weeks of receiving the complaint. It will include:
 - a. A summary of the allegations.
 - b. Reasons for the dismissal.
 - c. Indication that an appeal/review is not available under the COS Complaints Policy, and no further action will be taken.
2. A copy of the [Notice of Dismissal](#) will be sent to the respondent officer and their direct supervisor (as appropriate).

6.10.5 Notice of Acceptance

1. If a misconduct complaint is accepted, the DA will send a [Notice of Acceptance](#) to the complainant within 3 weeks of receiving the complaint. It will include:
 - a. A summary of the allegations.
 - b. The specific allegation(s) to be accepted/dismissed (as applicable).
 - c. An outline of the next steps in the complaint process, including discussion of informal resolution or a complaint investigation.
2. Following notification of the complainant, the Inspector of Provincial Standards will send a [Notice of Complaint](#) to the respondent officer(s) and a copy to their direct supervisor and COS Executive. The [Notice of Complaint](#) will include:
 - a. A summary of the allegations.

- b. The specific allegation(s) to be accepted/dismissed (as applicable).
 - c. An outline of the next steps in the complaint process, including discussion of informal resolution or a complaint investigation.
 - d. If a complaint investigation is initiated, a respondent officer's right to receive advice and support from their union or, if excluded, from a support person of their choice.
3. On written authorization from, and for a term specified by the CCO, the DA may withhold the following from a respondent officer:
 - a. the name of a complainant, or
 - b. the Notice of Complaint entirely, where such notice might prejudice a complaint investigation.

6.10.6 Informal Resolution

1. If an informal resolution is feasible, the DA will contact the parties to:
 - a. Discuss the collaborative, problem-solving approach.
 - b. Confirm their consent.
2. Upon mutual consent, the DA may facilitate the resolution or assign an independent third party.
 - a. The facilitator may employ various approaches, including individual and joint sessions.
 - b. The facilitator is empowered to employ various methods, including but not limited to
 - i. face-to-face meetings,
 - ii. audio/video conferencing,
 - iii. written correspondence, and
 - iv. more, as deemed appropriate and effective.
3. While the process will be documented, discussions will not be recorded.
4. If an agreement is reached, the Informal Resolution Agreement will capture:
 - a. the issues involved,
 - b. the specific terms of the agreement, and
 - c. the signed consent of the parties.
5. If consent is not revoked within 3 weeks, the outcome is:
 - a. documented in a Confirmation of Informal Resolution,
 - b. considered final, and
 - c. the complaint is closed.
6. If informal resolution proves unsuccessful, the process will advance to a formal complaint investigation. The DA shall:
 - a. Notify the parties through the Cancellation of Informal Resolution form.
 - b. Guarantee that information gathered during the informal resolution process remains separate and is not transferred to the formal investigation.

6.10.7 Complaint Investigation

Discipline Authority's (DA) Key Responsibilities:

1. Appoint an independent investigator in writing, ensuring that the individual:
 - a. possesses a suitable level of expertise, skills, and experience to effectively plan and oversee the investigation;
 - b. operates without being under the direct supervision of the person under investigation; and
 - c. does not reasonably give rise to concerns of bias or conflicts of interest in the matter at hand.
2. For complex cases, multiple investigators may be assigned.
3. In collaboration with the investigator(s), formulate comprehensive terms of reference for the investigation. Tailor these terms based on the specific nature of the complaint, considering:
 - a. the intended purpose and precise scope of the investigation;
 - b. a meticulously crafted investigative plan with a clearly defined timeline;
 - c. considerations regarding confidentiality and disclosure, ensuring compliance with relevant protocols;
 - d. safeguarding the rights of the respondent officer throughout the investigative process;
 - e. establishing robust monitoring and reporting protocols to track progress effectively; and
 - f. any other specialized requirements that are distinct to the nature of the complaint at hand.
4. If the investigator is a member of the BCGEU, Support Services shall be responsible for creating a temporary file folder on the secure PSI SharePoint platform, designated as '*SharePoint PSI File*,' to serve as the investigator's dedicated case repository. The SharePoint PSI File will:
 - a. Exclusively bear the 'PSI Number' assigned in the tracking log for easy identification.
 - b. **Strictly limit access** ('library permissions') to the **DA and designated investigator(s)** to uphold confidentiality and security measures.
5. If the parties subsequently opt for participation in an informal resolution process after a complaint investigation has commenced, the following steps should be taken:
 - a. Temporarily suspend the investigation.
 - b. **No information** gathered during the investigation may be shared with the informal resolution process.
 - c. Ensure that the investigator assigned to the complaint investigation **does not** partake in or have access to the informal resolution process.
 - d. In the event of a successful resolution through informal means, all investigation materials will be securely destroyed.
 - e. If the informal resolution process proves unsuccessful, the DA may re-activate the investigation.
6. **NOTE: It is imperative to note that any information surfaced or presented during the informal resolution process must not be transferred to the investigation.**
7. Maintain transparent communication with both the complainant and the respondent officer(s) regarding the progress of the investigation, as deemed appropriate. This ensures that all involved parties are kept well-informed of the status of the proceedings.

