



Reform Proposals for Managing Human-Wildlife Conflict in British Columbia

An ELC Clinic report prepared for:
Raincoast Conservation Foundation

Law Student: Kelly Firth
Supervisors:
Erin Gray, Lawyer
Calvin Sandborn, ELC Legal Director



MAR 2019

Acknowledgements

Thank you to The Fur Bearers and Bryce Casavant for their contributions to this report.

Cover photo by April Bencze / Raincoast Conservation Foundation.

Contents

- Acknowledgements.....2**
- I. Introduction.....4**
 - Summary of Recommendations.....5
- II. Background: British Columbia’s Human-Wildlife Conflict Management System.....6**
 - 1. Legislative Powers6
 - 2. Human-Wildlife Conflict Response Policy7
 - 3. Public Complaint Process7
- III. Recommendations for Reform.....10**
 - 1. Improving Conflict Wildlife Responses.....10
 - RECOMMENDATION #1: Improve Existing Policies and Procedures10
 - RECOMMENDATION #2: Incorporate Existing Policies and Procedures into Regulation12
 - 2. Introducing Independent Oversight of the BCCOS.....13
 - RECOMMENDATION #3: Introduce Independent Oversight by the BC Office of the Police Complaint Commissioner16
 - ALTERNATIVE RECOMMENDATION #1: Introduce Oversight by the Environmental Appeal Board18
 - ALTERNATIVE RECOMMENDATION #2: Improve the Internal Complaint and Appeal Processes.....19
- IV. Conclusions.....21**

I. Introduction

Recent events have raised important legal questions about the policies, practices, and procedures of the British Columbia Conservation Officer Service (BCCOS) for responding to human-wildlife conflicts. In 2016 a conservation officer euthanized an orphaned bear cub despite the fact that a wildlife rehabilitation facility agreed to take the cub into its care.¹ Another high-profile incident occurred in 2015 when the BCCOS disciplined an officer for refusing orders to kill two bear cubs after officers killed their mother for being habituated to humans. A wildlife shelter accepted the two cubs, determined they were not habituated and were non-dangerous, and has since successfully rehabilitated the cubs and released them into the wild.² These and other instances that have received media attention suggest officers may be killing more wild animals than necessary to protect public safety and this may be undermining public confidence in the BCCOS.

British Columbia's current wildlife enforcement agency model is problematic in several ways. First, relevant legislation confers overly broad discretion to conservation officers. Strong policy direction must exist to guide the exercise of this discretion. However, the policy that guides the BCCOS's response to human-wildlife conflict is weak—and the recent media criticisms mentioned above suggest that the government's direction does not align with public expectations.

Second, despite being a law enforcement agency, the agency lacks public accountability. There is no independent oversight of conservation officers' actions or the BCCOS's policies as a whole. As a result, there are no opportunities for members of the public to express concerns to an independent body about officers' actions if they perceive those actions to be inappropriate.³ Complaints are made to the BCCOS directly and any investigations that it deems necessary are conducted internally. This is both unusual and inappropriate for an armed law enforcement agency that frequently interacts with the public. In fact, the Ontario Superior Court of Justice determined that the fact that the Ontario Society for the Prevention of Cruelty to Animals (SPCA)'s officers exercise police powers but are not subject to independent oversight is a breach of a principle of fundamental justice.⁴

Since 2011 the BCCOS has reported killing 3,314 black bears, 103 grizzly bears, and 590 cougars.⁵ As development and destruction of habitat continues throughout British Columbia, these species are pushed closer to human populations. Having a robust policy framework in place for addressing human-wildlife conflict is essential. This framework must be based on sound science and must balance protecting public safety and protecting wildlife. British Columbia should take the lead to proactively prevent the unnecessary killing of wildlife by adopting a more restrained approach to the use of lethal force. Maintaining officer discretion when responding to human-wildlife conflict will always be necessary for protecting the public. However, discretion and authority should be accompanied by oversight—absolutely essential to maintain public confidence in the BCCOS.

¹ Larry Pynn, "B.C. bear-kill policy faces challenge in court" (1 August 2017), *Times Colonist*, online:

<<http://www.timescolonist.com/news/b-c/b-c-bear-kill-policy-faces-challenge-in-court-1.21542064>>.

² CTV Vancouver Island "B.C. bear cubs saved from death last year released back into wild" (28 June 2016), online:

<<http://vancouverisland.ctvnews.ca/b-c-bear-cubs-saved-from-death-last-year-released-back-into-wild-1.2965953>>.

³ The Independent Investigations Office would likely provide oversight of the BCCOS if an officer were to be involved in a serious incident resulting in harm to or the death of a person. However, this report only addresses officer-wildlife interactions.

⁴ *Bogaerts v. Attorney General of Ontario*, 2019 ONSC 41 (CanLII) [*"Bogaerts v. AG of Ontario"*].

⁵ Conservation Officer Service Predator Conflicts & Statistics (data up to September 2017):

<<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/human-wildlife-conflict>>.

The purpose of this report is to propose law and policy reforms that would enhance wildlife management by increasing the accountability of the BCCOS as a whole and reducing the unnecessary killing of wildlife by conservation officers. Drawing from aspects of wildlife management regimes in other jurisdictions, we propose several reform options.

Summary of Recommendations

First, the provincial government should improve its internal policies for handling human-wildlife conflict to reflect a more restrained approach to using lethal force and a better understanding of the science of wildlife behaviour. Ideally, Cabinet would pass a regulation incorporating these guidelines in order to make them legally enforceable.

Second, the province should introduce independent oversight of the BCCOS. As demonstrated by other jurisdictions, this may be accomplished by a variety of means. We recommend that the Office of the Police Complaint Commissioner (OPCC) oversee the BCCOS. The OPCC already has a mandate and the expertise to oversee law enforcement agencies. Alternatively, the Environmental Appeal Board may be tasked with hearing appeals of decisions made by the BCCOS regarding public complaints. At a minimum, the existing public complaint process itself must be more transparent and accessible to the public.

This report sets out the rationale, benefits, and potential drawbacks of each proposal. A combination of better guidelines for responding to human-wildlife conflict and third party oversight would be ideal to prevent unnecessary wildlife deaths and restore public confidence in the BCCOS.

However, note that the multiple recommendations (and alternative recommendations) set out below vary in terms of ease of implementation.

