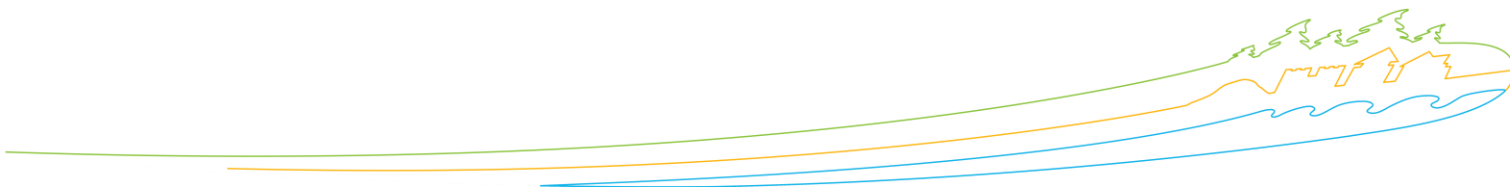




Parks  
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# Audit of Law Enforcement Program- Arming Initiative

Final Report

August, 2011

Office of Internal Audit and Evaluation

Report submitted to the Parks Canada Audit Committee: Feb.16, 2012

Approved by the Agency CEO: February 16, 2012

**Her Majesty the Queen of Canada, represented by  
the Chief Executive Officer of Parks Canada, 2012  
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**Report submitted to the Internal Audit Committee and approved by the Chief  
Executive Officer of the Parks Canada Agency on February 16, 2012.**

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## Executive Summary

The audit of the Law Enforcement Program—Arming Initiative was included in the three-year plan of the Office of Internal Audit and Evaluation of Parks Canada Agency for fiscal year 2010-2011.

Parks Canada activities carried out under the direction of the National Office translate into a decentralization of the agency's operations divided among thirty-three field units and four service centres. Field units consist of groupings that include elements from National Parks, National Historic Sites and Marine Conservation Areas that are normally situated in close proximity to one another. This proximity allows them to share management and administrative resources.

The fact that many Parks Canada locations are especially remote results in challenges with respect to visitor accessibility, recruitment and retention of highly qualified employees. In addition, the decentralization of its operations requires cohesive national policies, programs and processes, therefore, an effective management structure and discipline in the application procedures.

In May 2008, the Minister of the Environment announced that the Government of Canada authorized the Parks Canada Agency (PCA) to create as many as 100 armed park warden positions to provide law enforcement. This led the Agency to restructure its activities to reflect this decision. A new Law Enforcement Branch was established, reporting directly to the Vice President, Protected Area Establishment and Conservation. Its role is to develop a policy on law enforcement and to deliver services to ensure the achievement of the mandate of Parks Canada concerning visitor experience and protection of natural and cultural resources. Park wardens will be empowered to enforce the *Canada National Parks Act*, the *Canada National Marine Conservation Areas Act* and associated regulations, and other federal legislative measures that apply to national parks. Local police services will remain the primary providers of *Criminal Code* enforcement.

The objective of the audit is to provide senior management with assurance that the policies and procedures of the Law Enforcement Program are compatible with federal authorities, including the *Criminal Code* and the *Firearms Act*, and that the initiative is administered in compliance with Parks Canada policies and procedures. The audit is to determine:

- the adequacy of the management control framework associated with the program;
- compliance of service delivery agreements and memoranda of understanding with the policies and procedures related with the arming initiative;
- compliance with policies and procedures related with the arming initiative.

The scope of the audit will include the *Management Directive - Law Enforcement* (effective December 19, 2008) and the *Parks Canada Agency Law Enforcement Administration and Operational Manual* (updated February 2010), which directly impact the work of park wardens. The audit will also focus on implementation of service

delivery agreements and memoranda of understanding. The audit covers the period from January 1, 2010 to December 31, 2010.

The audit method included an examination of relevant supporting documents, interviews with Law Enforcement Program staff from the National Office and at the sites visited, interviews with staff involved in the management or enforcement of service delivery agreements and an analysis of the control measures applied to practices associated with the Law Enforcement Program—Arming Initiative. Visits were made to five sites chosen to reflect the various features of the Agency's activities and took place between March 21, 2011 and June 17, 2011.