8. The DA **must not** act as an investigator.

Investigator - Key Responsibilities:

1. Report directly to the DA exclusively throughout the investigation period.
 - a. Unless expressly directed otherwise, prioritizing the completion of the investigation over other duties is of **utmost importance**.
2. Document the investigation in a continuation report.
3. Ensure clear understanding of the investigation's terms of reference.
4. Take reasonable steps to:
 - a. Obtain all pertinent factual information related to the complaint.
 - b. Protect confidentiality and privacy, while adhering to fair and lawful investigation requirements.
 - c. Allow the complainant to submit recommendations with reasons for appropriate corrective or disciplinary measures.
5. **NOTE: Persons interviewed cannot be guaranteed strict confidentiality as legal privilege typically does not apply.**
6. Store file material in:
 - a. PSI File for excluded employees.
 - b. SharePoint PSI File for included employees.
7. Keep the DA updated on the investigation's progress.
8. Consult the DA regarding any issues related to employee rights.
 - a. Immediately notify the DA, by telephone and/or email, if there is information suggesting a respondent officer should be temporarily reassigned or placed on a leave of absence with pay pending investigation completion.
9. Provide the respondent officer with a minimum of 48 hours' notice before conducting an interview. Ensure they understand:
 - a. the full scope of the allegations (complete disclosure of the investigative file is not required);
 - b. the interview will be audio recorded (and possibly audio and video recorded); and
 - c. their right to union representation (for included employees) or their right to have a support person attend (for excluded employees).
10. If an included employee waives their right to union representation, ensure a [Waiver of Representation](#) is completed.
11. Upon investigation conclusion, submit an [Investigation Report](#) to the discipline authority.

Conservation Officer – Key Responsibilities:

1. It is imperative for an officer to engage in complete cooperation with all lawful and reasonable directives from the employer as outlined in this policy. This may encompass, but is not confined to, the following actions in response to a request from an investigator:
 - a. thoroughly responding to inquiries related to the investigation and being present at a location designated by the investigator to address these inquiries; and
 - b. supplying the investigator with a comprehensive written statement regarding matters pertinent to the investigation.

6.10.8 Notice of Decision

1. If a temporary SharePoint PSI File was created, the DA will ensure:
 - a. All file material is transferred to the corresponding PSI File.
 - b. The SharePoint PSI File is permanently deleted, including from the PSI SharePoint's "Recycle Bin".
2. Upon receiving a copy of the Investigation Report, the DA may:
 - a. Initiate further investigation if the report appears incomplete or flawed.
 - b. Review any additional relevant records not made available to the investigator (e.g., performance appraisals, previous discipline, training records, emails, etc.).
3. Once a determination is reached, the DA will craft a comprehensive Notice of Decision. This document serves the following purposes:
 - a. The Notice of Decision will provide a clear explanation of the rationale behind the decision, focusing on the substantial and pivotal issues that influenced it.
 - b. It's important to note that the Notice of Decision will not delve into specific details regarding any disciplinary or corrective measures, if applied.
 - c. Its primary aim is to inform the complainant whether the complaint was deemed meritorious. If so, it will outline, in general terms, the actions the COS is taking to rectify the situation and prevent future occurrences.
 - d. Exceptions may arise, such as cases where the decision directly affects the complainant, potentially involving elements like a formal letter of apology.
4. The Notice of Decision will be distributed to:
 - a. the complainant, along with information on how to appeal,
 - b. the respondent officer(s) and their direct supervisor(s),
 - c. the lead investigator,
 - d. the CCO, and
 - e. the PSI File.
5. If a misconduct complaint is substantiated, any imposed disciplinary or corrective measures will align with applicable human resource policies and the Public Service (Master) Agreement.
6. The DA will oversee the implementation of any imposed disciplinary or corrective measures.

6.10.9 Appeal and Review

1. If a valid appeal is submitted, the review official will:
 - a. Review the complaint file.
 - b. Assess the quality of the investigation and how the complaint was managed.
 - c. Evaluate the appropriateness of the DA's decision.
 - d. Allow the DA an opportunity to comment on the appeal.
 - e. If necessary, arrange further investigation by an independent, appropriately qualified person.
 - f. Document their decision, along with reasons, in a [Conclusion of Proceedings \(Appeal\)](#) letter.
2. The [Conclusion of Proceedings \(Appeal\)](#) will be shared with:
 - a. the complainant,
 - b. the respondent officer(s) and their direct supervisor(s),
 - c. the DA,
 - d. the CCO, if applicable, and
 - e. the PSI File.