II. Background: British Columbia’s Human-Wildlife Conflict Management System

The province first established the BCCOS in 1905 as the “Department for the Protection of Game and Forests.”⁶ The name of the program and the way it is organized has changed throughout the years. Notably, from 1918 to 1929 the British Columbia Provincial Police assumed responsibility for all game laws and enforcement.⁷ When the province passed the *Environmental Management Act (EMA)*⁸ in 2003, it legislated the modern structure of the BCCOS. Under the current regime, the BCCOS is a distinct government agency within the Ministry of Environment and Climate Change Strategy (MOE). The provincial government describes the BCCOS as a “public safety provider focused on natural resource law enforcement and human wildlife conflicts prevention and response.”⁹

1. Legislative Powers

Section 106 of the *EMA* continues the BCCOS. Under the *EMA*, the Minister appoints a chief conservation officer whose supervision over the BCCOS is subject to the direction of the Minister. Among other roles and duties, the chief conservation officer may designate persons as members of the BCCOS; establish standards and procedures, including training and operational procedures; and establish rules for the prevention of neglect and abuse by members of the BCCOS.

British Columbia conservation officers have the designation of “special provincial constables” under the *Police Act*.¹⁰ The *EMA* also confers on conservation officers the immunities of peace officers in the exercise of their powers and duties under the *EMA*.¹¹ Conservation officers have a broad scope of enforcement powers: in addition to their delegated authority under the *EMA*, they also have powers and duties under a wide range of provincial acts.¹² For example, they may exercise the powers and

⁶ Archive: BC Environmental Protection & Sustainability “The Beginning: 1905-1918” (accessed 3 January 2019), online: Internet Archive Wayback Machine

<<https://web.archive.org/web/20171103060707/https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/conservation-officer-service/the-beginning-1905-1918.pdf>>.

⁷ Archive: BC Environmental Protection & Sustainability “The B.C. Police Years: 1918-1929” (accessed 3 January 2019), online: Internet Archive Wayback Machine

<<https://web.archive.org/web/20171103060717/https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/conservation-officer-service/bc-police-years-1918-1929.pdf>>.

⁸ *Environmental Management Act*, RSBC 2003, c.53 (“*EMA*”).

⁹ BC Environmental Protection & Sustainability “Conservation Officer Service” (accessed 3 January 2019), online:

<<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/conservation-officer-service>>.

¹⁰ BC Environmental Protection & Sustainability “About the Conservation Officer Service” (accessed 3 January 2019), online:

<<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/conservation-officer-service/about-the-cos>> [“*About the COS*”] (referring to the *Police Act*, RSBC 1996, c. 367, s.9 [“*Police Act*”]).

¹¹ *EMA*, see note 8, s.106(5)(c).

¹² *Conservation Officer Service Authority Regulation*, B.C. Reg. 318/2004, s.1(1) [“*COS Authority Regulation*”].

duties of a peace officer under the *Offence Act*.¹³ Officers also have authority to enforce 33 federal and provincial statutes,¹⁴ including the provincial *Wildlife Act*.¹⁵

Authority for the BCCOS to manage wildlife derives from the *Wildlife Act*. In the BC Court of Appeal's recent decision in *Association for the Protection of Fur Bearing Animals v. British Columbia (Minister of Environment and Climate Change Strategy)*, the Court found that conservation officers have broad discretion to carry out their duties (including killing wildlife):

...the [*Wildlife Act*] appears to provide conservation officers with the specific powers needed to perform their duties, along with a general exemption from offence provisions that might interfere with such performance... By exempting officers from its offence provisions when they are acting in the performance of their duties, the statute provides them with a broad discretion to take actions that would ordinarily be unlawful.¹⁶

As conservation officers are exempted from the offence provisions of the *Wildlife Act* (which include making it an offence to kill wildlife except under specific circumstances), and are not otherwise prohibited by the Act from killing wildlife, they may kill wildlife as part of the broad discretion they possess when carrying out their duties. There are also provisions of the *Wildlife Act* that explicitly confer certain powers upon conservation officers. For example, section 94 provides that an officer has the power to seize wildlife and fish.

2. Human-Wildlife Conflict Response Policy

The province's policy for responding to human-wildlife conflict is set out in the procedure manual *Preventing and Responding to Conflicts with Large Carnivores*, issued by the Ministry of Forests, Lands and Natural Resource Operations (now the Ministry of Forests, Lands, Natural Resource Operations and Rural Development or FLNRORD).¹⁷ The provincial government introduced the earliest version of this procedure manual in 1984 and the most recent revision in April 2016. This procedure manual sets out general procedures for preventing and responding to human-large carnivore conflicts (large carnivores include bears, cougars, wolves, and coyotes). We are not aware of any other government guidance document that aims to guide an officer's decision whether to kill a large carnivore that poses a threat to human health, safety, or property.

3. Public Complaint Process

If a member of the public wishes to make a complaint regarding the actions of a conservation officer—including responses to human-wildlife conflict and killing of wildlife—or policies of the BCCOS, they must

¹³ *Ibid.*

¹⁴ *About the COS*, see note 10.

¹⁵ See *COS Authority Regulation*, at note 12 for a full list of statutes the BCCOS is authorized to administer and enforce.

¹⁶ *Association for the Protection of Fur Bearing Animals v. British Columbia (Minister of Environment and Climate Change Strategy)*, 2018 BCCA 240, at paras 41-42 [*"Association for the Protection of Fur-Bearing Animals v. British Columbia"*], leave to appeal to SCC refused, 2019 CanLII 16452.

¹⁷ Ministry of Forestry, Lands and Natural Resource Operations "Preventing and Responding to Conflicts with Large Carnivores" (21 April 2016), online: <http://www.env.gov.bc.ca/fw/wildlife/policy_procedures/docs/procedure/4_7_04.01.1.pdf> [*"Conflicts with Large Carnivores Policy"*].

complain to the agency directly. There is no truly independent arbiter. The complaints process is outlined in the *BCCOS Complaints Policy and Procedure*.¹⁸

Under this policy, members of the public may make a “misconduct complaint” or a “service or policy complaint.”¹⁹ Misconduct complaints concern the conduct of an individual officer. The behaviour subject to a misconduct complaint must be alleged to constitute either a “disciplinary default” as set out in the “Conservation Officer Service Code of Professional Conduct,”²⁰ or a failure to comply with the “Standards of Conduct for Public Service Employees.”²¹ A misconduct complaint will be dismissed if it does not meet this definition. Service or policy complaints concern the quality of the BCCOS’s service to its community and its administrative or operational policies and procedures.