Once the on-site audit work was completed, a meeting with the representative of the Vice President, Protected Area Establishment and Conservation took place to present any deficiencies noted during the audit and discuss the proposed recommendations.

The audit engagement was planned and carried out in accordance with Government of Canada internal audit standards.

Overall, the audit found a sound program of law enforcement-arming initiative at Parks Canada. Although this is a young program, much work has been done in developing procedures, guidelines and templates to help frame the key stakeholders. The key elements of management control framework were present, however moderate improvements are recommended especially in sharing information and obtaining designations. Improvements should be made on service delivery agreements and memoranda of understanding in order to facilitate the achievement of program objectives. It needs also to clarify certain practices related to the arming initiative, to ensure compliance with laws, regulations and procedures existing at the Secretariat of the Treasury Board and Parks Canada Agency.

Summary of audit report ratings:

Reference	Management Process	Code	Description
6.1	Adequacy of management control framework	<b>YELLOW</b>	Moderate improvements required
6.2	Compliance of service delivery agreements and memoranda of understanding	<b>YELLOW</b>	Moderate improvements required
6.3	Compliance with policies and procedures related to the arming initiative	<b>BLUE</b>	Minor improvements required

Below is a list of the recommendations formulated in the report for the Vice President, Protected Area Establishment and Conservation.

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It is recommended that the Vice President, Protected Area Establishment and Conservation:

- 1) Develop a standard approach to acquiring and using law enforcement designations from outside agencies to ensure that all authorities are exercised within the policies and procedures approved by the Vice President, Protected Area Establishment and Conservation.
- 2) Maintain a current listing of certificates of designation that have been issued to park wardens in order to ensure appropriate levels of authority for a given region.
- 3) Issue guidelines on the sharing of information between the law enforcement group and the field units in order to standardize practices and ensure active cooperation and communication among the parties.
- 4) Improve the existing control process to capture all incidents involving the use of force and/or the use of sidearms in order to ensure appropriate follow-up.
- 5) Improve the existing control procedures governing inventories of specialized equipment, such as munitions, in order to facilitate reconciliation, ensure quantities on hand and to avoid having excess quantities at any given site.
- 6) Ensure that service delivery agreements are reviewed in such a way that they meet expectations and are suitably approved by both parties within a reasonable time frame.
- 7) Complete the review of existing MOUs to confirm the necessity and validity of the latter.
- 8) Clarify situations that require application of the use-of-force procedure in instances where a sidearm is drawn.
- 9) Implement a process for sharing best practices in order to facilitate the work of park wardens and standardize actions taken.
- 10) Ensure that any information not relevant to management of the Law Enforcement Program is removed from employee files in order to assure compliance with the *Privacy Act*.
- 11) Clarify the level of access that park wardens have to sidearms and take whatever actions are necessary to ensure compliance.
- 12) Ensure that annual inspections are conducted in Law Enforcement staff residences where they are operationally required to keep their sidearm at home and that a copy of the report is sent to the local Occupational Health and Safety Committee to confirm that the installation meets the required standards.
- 13) Ensure that, where the use of vehicles and watercraft is shared with various groups in a field unit, they do not display a distinct *Park Warden* indicator; this is

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to comply with the law enforcement procedure that limits the use of such equipment to Law Enforcement staff.

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## 1. Background

Parks Canada activities carried on under the direction of the National Office translate into a decentralization of its operations divided among thirty-three field units and four service centres. The field units consist of groupings that include elements from National Parks, National Historic Sites, and Marine Conservation Areas that are normally situated in close proximity to one another. This proximity allows them to share management and administrative resources. The service centres support the organization in a variety of professional and technical disciplines. The directors of service centres and superintendents of field units are mandated to ensure that Treasury Board Secretariat and PCA policies, directives and guidelines are followed.

The remote nature of many Parks Canada locations presents challenges with respect to visitor accessibility and recruitment and retention of highly qualified staff. In addition, the decentralized nature of its operations requires a national cohesiveness in policies, programs and processes, and therefore an effective management structure and discipline in the enforcement of procedures.