7.0 SERVICE OR POLICY COMPLAINT

1. A **service or policy complaint** is a complaint that concerns the quality of the organization's services to the community or the effectiveness of its administrative and operational policies and procedures. This type of complaint focuses on the delivery of services, the adherence to established policies, and the overall efficacy of operational protocols.
2. It may encompass concerns related to response times, accessibility, communication, transparency, or any other aspect directly influencing the organization's interaction with the community it serves. Additionally, a service or policy complaint may also touch upon broader systemic issues, seeking improvements in organizational processes and policies to enhance the overall experience and outcomes for both the COS and its stakeholders.
3. When a service or policy complaint involves alleged or possible misconduct, it will be managed in accordance with the guidelines outlined in [section 6](#) of this policy.

7.1 [Making a Complaint](#)

1. A service or policy complaint may be submitted to the COS by [email](#), in person at any COS office location, or by phone, fax, or letter.
 - a. While the use of the [COS Complaint Form](#) is encouraged, it is not mandatory.
 - b. In the event of an initially in-person or phone-based complaint, it is imperative that the complainant subsequently formalize the complaint by providing a written follow-up.
2. Any person may make a service or policy complaint.

7.2 Timeline

1. A service or policy complaint **must be made within 6 months** of the alleged incident/occurrence.
 - a. If the complaint involves several separate incidents, on different dates, it must be made within 6 months of the last alleged incident/occurrence.
2. The time limit for making a complaint may be extended by the responsible official if addressing the matter is believed to be in the public interest and/or the best interests of the COS.
3. To maintain public trust in the administration of the complaint process, a service or policy complaint must be resolved in a timely manner, and generally no later than 6 months after receipt.

7.3 Complainant Rights

1. A complainant who provides valid contact information will be provided
 - a. regular updates on the status of their complaint; and
 - b. upon conclusion of the complaint process, a copy of the responsible official's written decision.

7.4 Complaint Process

7.4.1. Complaint Intake

1. COS staff will assist a complainant with the submission of a service or policy complaint, as required.
 - a. If a service or policy complaint is received in letter format, including email, it will be forwarded as is (see item 3 below). The information will not be duplicated (re-entered) in a COS Complaint Form.
2. If COS staff assist with completion of a COS Complaint Form, they must ensure
 - a. the complainant agrees with the form's contents; and
 - b. the complainant's agreement and the extent of COS assistance have been properly documented.
3. A service or policy complaint will be forwarded to the Deputy Chief Conservation Officer with direct responsibility for the subject matter of the complaint.
4. The Deputy Chief Conservation Officer will
 - a. act as the responsible official for a service or policy complaint; or
 - b. appoint a suitably qualified designate, as appropriate.

7.4.2 Complaint Tracking

1. The responsible official will ensure the receipt of, and response to a service or policy complaint is tracked and properly documented, including a detailed record of key decisions and actions.
2. The responsible official will ensure the following documentation is maintained in the "COS_Restricted_PSI" folder on the COS shared drive:

- a. an entry for each service or policy complaint is made in the Complaints Tracking Log;
- b. required fields in the Complaints Tracking Log are promptly updated;
- c. a subfolder is created in the “Complaints” folder, organized by calendar year and named using the file number assigned in the tracking log; and
- d. all relevant file materials are saved to the subfolder and file naming is consistent and clearly identifies the contents of a specific file.

7.4.3 Complaint Investigation and Response

1. The responsible official will undertake one or more of the following actions, as appropriate:
 - a. if a complaint does not appear to be sensitive or complex in nature, contact the complainant directly and attempt to resolve the matter informally (e.g., providing advice or information);
 - b. initiate further research and/or an investigation into the matter; and
 - c. take any other reasonable action deemed necessary to address the complaint; or
 - d. dismiss the complaint, providing reasons for doing so.
2. If the timeline for complaint resolution must be extended beyond 6 months (see item 3, section 7.2), the responsible official will ensure the complainant is promptly notified.
3. Once a determination has been made, the responsible official will provide the complainant a written response, including (as applicable):
 - a. an explanation for the agency's actions,
 - b. a summary of the results of any research or investigation that was conducted, and
 - c. proposed next steps.
4. A copy of the written decision will be provided to the Chief Conservation Officer.
5. When approved by the Chief Conservation Officer, the responsible official will (in addition to a written decision) contact the complainant directly to ensure a focused and personalized conclusion to the matter.

7.5 Appeals

1. The decision of the responsible official regarding a service or policy complaint is final and not subject to appeal.

8.0 THIRD PARTY OVERSIGHT

1. In certain circumstances, the effective handling of misconduct complaints may necessitate the engagement of qualified third parties to ensure impartiality and expertise in the investigation process. This section outlines the procedures and considerations for appointing and working with third parties, such as independent investigators or external auditors, to oversee or assist in the resolution of complaints.
2. In certain cases, the DA may appoint a qualified third party, such as an independent investigator or external auditor, to investigate, oversee or assist in the investigation of a misconduct complaint.