Individuals who witness or are directly affected by officer misconduct may submit a misconduct complaint in writing, in person, or by telephone to BCCOS staff. Misconduct complaints are forwarded to a disciplinary authority to make a preliminary determination to accept or dismiss the complaint. It is unclear whether the disciplinary authority can be anyone working within the BCCOS.²² But the essential problem is that the final decision is made by the BCCOS itself. A member of the BCCOS executive ultimately decides whether to accept or dismiss the complaint. There is no appeal process provided for in the *BCCOS Complaints Policy and Procedure*.

The *BCCOS Complaints Policy and Procedure* provides an opportunity for informal resolution of less serious misconduct complaints. An investigation will proceed if the complaint is deemed unsuitable for informal resolution. The disciplinary authority appoints an investigator and, based on the investigator’s findings, decides whether a misconduct complaint is substantiated. A complainant may appeal this decision to a review official; ordinarily the chief conservation officer.

Service or policy complaints are handled similarly to misconduct complaints. The deputy chief conservation officer will either act as a responsible official or appoint a responsible official to manage the service or policy complaint. If the responsible official does not dismiss the complaint, they may take a variety of actions to respond to the complaint, such as initiating an investigation or seeking an informal resolution. The responsible official will decide whether to take action in response to the complaint. They may recommend policy changes to prevent recurrence or improve performance and accountability, but this is ultimately a matter of discretion.

¹⁸ Conservation Officer Service, *Complaints Policy and Procedure* (13 March 2015), online: <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/conservation-officer-service/cos_complaints_policy.pdf> [“*BCCOS Complaints Policy*”]. Note, however, that this process does not apply when an officer is acting as a “special provincial constable” (a designation under the *Police Act*); rather, the BCCOS Policy “Complaints Against Conservation Officers Acting as Special Provincial Constables” would apply, but it does not appear to be publicly available. (*BCCOS Complaints Policy*, at s.3.1.8.) However, the *Special Provincial Constable Complaint Procedure Regulation*, B.C. Reg. 206/98 [“*SPC Complaint Procedure Regulation*”], upon which the policy should be based, dictates that complaints about special provincial constables are to be made to the Director of Police Services and the special provincial constable’s supervisor (*SPC Complaint Procedure Regulation*, at s.3(2)). The BCCOS Complaints Policy also does not apply to individuals acting in their capacity as auxiliary or special conservation officers (in accordance with paragraph 106(3)(b) of *EMA*).

¹⁹ *BCCOS Complaints Policy*, see note 18.

²⁰ This code of conduct is not publicly available.

²¹ Government of British Columbia “Human Resources Policy 09 - Standards of Conduct” (updated 17 October 2018), online: <https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/09_standards_of_conduct_policy.pdf>.

²² It is our understanding that in at least one instance the deputy chief conservation officer was the disciplinary authority. See FOI Request Response: MOE-2017-71004, at PDF p 29.

For both types of complaints, every stage of the process is handled by a member of the BCCOS. The *BCCOS Complaints Policy and Procedure* makes reference to ensuring the appointment of an investigator who will not “reasonably give rise to a concern of bias” and has “no connection to the complaint.” However, for misconduct complaints the policy is such that the subject of a complaint will be investigated by one of their peers, who will decide if the complaint has merit. For service and policy complaints, the agency essentially reviews its own operations and policies. This self-investigative process does little to bolster public confidence in the BCCOS and is inconsistent with how we hold members of other law enforcement agencies—like police officers—accountable. By comparison, citizens may make complaints concerning police officers’ actions or a police department’s policies to the Office of the Police Complaint Commissioner (OPCC), which is independent from government and from police.²³ Investigations into more serious concerns over officer-related incidents of death or serious harm are conducted by the Independent Investigations Office, which is an independent, civilian-led body.²⁴ Similarly, the RCMP is subject to the Civilian Review and Complaints Commission.²⁵

Conservation officers frequently interact with the public. They are armed and often exercise lethal force against animals. Despite this, they are not subject to the same independent complaint process as other law enforcement officials (other than possibly if they are involved in an incident causing serious bodily harm or death of a person²⁶). In fact, the Ontario Superior Court of Justice recently found that the principle that “law enforcement bodies must be subject to reasonable standards of transparency and accountability” is a principle of fundamental justice.²⁷ In the case before it, *Bogaerts v. Attorney General of Ontario* (“*Bogaerts*”), the applicant argued that the Ontario SPCA’s officers’ authority to search and seize property, which could lead to imprisonment, engaged section 7 of the *Charter* and therefore the regime must align with principles of fundamental justice. Similarly, BC conservation officers’ actions may lead to charges under the *Wildlife Act*, which could lead to imprisonment. Part of the Court’s finding in *Bogaerts* rested on the fact that the officers of the Ontario SPCA had police powers without falling under the regime of independent oversight to which police officers are subject.²⁸

This lack of independent oversight of the BCCOS is also inconsistent with wildlife enforcement agencies in other Canadian jurisdictions, including Alberta, Manitoba and Quebec.²⁹

²³ *Police Act*, see note 10, Part 9. See also: Office of the Police Complaint Commission “Jurisdiction and Legislation” (accessed 3 January 2019), online: <<https://opcc.bc.ca/about-us/jurisdiction-and-legislation/>>.

²⁴ *Police Act*, see note 10, Part 7.1.

²⁵ *Royal Canadian Mounted Police Act*, RSC 1985, c. R-10, s.45.29. See also: Civilian Review and Complaints Commission for the RCMP, “Vision, Mission and Mandate” (accessed 3 January 2019), online: <<https://www.crcc-ccetp.gc.ca/en/about-us>>.

²⁶ The Independent Investigations Office would likely provide oversight in these scenarios as it has jurisdiction over special constables.

²⁷ *Bogaerts v. AG of Ontario*, see note 4, at para 89.

²⁸ *Ibid*, at para 91.

²⁹ See section III.2 of this report, “Introducing Independent Oversight of the BCCOS.”

III. Recommendations for Reform

British Columbia’s human-wildlife conflict management approach is lagging behind many other jurisdictions. Rather, BC should be taking a lead role in developing a progressive wildlife management system – one that prevents unnecessary killing of wildlife, encourages the public to report human-wildlife conflicts, and provides proper accountability for law enforcement actions.

In this report we propose several recommendations for improving British Columbia’s current system. Our proposals fall into two categories: those aimed at improving the decision-making process when officers respond to human-wildlife conflict and those directed at introducing better oversight of those decisions. However, these two categories of recommendations are not mutually exclusive. In order to ensure oversight and accountability of the BCCOS, the province first needs more clarity in its legal restrictions on conservation officers’ discretion to kill wildlife.