In May 2008, the Minister of the Environment announced that the Government of Canada authorized the Parks Canada Agency (PCA) to create up to 100 armed park warden positions. The Agency restructured its activities to reflect this decision. A new branch reporting to the Vice President, Protected Area Establishment and Conservation was created. Its role is to develop a policy on law enforcement and to provide services to field units to ensure the achievement of the mandate of Parks Canada concerning visitor experience and protection of natural and cultural resources. The first park wardens meeting the qualification requirements received their designation in May 2009. At the time of the audit, 81 positions had been filled.

Park wardens are responsible for enforcing the *Canada National Parks Act*, the *Canada National Marine Conservation Areas Act* and associated regulations and other federal conservation laws that apply in our national parks and marine conservation areas. Police services continue to be the primary enforcers of the *Criminal Code*. Parks Canada, through a legislative and regulatory framework and effective partnerships, ensures an equitable, impartial and uniform enforcement of the law throughout the lands and waters under its administration.

The roles and responsibilities of park wardens were changed to bring them into line with the mandate of the new branch. Even though, like all Parks Canada employees, they are involved in the prevention program, their roles and responsibilities focus more on law enforcement, the scope of which is defined through a service delivery agreement. The creation of the new function of law enforcement has led to a change in culture that is not firmly established.

The audit of the Law Enforcement Program – Arming Initiative was included in the Agency's audit plan for the 2010-2011 fiscal year. That plan was approved by the Chief Executive Officer of the Agency in March 2010.



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## 2. Objectives and scope

The objective of the audit was to provide senior management with assurance that the policies and procedures of the Law Enforcement Program are compatible with federal authorities, including the *Criminal Code* and the *Firearms Act*, and that the initiative is administered in accordance with Parks Canada policies and procedures. The audit was intended to determine:

- the adequacy of the management control framework associated with the program;
- compliance of service delivery agreements and memoranda of understanding with the policies and procedures related with the arming initiative;
- compliance with policies and procedures related with the arming initiative.

The scope of the audit included *Management Directive - Law Enforcement* (effective December 19, 2008) and the *Parks Canada Agency Law Enforcement Administration and Operational Manual* (updated February 2010), which directly impact the work of park wardens. The audit also focused on the implementation of service delivery agreements and memoranda of understanding. The audit covered the period from January 1, 2010 to December 31, 2010.

The audit focussed on the arming initiative of the Law Enforcement Program and specifically excluded procedures governing searches, seizures and investigations, as well as the financial aspect of the program.

## 3. Methodology

The audit method included:

- a review of relevant supporting documents (laws, regulations, policies and procedures);
- interviews with staff assigned to the Law Enforcement Program at the National Office and at the sites visited;
- interviews with staff involved in the management or application of service delivery agreements;
- field visits to selected sites;
- interviews with managers and staff at the visited sites;
- an analysis of control measures applied to practices related to the Law Enforcement Program—Arming Initiative.

Visits were made to five sites chosen to reflect the various features of the Agency's activities. Visits were conducted on the basis of the following schedule:

- La Mauricie National Park: March 21 to 24, 2011
- Prince Edward Island National Park: April 11 to 15, 2011
- Gulf Islands National Park Reserve of Canada: May 2 to 6, 2011

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- Banff National Park: May 9 to 12, 2011
  - Riding Mountain National Park: June 13 to 17, 2011

Once the field audit work had been completed, a meeting was arranged with the representative of the Vice President, Protected Area Establishment and Conservation to present the deficiencies observed during the audit and to discuss proposed recommendations.

Our observations and recommendations were made in accordance with the following audit report evaluation system:

<b>Rating System Used for Audit Reports</b>		
<b>RED</b>	Unsatisfactory	Controls are not functioning or are non-existent. Immediate management actions need to be taken to correct the situation.
<b>ORANGE</b>	Significant Improvements Required	Controls in place are weak. Several major issues were noted that could jeopardize the accomplishment of program/operational objectives. Immediate management actions need to be taken to address the control deficiencies noted.
<b>YELLOW</b>	Moderate Improvements Required	Some controls are in place and functioning. However, important issues were noted and need to be addressed. These issues could impact on the achievement of program/operational objectives.
<b>BLUE</b>	Minor Improvements Required	Many of the controls are functioning as intended. However, some minor changes are necessary to make the control environment more effective and efficient.
<b>GREEN</b>	Controlled	Controls are functioning as intended and no additional actions are necessary at this time.