3. The third party shall possess the necessary expertise and impartiality to conduct a thorough and unbiased investigation.
4. The third party's responsibilities may include but are not limited to:
 - a. Conducting interviews with relevant parties.
 - b. Reviewing relevant documents and evidence.
 - c. Complete a report detailing their investigation.
 - d. Delivering an impartial evaluation of investigation findings that were not conducted under their purview, ensuring an independent and unbiased assessment.
 - e. Offering recommendations for corrective actions, if applicable.
5. The third party shall report their findings and recommendations directly to the DA, who will consider these in the final decision-making process.
6. The third party shall adhere to all confidentiality and privacy requirements outlined in this policy.
7. Qualifications and Selection Criteria:
 - a. The DA shall establish clear criteria for the selection of third parties, taking into consideration their:
 - i. expertise,
 - ii. experience,
 - iii. independence, and
 - iv. any relevant certifications or accreditations.
8. Conflict of Interest:
 - a. The selected third party must disclose any potential conflicts of interest that may compromise their impartiality in conducting the investigation.
 - b. If a significant conflict exists, an alternative third party will be appointed.
9. Scope of Authority:
 - a. Define the specific scope of authority and responsibilities of the third party, outlining the extent to which they may:
 - i. access information,
 - ii. conduct interviews, and
 - iii. make recommendations.
10. Reporting and Communication:
 - a. Establish a clear reporting structure for the third party, specifying how and when they should communicate their findings and recommendations to the DA.
11. Timelines and Deadlines:
 - a. Set specific timelines and deadlines for the third party to complete their investigation, ensuring that it aligns with the overall complaint resolution process.
12. Documentation and Record-Keeping:
 - a. Outline requirements for the third party to maintain thorough documentation of their activities, including:

- i. interview notes,
- ii. evidence collected, and
- iii. any other relevant records.

13. Confidentiality and Non-Disclosure:

- a. Emphasize the importance of confidentiality and non-disclosure agreements to ensure that the third party protects sensitive information related to the complaint.

14. Costs and Compensation:

- a. Specify any financial arrangements, such as fees or expenses, associated with the engagement of the third party, as well as the process for reimbursement.

15. Review and Evaluation of Third-Party Performance:

- a. Implement a process for evaluating the performance of the third party, including an assessment of their adherence to established protocols and the quality of their work.

9.0 APPENDICES

[9.1 COS Complaint Form](#)

[9.2 Notice of Acceptance – Complainant](#)

[9.3 Notice of Complaint – Officer](#)

[9.4 Notice of Dismissal](#)

[9.5 Informal Resolution Agreement](#)

[9.6 Confirmation of Informal Resolution](#)

[9.7 Cancellation of Informal Resolution](#)

[9.8 Waiver of Representation](#)

[9.9 Investigation Report](#)

[9.10 Notice of Decision – Misconduct Complaint](#)

[9.11 Conclusion of Proceedings \(Appeal\)](#)

9.1 COS Complaint Form

File No:



Complaint Form

Conservation Officer Service

What You Should Know

If you have a complaint about the conduct of a conservation officer, the quality of the organization's service to the community, or its policies and procedures, please complete the form below and submit it to our provincial headquarters in Victoria by:

- email, at Conservation.Officer.Service@gov.bc.ca
- regular mail, at PO Box 9376 Station Prov Govt, Victoria BC, V8W 9M5
- fax, at (250) 356-9197, or
- in person at 2975 Jutland Road, Victoria BC

You may also deliver a complaint form to any regional COS office or phone an employee of the COS directly. Please search the [online B.C. Government Directory](#) if there is a particular officer that you wish to speak with - you may search using "Enforcement Program", "Conservation Officer Service", or a specific surname.

If you require assistance in filing your complaint, including completion of this form, an employee of the Conservation Officer Service ("COS") is available to help.

If the issue cannot be addressed at the time your complaint is made, it will be directed to the most appropriate discipline authority for their review. If you have provided us with your contact information, the COS will notify you within 1-3 weeks to advise if your complaint will be accepted or not. The exact timing of this follow-up will vary depending on the nature of the complaint and your availability.

For complete details about our complaint process, including the options for resolution, please refer to the Conservation Officer Service "Complaints" policy available on our website, at www.env.gov.bc.ca/cos, or contact our provincial headquarters in Victoria.

Your Details [To be kept informed of the complaint process, you must provide valid contact information.]

Last Name	First Name	Title (e.g., Mr.)
Are you under the age of 18?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Is this complaint being submitted on someone's behalf? If yes, please explain.		<input type="checkbox"/> Yes <input type="checkbox"/> No
Address [If you would like to be contacted by mail.]		
Telephone No. (Home)	Telephone No. (Work)	Cell No.
Email Address		
Do you have any special instructions for contacting you? [For example: Are there any dates when you know you will be unavailable?]		