We draw our recommendations from particularly effective aspects of a number of human-wildlife conflict management regimes throughout Canada and the United States.

1. Improving Conflict Wildlife Responses

There are currently very few legal limits that structure a BC conservation officer’s discretion to kill wildlife. The British Columbia Court of Appeal recently interpreted the *Wildlife Act* and found that a conservation officer has broad discretion in carrying out their duties, which includes exercising lethal force against a black bear.³⁰ There is no provision that expressly authorizes an officer to kill wildlife, but there is also no provision that prevents an officer from doing so, or that provides parameters around doing so. The Court found that this power to kill wildlife has limits, and that officers must exercise their actions in accordance with the legitimate policy direction of the government.³¹

Given that following government policy is the only limit on an officer’s discretion to kill wildlife, having effective policies that adopt an appropriately conservative approach to the use of lethal responses is imperative to preventing conservation officers from unnecessarily killing wildlife.

RECOMMENDATION #1: Improve Existing Policies and Procedures

The province’s policy for responding to human-wildlife conflict is set out in the procedure manual *Preventing and Responding to Conflicts with Large Carnivores*, issued by FLNRORD³² and discussed above. While this procedure manual emphasizes officer discretion, it does set some guidelines for when non-lethal responses may be appropriate and when animals should be killed. The procedure manual includes decision matrices for responding to bear or cougar conflicts and a separate section for managing orphaned bear cubs.

³⁰ *Association for the Protection of Fur-Bearing Animals v. British Columbia*, see note 16.

³¹ *Ibid.*

³² *Conflicts with Large Carnivores Policy*, see note 17.

In light of recent criticisms over officers killing animals when the public did not believe it was warranted,³³ we believe a thorough review of the procedure manual *Preventing and Responding to Conflicts with Large Carnivores* is appropriate. This review should aim to ensure protocols are clear and that they align with public expectations. The province should also review the procedure manual to ensure its approach to determining the suitability of non-lethal measures (e.g. relocation, rehabilitation, hazing) is in line with the current scientific understanding of animal behaviour.³⁴ Of paramount importance is ensuring any BCCOS procedures dictate as much restraint as possible in the use of lethal force. BCCOS policy should require non-lethal options rather than euthanasia of a wild animal, especially a bear cub, whenever possible.

More prescriptive procedures should not necessarily restrict an officer from exercising lethal force when necessary – e.g., to protect the public. However, these procedures should require officers to justify their decision to kill wildlife. This level of accountability would help strengthen public trust in the BCCOS.

It is unclear when the province’s human-wildlife conflict response policy received public input, if ever. The last revision of the procedure manual *Preventing and Responding to Conflicts with Large Carnivores* took place in 2016. However, the government did not provide an opportunity for public input during that review. According to internal documents, this is because it was a procedural review aimed at improving best practices and decision making, rather than a review of the “fundamental approach” behind those decisions.³⁵ It appears this review was aimed at bringing the procedure manual in line with the BCCOS’s existing practices when responding to human-wildlife conflicts, rather than critically analyzing the *appropriateness* of those responses.³⁶

We must have a policy that is acceptable both to wildlife enforcement officials and the public. Maintaining public faith that conservation officers will respond appropriately to reports of conflict animals is essential to ensure civilians are not discouraged from contacting the BCCOS when an animal poses a genuine threat to public safety. For this reason, any future review of policies and procedures should involve public input.

Strengthening the existing policy that governs officer responses to human-wildlife conflict to align with public expectations is a positive step towards ensuring wildlife is not killed unnecessarily.

³³ See: Larry Pynn, “B.C. conservation officers criticized for ‘cavalier’ killing of predators” (13 July 2015), online: Vancouver Sun <<http://www.vancouversun.com/technology/conservation+officers+criticized+cavalier+killing+predators/11209072/story.html>>; Animal Justice, “B.C. Conservation Officer Kills Healthy Bear Cub” (10 May 2016), online: <<https://www.animaljustice.ca/blog/b-c-conservation-officer-kills-healthy-bear-cub>>; CBC News “Conservation officer suspended for refusing to kill bear cubs” (7 July 2015), online: <<http://www.cbc.ca/news/canada/british-columbia/conservation-officer-suspended-for-refusing-to-kill-bear-cubs-1.3141652>>; CBC News, “Former conservation officer’s report cites erosion of public trust in wildlife law enforcement” (9 January 2018), online: <<http://www.cbc.ca/news/canada/british-columbia/bryce-casavant-questions-public-trust-wildlife-enforcement-1.4478753>>.

³⁴ For example: John J Beecham et al, “Management Implications for Releasing Orphaned, Captive-Reared Bears Back to the Wild”, online: (2015) 79:8 The Journal of Wildlife Management 1327 <<https://www.jstor.org/stable/24764390>>; JK Young et al, “When strange bedfellows go all in: a template for implementing non-lethal strategies aimed at reducing carnivore predation of livestock”, online: (2018) Animal Conservation 1 <<https://doi.org/10.1111/acv.12453>>; John A Shivik, “Non-lethal Alternatives for Predation Management”, online: (2004) 19 Sheep & Goat Research Journal 64 <<http://digitalcommons.unl.edu/icwdmsheepgoat/14>>; Philip J Nyhus, “Human-Wildlife Conflict and Coexistence”, online: (2016) 41 Annual Review of Environment and Resources 143 <<https://doi.org/10.1146/annurev-environ-110615-085634>>.

³⁵ See FOI Request Response: MOE-2016-62442 (accessed 8 January 2019), at 5, online: <http://docs.openinfo.gov.bc.ca/Response_Package_MOE-2016-62442.pdf>.

³⁶ FOI Request Response: MOE-2016-62223 (accessed 8 January 2019), online: <<https://www2.gov.bc.ca/enSearch/detail?id=26EE74C124B8476EA280E7A3C823A2D8&recorduid=MOE-2016-62223&keyword=2016-62223>>.

RECOMMENDATION #2: Incorporate Existing Policies and Procedures into Regulation

Given that the province's human-wildlife conflict response procedure is government policy, as opposed to a regulation or statute, in theory it does not produce any legally binding requirements for officers.³⁷ As such, the province's policies could be strengthened by Cabinet passing a regulation outlining procedures for responding to human-wildlife conflict. Unlike government policies, regulations are legally enforceable. Cabinet has authority under the *Wildlife Act* to make regulations respecting the circumstances in which a person may take, kill, or possess wildlife.³⁸ It could use this power to pass a regulation setting out protocols for responding to human-wildlife conflict – and thereby legally restrict and put proper parameters around when a conservation officer may kill a wild animal.