#### 4. Statement of assurance

The audit engagement was planned and carried out in accordance with the Internal Audit Standards for the Government of Canada.

#### 5. Conclusion

Overall, the audit found a sound program of law enforcement-arming initiative at Parks Canada. Although this is a young program, much work has been done in developing procedures, guidelines and templates to help frame the key stakeholders. The key elements of management control framework were present, however moderate improvements are recommended especially in sharing information and obtaining designations. Improvements should be made on service delivery agreements and memoranda of understanding in order to facilitate the achievement of program objectives. It needs also to clarify certain practices related to the arming initiative, to ensure compliance with laws, regulations and procedures existing at the Secretariat of the Treasury Board and Parks Canada Agency.

## Summary of audit report ratings:

Reference	Management Process	Code	Description
6.1	Adequacy of management control framework	<b>YELLOW</b>	Moderate improvements required
6.2	Compliance of service delivery agreements and memoranda of understanding	<b>YELLOW</b>	Moderate improvements required
6.3	Compliance with policies and procedures related to arming initiative	<b>BLUE</b>	Minor improvements required

## 6. Observations and recommendations

### 6.1 Adequacy of the management control framework associated with the program

<b>YELLOW</b>	Moderate improvements required	Some controls are in place and functioning. However, important issues were noted and need to be addressed. These issues could impact on the achievement of program/operational objectives.
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An adequate management control framework must be put into place for any organization, project or program in order to support operations and ensure that employees are able to effectively and efficiently perform their duties. The key elements of an effective management control framework are: clear governance, a risks assessment, well-defined roles and responsibilities, effective communication, asset control and regular control measures.

To determine whether the control framework for the Law Enforcement Program—Arming Initiative is effective and in compliance with existing policies and procedures, the following audit criteria were used:

- C1.1** The Agency's law enforcement policies and procedures are in compliance with the federal government's applicable policies, legislation and regulations and provide the necessary direction (without any deficiencies) to employees who are required to carry sidearms in the performance of their duties.
- C1.2** Roles and responsibilities as they relate to law enforcement are clearly and adequately defined, assigned, documented and exercised, and correspond with statutory powers and responsibilities.

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- C1.3** Internal communication and training within Parks Canada are consistent and sufficient, such that they enable all parties to become fully familiar with their roles and responsibilities and carry them out competently.
- C1.4** Monitoring of compliance with law enforcement policies and procedures is reliable and enables management to identify, assess and suitably manage any problems that may arise and respond appropriately.
- C1.5** The information systems are used to the maximum in responding to policy requirements and management's need for information. Reports are presented to management in a timely, exhaustive and consistent fashion.
- C1.6** Risks related to the implementation of policies are identified, assessed and managed, and the effectiveness of the policies is evaluated.

#### Governance

The governance must include a structure of authority and responsibility to properly supervise all employees involved in the program. Policies and procedures must be developed and communicated to ensure consistency of practice and facilitate accountability.

Responsibility for the Law Enforcement Program falls to the Vice President, Protected Area Establishment and Conservation, who reports to the Agency's Chief Executive Officer on policy development and service delivery in the area of law enforcement. He is also required to submit an annual report to the National Occupational Health and Safety Committee.

The Director, Law Enforcement, is required to report to the Vice President, Protected Area Establishment and Conservation on the delivery of all law enforcement services, including service delivery agreements with field units and management of Parks Canada staff responsible for law enforcement.

Superintendents of field units report to the Agency's Chief Executive Officer on the field unit's management and activities. They must ensure the overall planning of prevention and law enforcement to reduce the need for law enforcement intervention by park wardens, all the while making it possible to offer visitors a pleasant and safe experience.