Complaint Summary [Use this section to provide key details of the incident.]	
This complaint is about (check all that apply):	
<input type="checkbox"/> Conservation officer misconduct	AND / OR <input type="checkbox"/> The policies of, or services provided by the Conservation Officer Service
<input type="checkbox"/> An incident that happened to me	OR <input type="checkbox"/> An incident that happened to someone other than me
Does this complaint refer to more than one incident?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you know a case file number associated with your complaint, include it here:	
Did the incident occur within the past 6 months? If you answer "No", you must explain why the 6-month time limit for making a complaint should be extended. Attach additional pages for this purpose or use the section on page 3 titled "Incident Details".	<input type="checkbox"/> Yes <input type="checkbox"/> No
When did the incident(s) happen? [Indicate the specific date and the approximate time of each, as applicable.]	
Where did the incident(s) happen? [Be as specific as possible.]	
Provide the name(s) of any conservation officer involved or witness to the incident. If unknown, provide as many identifying details as possible.	
Were there any other witnesses to the incident? List their names and contact information here, if known.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Were you injured as a result of the incident? If yes, briefly describe your injuries and any treatment received.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any supporting materials attached to this complaint form? If yes, please list the attachment(s) here, so we can help ensure your submission is complete.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Incident Details [Use this section to provide a detailed account of what happened and any relevant background. Attach additional pages as needed. While preferred, your signature is not a requirement.]

--	--

Signature of Complainant

Date Signed

To be completed by the COS employee who received this complaint

This complaint was received on		
at		
<i>(Year Month Day)</i>	<i>Time</i>	<i>Name of person receiving complaint</i>

Office where complaint was received:

How was the complaint received? In person By mail By phone By email By fax

Did you help with the completion of this form? If yes, please explain Yes No

Were you able to resolve the issue at the time the complaint was filed? If "Yes", please explain. Depending on the circumstances, the discipline authority will contact the complainant for confirmation. Yes No

To be completed by the COS Discipline Authority

Date complaint received [year / month /day]	Name of discipline authority
---	------------------------------

9.2 Notice of Acceptance - Complainant

Complaint File No: XXXXXX



Notice of Acceptance—Complainant

Conservation Officer Service

Date [mmmm - dd - yyyy]

Title / Name of Complainant
 Mailing Address
 City, Province
 Postal Code

Subject: Complaint Involving Insert Name of Officer
File No. PSI #

Dear Name of Complainant,

I write to acknowledge receipt of your complaint, which was received on date rec'd, at office location where complaint rec'd. The complaint was forwarded to me, your rank/name, as Discipline Authority for the matter.

Briefly, I understand your complaint to be: concisely set out allegations in a few lines (e.g., Allegation 1:, Allegation 2:, etc.).

Upon careful review of the information provided, I have determined that your complaint will be accepted for further consideration by the Conservation Officer Service. If more than one allegation, clearly indicate which have been dismissed and why (as applicable).

For misconduct complaints, discuss informal resolution where appropriate.

Example: I have also determined that your complaint may be appropriate for informal resolution, as described in the Conservation Officer Service Complaints Policy. I will contact you shortly to discuss this in further detail and see if this is an option that you would like to explore. If you agree to participate in the informal resolution process it does not mean that you have waived your right to a formal investigation if we cannot resolve your complaint informally.

For misconduct complaints, if informal resolution is not appropriate, indicate the matter will be investigated.

Example: I will be initiating an investigation into the allegation or allegations. You will be contacted by an investigator in the near future. As well, you will be kept informed of the progress of the investigation and will receive a written decision letter from me at its conclusion.

For further information, please refer to the Conservation Officer Service [Complaints Policy](#), available online at: www.bccos.ca. You may also contact me directly at include phone number and email.

Yours truly,

Name of DA, Title
BC Conservation Officer Service

Enclosures:

Conservation Officer Service Complaint Form, File No. PSI #

9.3 Notice of Complaint - Officer



Notice of Complaint

(Pursuant to the Conservation Officer Service Complaints Policy)

Notice of Complaint

Date [mmmm - dd - yyyy]

File No. PSI #

To: Name of Conservation Officer

(Respondent Officer)

On date (mmmm - dd - yyyy), the Conservation Officer Service "received a complaint" OR "obtained information" from Title and Person's Name which included "an allegation" OR "allegations" of misconduct against you.

Specifically, the "allegation is" OR "allegations are" as follows: Concisely set out the allegation(s). Describe them generally and in simple terms and then cite a specific default, if applicable (e.g., deceit, abuse of authority)..

This information was received by me on date (mmmm - dd - yyyy).

Discuss INFORMAL RESOLUTION, if appropriate:

After a careful review, I have determined that the "allegation" OR "allegations" may be appropriate for informal resolution, as described in the Conservation Officer Service Complaints Policy. I will be contacting the complainant shortly to discuss this in further detail and confirm if this is an option that they would like to explore. I will be sharing the outcome of that conversation with you as soon as reasonably practicable.