A regulation governing the BCCOS could closely resemble the policy for responding to human-wildlife conflict contemplated under *Recommendation #1*.

Manitoba has regulated the actions of conservation officers in the *Conservation Officers Regulation*.³⁹ The regulation sets out a number of operational parameters for conservation officers, including required qualifications and training, complaint procedures, and additional prescribed powers. Most notably, Manitoba's regulation restricts the use of firearms by conservation officers as follows:

Drawing and discharging firearms

8(1) Subject to section 9, a conservation officer must not draw his or her firearm unless he or she has reasonable grounds to believe that drawing the firearm is necessary

- (a) to prevent loss of life or serious bodily harm to any person; or
- (b) to apprehend or detain a dangerous person.

8(2) Subject to section 9, a conservation officer must not discharge his or her firearm unless he or she has reasonable grounds to believe that it is necessary in order to prevent loss of life or serious bodily harm to any person.

Permitted uses of firearm

- 9** A conservation officer may draw and discharge a firearm
- (a) to kill an animal
 - (i) that poses a danger to any person,
 - (ii) that is injured and requires euthanization, or
 - (iii) for wildlife management purposes; or
 - (b) during authorized firearms training and target practice.⁴⁰

³⁷ However, in its recent interpretation of the *Wildlife Act*, the BC Supreme Court recognized that whether or not an officer follows the government's policy directives does play a role in whether that officer can be exempted from the Act's offence provisions in response to an allegation of unauthorized wildlife killing: *The Association for the Protection of Fur-Bearing Animals v. British Columbia (Minister of Environment and Climate Change Strategy)* 2017 BCSC 2296, aff'd on this point by *Association for the Protection of Fur-Bearing Animals v. British Columbia (Minister of Environment and Climate Change Strategy)*, see note 16.

³⁸ See ss. 108(2)(l.2) and 108(2)(n) of the *Wildlife Act*, RSBC 1996, c. 488 ["*Wildlife Act*"].

³⁹ *Conservation Officers Regulation*, Man Reg 155/2015 ["*Manitoba Regulation*"].

⁴⁰ *Ibid*, ss.8, 9.

Adopting a regulation with similar use of force restrictions in British Columbia is an option in attempting to eliminate the unnecessary killing of wildlife. Ideally, such a regulation would not be limited to the use of firearms but rather include all other forms of lethal force, such as trapping and euthanasia by injection.

In addition to improving policy that governs the actions of conservation officers, and incorporating this into law, reform must also include independent oversight of the BCCOS to ensure transparency and accountability.

2. Introducing Independent Oversight of the BCCOS

Unlike with most policing agencies, there is no *independent* oversight of the BCCOS. Rather than having an independent body to which the public can make complaints about BCCOS policies or the actions of conservation officers, the agency reviews and investigates all complaints *internally*—including complaints involving officer responses to human-wildlife conflict.

In contrast, independent oversight of conservation officers is common in other Canadian jurisdictions. A variety of independent complaint and oversight models exist in Canada.⁴¹

Manitoba

The process for submitting complaints involving conservation officer conduct is set out in the *Manitoba Conservation Officers Regulation*, also discussed above. Civilians submit complaints in writing to the chief conservation officer, who is required to forward those to the director of policing. Unless the director of policing determines a complaint is frivolous or vexatious, they must arrange for a member of the Independent Investigation Unit,⁴² or another person with investigation experience, to conduct an investigation into the complaint. The Independent Investigation Unit is a civilian oversight agency. After the investigation, the investigator must provide the director of policing with a written report that sets out their findings. This report is then forwarded to the chief conservation officer along with any recommendations for changes in practices or policies intended to address the issues raised by the complaint.⁴³

One main advantage of Manitoba's approach is the legal enforceability of the complaint and investigation process. Because the process is set out in a regulation, as opposed to in a policy, there is a legal requirement for those involved to follow the process. Although complaints are initially made to the conservation officers service (like in BC), the chief conservation officer *must* forward those complaints to the director of policing, providing for an independent review. The process does not provide for any opportunity to dismiss a complaint as unfounded without an external review.

⁴¹ A review of the legislation discussed below shows that each law applies broadly and does not contain exclusions that would exclude human-animal interactions from the complaint process.

⁴² The Independent Investigations Unit of Manitoba has a mandate to “investigate all serious incidents involving police officers in Manitoba, whether occurring on or off duty”: Independent Investigation Unit of Manitoba, Homepage (accessed 4 January 2019), online: <<http://www.iiumanitoba.ca/>>.

⁴³ *Manitoba Regulation*, see note 39, at s.13.

Alberta

Alberta fish and wildlife officers are accountable to the Alberta Solicitor General. As fish and wildlife officers are peace officers, complaints against them are governed by the *Peace Officer Act*⁴⁴ and the *Peace Officer (Ministerial) Regulation*.⁴⁵

Members of the public may submit formal written complaints involving fish and wildlife officers to the Investigative Services Team (IST). IST is not a part of the Fish and Wildlife Enforcement Branch.⁴⁶ Prior to conducting a formal investigation, the IST may attempt to resolve the matter informally. If the IST does conduct an investigation, it will advise the Fish and Wildlife Branch of the investigation finding and determine what action, if any, to take. If the complainant is dissatisfied with the decision of the IST, they may appeal the decision to an appeals delegate, who is a member of the public named by the Director of Law Enforcement.⁴⁷

Alberta's complaint process has some clear advantages. First, complaints are made directly to the IST, a review agency *independent* of the Fish and Wildlife Branch. Although the Fish and Wildlife Branch ultimately determines what action to take in response to the investigation, this requirement ensures investigations are conducted by an impartial party. It also prevents the branch from pre-emptively dismissing complaints as unfounded. Second, the opportunity to appeal the IST's decision provides an additional level of oversight. Third, like the province's other law enforcement agencies, the Fish and Wildlife Branch is accountable to the Solicitor General. This sends a clear message that the agency is a law enforcement agency and should be treated like other law enforcement agencies with similar oversight expectations.

Quebec

All police officers in Quebec are bound by the *Code of Ethics of Québec Police Officers*⁴⁸ (the "Code") including wildlife protection officers. The process for making a public complaint about an officer breaching the Code is the same for wildlife protection officers as for police officers, as well as special constables, highway controllers, and anti-corruption officers.