The Law Enforcement Branch (LEB) that was established within the Protected Areas Establishment and Conservation Directorate is composed of the four following groups: Law Enforcement Operations, Law Enforcement Programs, Law Enforcement Training and Standards and Strategic Law Enforcement Programs. Each group is responsible for a sphere of activities well defined and communicated to all employees via the Intranet. The

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Law Enforcement Operations group comprises the majority of staff in the LEB, ie all wardens, supervisors and four managers, Law Enforcement Operations. From National Office, the other three groups, with limited staffing, act primarily as support to operations.

The Parks Canada law enforcement governance structure is centralized in National Office; park wardens and supervisors work in the field units, and report to a Manager, Law Enforcement Operations in each region.

A manual, approved by the Director General of National Parks (now as VP, Protected Areas Establishment and Conservation) includes the administrative and operational procedures and serves as a reference for all aspects of the program of law enforcement. These procedures provide guidance to employees involved in the program allowing them to perform tasks safely and in compliance. The manual is available online and accessible to all Parks Canada employees.

LEB is prepared to entertain any requests for clarification or interpretation of its procedures. A number of subjects have been clarified. These include such subjects as the *Authority and obligation to provide emergency back-up to police/peace officers outside of PCA lands*, *Highway traffic violations* and *Instructions for Shipping and Transporting of Controlled Items*. These documents are available on the Agency's intranet site. Handbooks such as the *Guide to Annual Certification* and the *Guide to Mandatory Sidearm Practice* were developed and distributed by e-mail to park wardens in the field units to help them in their jobs.

*Management Directive - Law Enforcement* requires that the directive be reviewed every five years. The first review is not expected until December 2013.

The *Parks Canada Agency Policy on Firearms*, which was approved in February 2011, sets out the Agency's overall framework for the management, control and use of firearms and associated munitions. It guides the development, implementation, review and revision of additional directives, procedures and standards concerning the Agency's sidearms, long guns and historic firearms. Approval of the policy having occurred too late in the process of audit, compliance review procedures outlined in the manual application of the law with the *Parks Canada Policy on Firearms* has not been done.

Our review of the Law Enforcement Program's administrative and operational procedures did not uncover any anomalies or instances of non-compliance with the enforcement of laws or regulations. Much work has been done in developing procedures and guidelines to facilitate the work of each in the performance of his duties even though the program has only two years.

#### Roles and responsibilities

Law enforcement roles and responsibilities must be clearly defined in order to delineate the areas of activity, respect the fields of authority and ensure that they are in compliance with laws and regulations.

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The procedural manual and *Management Directive - Law Enforcement* define the roles and responsibilities at each level of intervention. At the time they were hired, employees assigned to the program were given a generic job description. More specific duties are assigned to certain individuals at the time they receive their performance evaluations. Service delivery agreements between field units and the LEB also set out the roles and responsibilities of park wardens. The role of the manager who is liaison between the field unit and the LEB is scant on description in order to enable the two parties involved to determine the extent of the role that will be conferred. However, the interviews showed that a lack of clear expectations creates uncertainty about the role expected of a person occupying the position.

With the consent of the Director, Law Enforcement, park wardens can be authorized to enforce other federal, provincial or territorial laws (such as the *Migratory Birds Convention Act, 1994*, provincial alcohol laws, etc.). In addition, the Minister of the Environment may, once the designation process is complete, specify the provisions of any law for which he or she is responsible that a law enforcement officer may enforce, such as the *Species at Risk Act*.

The specific nature of certain parks and provincial legislation, as well as regional agreements, requires that park wardens possess an extensive knowledge of their surroundings. Provincial and even regional diversities may result in a number of uncertain areas with respect to the authority that wardens can exercise in carrying out their duties.

Certificates of designation from the other law enforcement bodies could clarify the areas of uncertainty. A certificate of designation could facilitate the work of park wardens by conferring on them the authority needed to carry out these duties, but there are responsibilities associated with such authority. Each law enforcement agency defines its own requirements regarding pre-requisites and/or training before granting a certificate of designation.

At the time of the audit, no procedure was in place to facilitate the process of getting an appointment or even to standardize applications. In addition, the level of authority necessary to formalize this arrangement is not defined. Thus one of the sites visited the supervisor' has the responsibility to obtain the appropriate designations, while in another site, the responsibility is with the Manager, Law Enforcement Operations.