If informal resolution is inappropriate, discuss an INVESTIGATION:

After a careful review, I have determined the "allegation warrants" OR "allegations warrant" further investigation, in accordance with the Conservation Officer Service Complaints policy. You will be contacted by an investigator in the near future and provided full opportunity to respond. You will also be kept informed of the progress of the investigation and will receive a written decision letter from me at its conclusion.

Investigation of INCLUDED employee:

You have the right to have a steward present at any discussion of this matter which might be the basis of disciplinary action, including an interview with an investigator or a meeting with an employer representative such as myself. You will also be provided a reasonable opportunity to contact a steward and arrange for him or her to attend an interview or meeting with you.

Investigation of EXCLUDED employee:

You have the right to have a support person present at any discussion of this matter, including an interview with an investigator or a meeting with an employer representative such as myself. You will also be provided a reasonable opportunity to contact a support person and arrange for him or her to attend an interview or meeting with you.

For further information, please refer to the Conservation Officer Service [Complaints Policy](#), available on the COS SharePoint. You may also contact me directly at include phone number and email.

If the letter includes more than 1 page, ensure some text from the letter accompanies the sign-off section below.

Yours truly,

Name of DA, Title
BC Conservation Officer Service

cc
Supervisor
COS Executive

9.4 Notice of Dismissal



**Notice of Dismissal
Conservation Officer Service**

Date [mmmm - dd - yyyy]

Title / Name of Complainant
Mailing Address
City, Province
Postal Code

**Subject: Complaint Involving Insert Name of Officer
File No. PSI #**

Dear Title / Name of Complainant,

I write to acknowledge receipt of your complaint, which was received on date rec'd, at office location where complaint rec'd.

This complaint has been handled in accordance with the Conservation Officer Service Complaints Policy, available online at: www.bccos.ca.

Briefly, you have alleged that: concisely set out allegations in a few lines (e.g., Allegation 1:, Allegation 2:, etc.).

Upon careful review, I have determined that your complaint must be dismissed. Concisely set out your reasons here. Link your reasons to COS policy (i.e. is the complaint vexatious, frivolous, etc.).

The decision to dismiss your complaint has been reviewed and approved by the Executive of the Conservation Officer Service, which includes the Chief Conservation Officer. This file is now closed and there will be no further action taken.

Yours truly,

Name of DA, Title
BC Conservation Officer Service

Enclosures:

Conservation Officer Service Complaint Form, File No. PSI #

9.5 Informal Resolution Agreement



Informal Resolution Agreement
(Pursuant to the Conservation Officer Service Complaints Policy)

Date [mmmm - dd - yyyy]

File No. PSI #

Complainant:

Officer:

The purpose of this letter is to document that the above-named parties have agreed to the following informal resolution for misconduct complaint PSI #:

Concisely set out the allegations and the details of the agreement

The parties have 14 calendar days from the date signed to revoke their consent to this agreement by giving notice to:

Name of DA
Contact Information for DA

The parties also agree that any oral or written statement made by either party in the course of arriving at this informal resolution will not be communicated or released to any other person, unless required by law.

In signing this “Informal Resolution Agreement”, the parties affirm that they have read the foregoing in its entirety and fully understand and agree with its contents.

Signature of Complainant

Date Signed

Signature of Officer

Date Signed

Signature of Discipline Authority (Authorization of Informal Resolution)

Date Signed

9.6 Confirmation of Informal Resolution



Confirmation of Informal Resolution

(Pursuant to the Conservation Officer Service Complaints Policy)

Date [mmmm - dd - yyyy]

File No. PSI #

To: Name of Complainant

(Complainant)

And to: Name of Officer

(Officer)

On date complaint rec'd, the Conservation Officer Service received a complaint from name of complainant. This complaint was subsequently forwarded to me, your name/title, as Discipline Authority for the matter.

Briefly, name of complainant alleged that concisely set out allegations in a few lines (e.g., Allegation 1:, Allegation 2:, etc.). Include and clearly distinguish any allegations which were not accepted

The parties to this complaint have agreed to an informal resolution, as set out in an Informal Resolution Agreement signed by name of complainant on date signed, and by name of officer on date signed.

Under the Conservation Officer Service Complaints Policy, an informal resolution is final and binding if the parties have not revoked their consent within 14 days of the date signed.

As neither party has provided me notice revoking their consent to the Informal Resolution Agreement within the period authorized, the file is now closed, and the Conservation Officer Service will take no further action regarding the complaint.

Signature of Discipline Authority (Authorization of Informal Resolution)

Date Signed

If you would prefer to receive future correspondence via email, please contact our office at Conservation.Officer.Service@gov.bc.ca

1st Floor, 2975 Jutland Road
PO Box 9376, Stn Prov Govt
Victoria, British Columbia, V8W 9M5
Tel: (250) 356-9234 | Fax: (250) 356-9197

9.7 Cancellation of Informal Resolution



Cancellation of Informal Resolution

(Pursuant to the Conservation Officer Service Complaints Policy)

Date [mmmm - dd - yyyy]

File No. PSI #

To: Name of Complainant

(Complainant)

And to: Name of Officer

(Officer)

On date complaint rec'd, the Conservation Officer Service received a complaint from name of complainant. This complaint was subsequently forwarded to me, your name/title, as Discipline Authority for the matter.