A member of the public concerned with the actions of a wildlife protection officer may submit a police ethics complaint to the Commissaire à la déontologie policière (ethics commission) for examination. The Commissaire examines complaints to determine the appropriate course of action. It may conduct investigations, hold conciliation sessions, and make recommendations to the Minister or the director of a police force. If the Commissaire's investigation warrants, it will refer a matter to the Comité de déontologie policière (ethics tribunal). The Comité may also review decisions made by the Commissaire.⁴⁹

⁴⁴ *Peace Officer Act*, SA 2006, c.P-3.5.

⁴⁵ *Peace Officer (Ministerial) Regulation*, AB Reg 312/2006.

⁴⁶ Alberta Justice and Solicitor General, "How to Resolve a Complaint Concerning the Conduct of a Peace Officer within the Sheriffs Branch, Fish and Wildlife Enforcement Branch or the Commercial Vehicle Enforcement Branch in Alberta" (updated December 2018; accessed 4 January 2019), online: <<https://www.alberta.ca/assets/documents/jsg-resolving-complaint-against-sheriff-fish-wildlife-officer.pdf>> (accessed via Government of Alberta, "Peace Officers" (4 January 2019), online: <<https://www.alberta.ca/peace-officers.aspx>>).

⁴⁷ *Ibid.*

⁴⁸ Code of ethics of Québec police officers, c.P-13.1, r. 1 ["*Québec Code*"].

⁴⁹ Comité de déontologie policière, Homepage (accessed 4 January 2019), online: <<https://deontologie-policiere.gouv.qc.ca/en/le-comite.html>>.

One advantage of Quebec’s oversight model is that it holds wildlife protection officers to the same standards as police officers, sending a message to the public that officer transgressions are taken seriously. However, the Commissaire and Comité are limited to enforcing the Code—which contains no specific language in terms of the conduct of wildlife protection officers. For this reason, it is unclear what responses to human-wildlife conflict would be in breach of the Code and therefore subject to discipline. However, the Code does make reference to general standards of conduct that may be relevant to human-wildlife conflict. For example: “[a] police officer must act in such a manner as to preserve the confidence and consideration that his duties require”;⁵⁰ “[a] police officer must avoid any form of abuse of authority in his relations with the public”;⁵¹ and most notably, “[a] police officer must not use greater force than is necessary to accomplish what is required or permitted.”⁵²

Ontario

We were unable to find specific legislation or policy documentation governing oversight of Ontario conservation officers. However, the provincial government implemented a formal complaints process in 2011: the Ministry of Natural Resources and Forestry (MNRF) Enforcement Branch Compliments and Complaints Process, which is described on its website.⁵³ This process allows civilians to make complaints involving conservation officer conduct to the MNRF Corporate Compliance Governance Office,⁵⁴ which will then investigate. Complainants may appeal the outcome of an investigation to the MNRF Enforcement Branch Manager of Intelligence and Investigations.

The webpage also states that complainants have the option to contact the Assistant Deputy Minister of the Provincial Services Division or the Deputy Minister of the MNRF to report their complaint, as well as having the option to contact the Office of the Ontario Ombudsman.⁵⁵ The webpage does not elaborate on these processes.

Ontario’s oversight system does not contain sufficient independence, since both conservation officers and the body receiving complaints fall under the same Ministry (unless the complainant chooses to address their complaint to the Office of the Ontario Ombudsman). However, transparency in the complaints process is aided by the MNRF Corporate Compliance Governance Office publishing the number and disposition of complaints made against conservation officers annually.

These examples demonstrate that independent oversight of conservation officers is typical in other Canadian jurisdictions, as is a higher level of transparency than that in BC. While every complaint process is unique, one commonality among these provinces is that complaints are not handled solely by the wildlife enforcement agency itself: at minimum, an independent body receives or is forwarded complaints for screening purposes, preventing the enforcement agency from pre-emptively dismissing

⁵⁰ *Québec Code*, see note 48, s.5.

⁵¹ *Ibid*, s.6.

⁵² *Ibid*, s.6(1).

⁵³ Government of Ontario, “2015-16 Public compliments and complaints annual report” (1 September 2015; updated 29 June 2018), online: <<https://www.ontario.ca/page/2015-16-public-compliments-and-complaints-annual-report>> [“*Ontario Complaints webpage*”].

⁵⁴ The MNRF Corporate Compliance Governance Office’s mandate is to promote ethics, integrity and professionalism in the performance of compliance duties across the MNRF: *Ibid*.

⁵⁵ *Ibid*, at Appendix – Compliments and Complaints Regulator’s Code of Practice.

complaints as unfounded. Relying on a law enforcement agency to review complaints about its officers and self-investigate is unusual and is a conflict of interest. British Columbia must address this conflict and implement independent oversight of the BCCOS. In the paragraphs that follow, we propose three methods to achieve this goal.

RECOMMENDATION #3: Introduce Independent Oversight by the BC Office of the Police Complaint Commissioner

One agency well-positioned to provide oversight of the BCCOS is the British Columbia Office of the Police Complaint Commissioner (OPCC). The OPCC is an independent civilian agency that oversees and facilitates complaints involving municipal police. While the agency does not conduct investigations directly, its purpose is to increase transparency and accountability in the complaint process by ensuring investigations are thorough and fair. The OPCC can also recommend improvements to police boards, such as recommendations to create or amend policy, and suggestions to amend the *Police Act*.⁵⁶ The steps in the OPCC's complaints process are: 1) the complainant submits a complaint through the OPCC's online system; 2) an OPCC analyst assesses the submitted complaint and determines whether it is admissible and also whether it is suitable for "complaint resolution" (alternative dispute resolution or mediation); 3) if it is suitable for complaint resolution, that process is carried out; if not, it proceeds to an investigation by the police, which results in a report; 4) the Discipline Authority makes its decision; 5) if the complaint is found to be substantiated, it proceeds to either a paper review ("review on the record") or a public hearing, both to be conducted by a retired judge. The retired judge's decision is binding.⁵⁷

Presently, the OPCC only oversees complaints involving municipal police departments and Special Municipal Constables. Conservation officers are special provincial constables, so do not fall into either of these categories. Adding the BCCOS to the OPCC's jurisdiction is one way to introduce independent oversight to the agency. Under this approach, civilians would make complaints to the OPCC rather than to the BCCOS directly. This approach is consistent with other Canadian jurisdictions, such as Alberta and Manitoba. As discussed above, these provinces have organizations similar to the OPCC, whose jurisdictions include the province's wildlife enforcement agency.