The parties to this complaint had agreed to attempt an informal resolution. At this time, however, I am of the view that an informal resolution of the matter is no longer appropriate or relevant.

Concisely set out the reasons here (e.g., a party has revoked consent and requested an investigation, the complaint is withdrawn, new evidence has surface and the complaint must be dismissed, etc.)

Accordingly, I hereby direct or determine that

Concisely set out next steps (e.g., complaint investigation initiated or recommenced, file closed and NFA, etc.).

Signature of Discipline Authority (Authorization of Informal Resolution)

Date Signed

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Tel: (250) 356-9234 | Fax: (250) 356-9197

9.8 Waiver of Representation



Waiver of Representation

(Pursuant to the Conservation Officer Service Complaints Policy)

Date [mmmm - dd - yyyy]

File No. PSI #

I, _____, was advised that a meeting would be held with me today; and as the meeting may lead to disciplinary action, I was advised that I had the right to have a shop steward present and had opportunity to contact a shop steward to attend this meeting with me.

I understand my rights under the Collective Agreement, and I decline to have a shop steward attend this meeting with me.

Signature of Officer

Date Signed

Name of Investigator (Print)

Signature of Investigator

Date Signed

Note: The waiver must be presented and signed at each meeting following the employee being advised of their right to union representation and waiving that right, as applicable.

9.9 Investigation Report



**Investigation Report
Conservation Officer Service**

Misconduct Complaint File No. PSI #

Complainant:

Name of Complainant

Respondent Officer(s):

Name of Officer(s)

Discipline Authority:

Name of DA

Report Prepared by:

Name of Lead Investigator

Date Completed:

mmmm - dd - yyyy

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This document is confidential. It must **not** be reclassified, copied, reproduced, used in whole or part, or further disseminated, without the consent of the discipline authority.

EXECUTIVE SUMMARY

Background

Findings

Completion Instruction (delete text in italics): The executive summary provides a condensed version of the full document and includes enough information about the problem, relevant background, and your findings for those persons who do not read the entire report. It will also assist the discipline authority with drafting a decision letter. The executive summary should be no more than 1-3 pages, depending on the length and complexity of the entire report.

ALLEGATIONS OF MISCONDUCT

Completion Instruction (delete text in italics): The misconduct identified defines the focus and scope of the investigation. List and summarize each distinct allegation of misconduct and how it is defined under COS Policy, “Code of Professional Conduct”, or PSA human resource policy “Standards of Conduct for Public Service Employees”, as appropriate.

Example: Allegation #1: Mr. Gerrard alleged Officer MacDonald failed to read him his Charter rights upon arrest. This potential disciplinary default is characterized as “Neglect of Duty” under section 3.0A-2(a)(ii). (This wording should be copied exactly as it has been outlined on the Notice of Acceptance)

The misconduct that you list/outline in this section will be examined in greater detail under “Analysis and Findings” below.

INVESTIGATION

Completion Instruction (delete text in italics): Provide a summary of the key steps taken during your investigation, the investigation’s timeline, and the evidence collected. While not a required or an exhaustive list, the following items may be relevant, depending on the circumstances and the investigation’s terms of reference:

1. *COS Complaint Form and any other forms under the Complaints Policy that were used (e.g., Acceptance Letter, etc.)*
2. *Occurrence Report (e.g., ERS / HWCR)*
3. *Statements (Complainant, Respondent and Witness Officer(s), Witnesses)*
4. *Officer Notes*
5. *Photographs*
6. *Emails*
7. *Use of Force Report and analysis*
8. *Medical Records*
9. *Video/Audio Recordings*
10. *Training Records*
11. *Employee Performance Appraisals*
12. *Previous Discipline*
13. *Policy and Procedure (COS and PSA)*

14. Case Law
15. Legal Documents (e.g., search warrant)
16. Legal and/or Expert Opinion

CREDIBILITY

Completion Instruction (delete text in italics): Provide an evaluation of the credibility of the parties to the complaint and any witness(es). This assessment will inform your analysis and findings as set out below.

ANALYSIS AND FINDINGS

*Completion Instruction (delete text in italics): **Provide a detailed analysis of each separate allegation.***

Example:

Allegation # 1 – Did Officer MacDonald fail to read Mr. Gerrard his Charter rights upon arrest?

*Clearly indicate the facts and issues which are in dispute and those which are **not** in dispute. Refer, where appropriate, to your assessment of credibility in those instances where facts are conflicting.*

Following your analysis, indicate if you feel the allegation has been substantiated (i.e., there is cogent and convincing evidence to support the allegation) or if it is unsubstantiated (i.e., the allegation was inaccurate and/or without merit). Clearly link a finding to the key evidence upon which it is based.

Example 1: Having assessed the evidence and analyzed the facts gathered during the course of this investigation, I conclude that Mr. Gerrard was advised of his Charter rights shortly after being arrested. Accordingly, I find that this allegation is not substantiated.

Or

Example 2: Having assessed the evidence and analyzed the facts gathered during the course of this investigation, I conclude that CO X did not advise Mr. Gerrard of his charter rights immediately or as soon as possible after his arrest, which is contrary to accepted legal procedural standards and is not in keeping with Conservation Officer Service training or standards. Accordingly, I find that this allegation is substantiated.

SIGN-OFF

Completion Instruction (delete text in italics): Once you are prepared to sign the report, convert it to a PDF document. Large files (e.g., image, audio, or video files), or all of your attachments if there are a significant number, may be saved separately from the report itself (as appropriate).

I affirm that all of the information I have provided in this report is accurate and complete to the best of my knowledge.

Respectfully submitted,

Signature of Lead Investigator

Date Signed

9.10 Notice of Decision - Misconduct Complaint



Notice of Discipline Authority's Decision

(Pursuant to the Conservation Officer Service Complaints Policy)

Date [mmmm - dd - yyyy]

File No. PSI #

To: Name of Complainant

(Complainant)

And to: Name of Officer

(Officer)

Overview The bolded headings may be removed for a short decision letter. They should be retained for anything longer than 2 pages.

On date complaint rec'd, the Conservation Officer Service received a complaint from name of complainant. This complaint was forwarded to me, your name/title, as Discipline Authority for the matter.

Briefly, name of complainant alleged that concisely set out allegations in a few lines (e.g., Allegation 1:, Allegation 2:, etc.). Include and clearly distinguish any allegations which were not accepted

Investigation

On, date [mmmm-dd-yyyy], I appointed name of investigator(s) to investigate the above-noted allegations. Name of lead investigator's investigation report was submitted to me on date investigation report submitted, and I have summarized his/her findings below.

Provide a summary of the investigation, including key steps taken, evidence collected/materials relied upon, the lead investigator's assessment/analysis and determination.

Analysis and Decision

Summarize any additional analysis that you have conducted, of or in addition to the investigation report (as appropriate).

Concisely set out your decision - it is critical that you explain the reasons for a decision on each allegation and those reasons deal with the substantial and key issues upon which a decision turns.

Mention "next steps" if there will be a COS response to a substantiated misconduct complaint, including discipline [in general terms] and recommendations to change COS practice or policy, where applicable.

If uncertain about what may or may not be disclosed respecting correction/discipline, consult the PSA.

Appeal This section will only apply if an allegation was found to be unsubstantiated.

If you do not accept my decision(s) respecting an allegation that was found to be unsubstantiated, you may, within 30 days of receiving this letter, request a review by the Chief Conservation Officer. Your request should refer to your initial complaint and clearly indicate the reasons for your disagreement.

Yours truly,

Name of DA, Title
BC Conservation Officer Service

Enclosures:

Conservation Officer Service Complaint Form, File No. PSI #

cc:

Respondent officer(s)
Respondent officer's supervisor(s)
Lead investigator
Chief Conservation Officer name of CCO

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future correspondence via email,
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9.11 Conclusion of Proceedings (Appeal)

Conclusion of Proceedings

(Pursuant to the Conservation Officer Service Complaints Policy)

Date [mmmm - dd - yyyy]

File No. PSI #

To: Name of Complainant (Complainant)

And to: Name of Officer (Officer)

And to: Name of Discipline Authority (Discipline Authority)

On date complaint rec'd, the Conservation Officer Service received a complaint from name of complainant which was forwarded for review and resolution to name of discipline authority, as discipline authority for the matter.

Briefly, name of complainant alleged that concisely set out allegations in a few lines (e.g., Allegation 1:, Allegation 2:, etc.). Include and clearly distinguish any allegations which were not accepted. Wording should mirror what was on the Notice of Acceptance.

An investigation was conducted by name of lead investigator. After reviewing the investigation report, name of DA made the following determinations as documented in the decision letter of Date [mmmm - dd - yyyy]:

- I. Provide a summary of the DA's decision, clearly indicate which allegations were unsubstantiated / substantiated and any action taken.

The complainant was provided a copy of the decision letter.

On date appeal rec'd, I received a request to review the decisions of name of DA for the following reasons:

- II. Concisely set out the basis for the appeal.

Summarize your review of the complainant's issue(s), including any additional steps taken or analysis conducted

Concisely set out your decision (e.g., dismissal or acceptance of the appeal and how it will be redressed)

Yours truly,

Name of CCO or delegate
Chief Conservation Officer
BC Conservation Officer Service

Enclosures:

cc:

Respondent officer(s)
Respondent officer's supervisor(s)
Discipline Authority
Chief CO, if applicable

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