In many ways, the BCCOS already resembles a police force: its officers are armed, carry badges, and frequently interact with the public. They have a mandate to protect public safety and enforce a number of provincial acts, which are not limited to environmental legislation. For example, conservation officers can stop vehicles and require a driver to produce their license,⁵⁸ and can search persons and vehicles and seize unlawful materials.⁵⁹ Officers are even empowered to arrest civilians for public intoxication.⁶⁰ This breadth of enforcement authority, coupled with the fact that conservation officers are armed and

⁵⁶ Office of the Police Complaint Commissioner, "About Us" (accessed 6 January 2019), online: <<https://opcc.bc.ca/about-us/>>.

⁵⁷ Office of the Police Complaint Commissioner, "Complaint Process" (accessed 30 January 2019), online:

<<https://opcc.bc.ca/complaint-process/>>. Note that the OPCC can "direct that the Discipline Authority (i.e., person who decides whether there is a finding of misconduct) be a Chief Constable or other high ranking member from an external police department." All decisions of Discipline Authorities are reviewed by the OPCC; if the OPCC disagrees with a Discipline Authority's finding of no misconduct, the Police Complaint Commissioner may appoint a retired judge to review the decision.

⁵⁸ *Wildlife Act*, see note 38, at s.93; *CSO Authority Regulation*, see note 12, at ss.1, 2; *Motor Vehicle Act*, RSBC, c. 318, s.71.

⁵⁹ *Wildlife Act*, see note 38, ss. 93, 94.

⁶⁰ *COS Authority Regulation*, see note 58, ss. 1, 2; *Liquor Control and Licensing Act*, SBC 2015, c. 19, s.74.

carry badges, generates a public perception that they are powerful law enforcement officials. We submit that these powers warrant subjecting the BCCOS to independent oversight under the *Police Act*.

Having officers of a police force enforce environmental legislation is not uncommon. In some American jurisdictions wildlife enforcement agencies are a division of the state police, rather than a branch of a separate government agency. For example, the Oregon state police has a fish and wildlife division that fulfills a similar role to the BCCOS. The division ensures compliance with the laws and regulations that protect fish and wildlife resources and habitats.⁶¹ In fact, as discussed above, in British Columbia in the 1920s the provincial police assumed responsibility for enforcing wildlife laws.

Designating the BCCOS as a police unit would require several precautions and careful considerations. First, it would be important not to dilute the important role its officers play in environmental stewardship. The BCCOS should maintain a focus on environmental conservation and not be tasked with enforcing unrelated laws. It should also continue to be staffed with officers possessing knowledge and experience pertaining to environmental protection, not just general policing experience. Second, it will not always be appropriate to hold conservation officers to the same standards and requirements as police officers, so the application of all *Police Act* provisions and regulations should be carefully considered.

A more practical solution to introduce independent oversight of the BCCOS by the OPCC is to simply extend the OPCC's jurisdiction. It appears the Lieutenant Governor in Council has the power to do so by Order. In 2016 the Ministry of Justice asked the OPCC to assume oversight responsibilities for Special Municipal Constables appointed under the *Police Act*.⁶² The Lieutenant Governor in Council ordered the expansion of the OPCC's jurisdiction in February 2016, and it came into effect in August of that year.⁶³ Notably, Special Municipal Constables include jail guards, community safety members, traffic authority members, and auxiliary/reserve constables.

The government's decision to extend the OPCC's jurisdiction to these enforcement agencies recognizes that independent oversight of police-like agencies is important. There is no reasonable rationale for the OPCC's jurisdiction to exclude the BCCOS.

Extending the OPCC's jurisdiction to the BCCOS is unlikely to overburden the organization. We do not know the actual number of complaints made regarding the BCCOS yearly, as the BCCOS does not publicly release this information. However, as a comparator, in Ontario there is an average of 22 complaints made against conservation officers annually. Ontario employs 190 conservation officers,⁶⁴ whereas British Columbia employs 150. Clearly, overseeing complaints about the BCCOS is unlikely to require significant resources and is justified by the enhanced public confidence that would come with this independent oversight.

We believe this approach is the most straightforward and efficient way to introduce immediate independent oversight of the BCCOS.

⁶¹ Oregon Government, "Oregon State Police – Fish and Wildlife Division" (accessed 6 January 2019), online: <<http://www.oregon.gov/osp/FW/pages/index.aspx>>.

⁶² British Columbia, Legislative Assembly, *Annual Review of the Budgets of the Statutory Offices*, 40th Parl, 4th Sess, Second Report (20 January 2016), "Office of the Police Complaint Commissioner" heading, online: <<https://www.leg.bc.ca/parliamentary-business/committees-reports/25>>.

⁶³ Office of the Police Complaint Commissioner, 2015/2016 Annual Report (August 2016), at 14 (PDF p 18), online: <https://opcc.bc.ca/wp-content/uploads/2017/03/2015-2016_OPCC_Annual_Report.pdf>.

⁶⁴ Email from Wendall Ackerson (MNRF) to Kelly Firth (25 January 2018).

ALTERNATIVE RECOMMENDATION #1: Introduce Oversight by the Environmental Appeal Board

An alternative way to introduce independent oversight of the BCCOS is to subject decisions made by the BCCOS under the *Wildlife Act* to review by the Environmental Appeal Board (EAB). The EAB already hears appeals from administrative decisions made under the *Wildlife Act* and a variety of other provincial statutes, including the *EMA*. This approach could be a natural fit requiring minimal reorganisation—introducing the change would only involve expanding the scope of appeals the EAB hears under the *Wildlife Act*.

Presently, the *Wildlife Act* section 101.1 provides for appeals to the EAB. Only “affected persons” may appeal a decision under this provision. It is uncertain whether a civilian seeking review of an officer’s decision to kill a wild animal would qualify to appeal the decision to the EAB under the current *Wildlife Act* regime. However, the province could introduce a new provision to the *Wildlife Act* providing for an appeal by a member of the public or group who is concerned with the conduct of a conservation officer (this would include a conservation officer exceeding their authority by killing wildlife). The appeal process would be a second review stage, available only after a complainant exhausts the BCCOS internal complaints process. After an internal investigation is conducted and the chief conservation officer issues a review decision, if the complainant is dissatisfied with the decision, they could appeal that decision to the EAB. The EAB would review the decision to decide whether the complaints against an officer were substantiated and could order disciplinary or corrective measures when warranted.

There are sound public policy reasons why concerned parties should be allowed to seek review of actions and decisions of the BCCOS. The management and conservation of the province’s natural resources, including wildlife, is in the interest of all British Columbians. When government officers use lethal force against wildlife, concerned citizens must be able to challenge those decisions to an independent body – to ensure that the public interest, as well as all laws and policies, are being respected.

Under this alternative recommendation, we recommend allowing any concerned member of the public with knowledge of an inappropriate killing of a wild animal to request an appeal to the EAB. If the province is concerned with overburdening the EAB, it could limit statutory standing to appeal to parties with a genuine interest in wildlife conservation, such as animal or wildlife advocacy groups. This would be consistent with the common law’s approach to standing in the judicial context.⁶⁵

Even if the right to appeal an internal review of a conservation officer’s action is not exercised frequently, having a process for independent oversight in place would introduce much needed accountability for the BCCOS. Furthermore, providing the public with an opportunity to challenge the actions of officers would undoubtedly enhance public confidence in the agency.

Adopting this approach would require a few co-requisites. First, allowing concerned parties to appeal an internal review decision to the EAB will only be effective if the government first strengthens its policies

⁶⁵ The Supreme Court of Canada has stated that the “Canadian courts have relaxed these limitations on standing and have taken a flexible, discretionary approach to public interest standing” and that three factors should be considered when determining if an applicant should be granted public interest standing: “(1) whether there is a serious justiciable issue raised; (2) whether the plaintiff has a real stake or a genuine interest in it; and (3) whether, in all the circumstances, the proposed suit is a reasonable and effective way to bring the issue before the courts.” (*Downtown Eastside Sex Workers United Against Violence Society v. Canada (Attorney General)*, 2012 SCC 45, at paras 1, 37).

governing the BCCOS. Existing legislation provides very few restrictions on an officer's authority to kill wildlife, so unless there are clearer restrictions on the use of lethal force by conservation officers, there will be extremely limited instances for appeal. To address this, a decision to introduce EAB appeals must be accompanied by our earlier recommendations for improving the policies for improving human-wildlife conflict responses.

Second, since we recommend that the EAB hear appeals of internal review decisions made by the chief conservation officer, each time a concerned party makes a complaint to the BCCOS, the chief conservation officer's decision about that complaint would need to be transparent and thorough. To provide a sufficient basis for appeal, the BCCOS should be required to issue a written decision outlining whether and why an investigation was conducted, and reasons for the decision, including reasons for dismissing complaints. Our recommendations in the next section outline in more detail improvements to the internal BCCOS complaint process that would best achieve these goals.

ALTERNATIVE RECOMMENDATION #2: Improve the Internal Complaint and Appeal Processes

As discussed above, we strongly recommend that the province move the process of receiving, investigating, and evaluating civilian complaints away from the BCCOS to an independent agency, such as the OPCC. In the alternative, government could promptly amend the existing complaint process to improve accessibility and transparency. A number of changes could help achieve this goal.

The existing BCCOS complaint process, summarized in the background section of this report, is inadequate for several reasons. While the *BCCOS Complaints Policy and Procedure* encourages complainants to fill out a complaint form, they are not required to do so.⁶⁶ Consequently, complaints are sometimes made over the phone, meaning there is no automatic paper trail of each complaint. To address this, it should be required that complainants are made in writing, unless the complainant is unable to do so. If members of the public call the BCCOS to make a complaint, they should be directed to submit a complaint form and the disciplinary authority should issue a written response to the complaint in all circumstances. This standardized process will enhance transparency by ensuring every complaint and its disposition is recorded with adequate detail.

Additionally, the BCCOS should regularly publish the number of complaints it receives, along with their disposition (for example, "accepted," "dismissed," and "substantiated.") In Ontario, the Corporate Compliance Governance Officer has been publishing this information annually since 2011.⁶⁷ However, in British Columbia there is no readily accessible way for the public to learn of the number of complaints made without requesting that information. The only publicly available record of complaints made against the BCCOS that was readily available online was a result of a Freedom of Information request.⁶⁸ This information should be readily available to the public.

⁶⁶ *BCCOS Complaints Policy*, see note 18, at s.3.1.2. The BCCOS Complaint Form is here: <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/conservation-officer-service/cos_complaint_form.pdf>.

⁶⁷ *Ontario Complaints webpage*, see note 53.

⁶⁸ FOI Request Response - MOE-2016-62249 (accessed 8 January 2019), online: <<http://docs.openinfo.gov.bc.ca/MOE-2016-62249.html>>. According to this Freedom of Information response, the BCCOS recorded seven complaints between January 2011 and June 2016 that specifically related to incidents of conservation officers killing wildlife. However, this may not reflect the number of people who have concerns but did not fill out a complaint form.

The existing complaint process covers a much too narrow scope of complaints. The *BCCOS Complaints Policy and Procedure* states that a misconduct complaint may be dismissed if the alleged conduct does not constitute a disciplinary default as set out in the BCCOS Code of Professional Conduct or a failure to comply with the Standards of Conduct for Public Service Employees. This leaves too much leeway to dismiss a complaint that does not meet this narrow definition. While frivolous or vexatious complaints certainly should be dismissed, any complaint with an “air of reality” should be investigated.

Additionally, the BCCOS Code of Professional Conduct does not appear to be publicly available, and a number of links in the online *BCCOS Complaints Policy and Procedure* direct to pages that are password protected, so are not accessible to the public. This results in a convoluted process that is not easily navigable by the average citizen wishing to make a complaint. This online user experience must be improved.

If the public is expected to trust the BCCOS to adequately review and address complaints about its own officers, the process must be transparent. Citizens should know exactly how complaints are handled in order to hold officials accountable if their actions or policies are misaligned with public expectations. This is especially important when lethal force is used against wildlife, as every resident of British Columbia has an interest in environmental stewardship.

IV. Conclusions

Maintaining a high degree of officer discretion to respond appropriately to human-wildlife conflict is important for protecting public safety. However, with broad discretion comes an enhanced need for accountability and oversight. These factors are crucial for maintaining public trust in British Columbia's conservation officers and for ensuring that wildlife is not killed needlessly.

Given the amount of public criticism of BC conservation officers' decisions to kill wildlife in recent years, a thorough review of BCCOS policies and operations is overdue. The province should review and amend procedures for responding to human-wildlife conflict to ensure officers use lethal force as conservatively as possible. Furthermore, instituting independent oversight of the BCCOS must be an immediate priority.

The most effective and efficient solution to immediately adopt is to extend the jurisdiction of the Office of the Police Complaints Commissioner's to include the BCCOS. This would allow members of the public to make complaints to an independent body. This should be complemented by amendments to BCCOS policies and procedures which clearly delineate proper limits on the scope of officers' authority to kill wildlife—and by enactment of legislation to give these policies the force of law.