A procedure for obtaining certificates of designation deemed appropriate to the carrying out of park warden duties could simplify the process while setting out the levels of authority and information needed for the approval of such requests. In addition, control must be exercised once the designation is obtained to confirm the authority given to park wardens.

In general, the roles and responsibilities within the law enforcement group are well defined and well documented.

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Communication

Communication and training are essential for the proper functioning of a program as they allow employees to do their jobs effectively.

The Law Enforcement Branch has chosen several methods of communication. E-mail is the most frequently used method of communicating with employees. Shared files have also been created by a number of managers, and these can be accessed by a limited number of LEB employees. The intranet also contains a great deal of information available for all Parks Canada Agency employees regarding Law Enforcement Branch.

Weekly or monthly reports of activities of law enforcement are given to the field unit superintendents. These reports replace the quarterly reports planned in the proceedings summarizing the time allocated to different priorities related to service delivery agreements.

Conference calls are held on a regular basis between the Director, Law Enforcement, operations managers and support groups to discuss situations or incidents impacting procedures or policies. These discussions also ensure uniformity with respect to interpretation and/or practices among the 4 operational regions. This information is then passed on to supervisors and park wardens through conference calls or by telephone, depending on the preferred method of communication chosen by operations managers, based on their particular circumstances and the means available.

Communications within the sites are often by radio. The radio frequency used is normally shared with the other groups in the field unit, such as resource conservation and visitor experience. While sharing the radio frequency is useful for day-to-day operations, certain more sensitive information requires more limited access. To manage the risk associated with communication, park wardens must ensure to encode certain information or use other means of communication in order to preserve the confidentiality of such information.

Despite a significant improvement in communication, visits to different sites showed considerable variation with respect to information sharing among the group of law enforcement and field units managers. Information sharing and communication between the two groups are essential for achieving the objectives of the program and recognize the accountability of managers on the activities and events occurring in their territory. In order to standardize practices and ensure active cooperation and communication between the field units and park wardens, the Law Enforcement Branch should issue guidelines on the scope of information sharing.

The electronic system used to record incidents, the Occurrence Tracking System (OTS), has been in existence for numerous years. Initially, the system was used to record all events related to resource conservation. Even though the OTS was not developed with the needs of the LEB in mind, it may contain information needed in producing law enforcement reports. However, extracting data is a complex process and cannot be performed by all managers; some requests for extraction must be forwarded to the

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national office and run from a database rather than the OTS system. As a result, a specific request will require research into various components in order to record key elements that could be used in locating the incidents in question. By the same token, it is difficult to confirm whether a report prepares an exhaustive list. Also, the OTS system does not confirm whether the incidents were forwarded to the Director as specified in procedures or whether the necessary monitoring was conducted.

Some supervisors have set up parallel systems to record more accurate data on their activities. As a result, two of the field units compile each incident based on priorities established in the service delivery agreements as well as time spent on the incident. Although the initiative is demanding, compilation allows better monitoring during the year and facilitates the preparation of the annual report.

In addition, Resource Conservation and Visitor Experience groups compile incidents related to their fields in other systems (Excel or other). These data are useful in developing service delivery agreements and for statistical purposes in the LEB annual report to the field unit.

The Law Enforcement Branch is currently involved in information system development in collaboration with other groups of the Agency and the Office of the Chief of Information Officer. The system should respond to a greater extent to the requirements of the LEB with regard to the recording, follow-up and compilation of incidents. It should also provide for control of schedule for training, certifications, and for reviews of service delivery agreements and memoranda of understanding. Movement of equipment inventories, including sidearms, could also be incorporated into the new system. However, the system will not be operational for another few years.

### Training

Training is a key element for the LEB. New park wardens receive 12 weeks of intensive training, two weeks of which are on procedures at the National Office, with another 10 weeks of training in Regina. This training period in Regina includes a legislative component and a firearms maintenance component. The training is provided by members of the Royal Canadian Mounted Police. All requirements of the position of warden are clearly defined and identified. All park wardens must be certified annually and complete mandatory shooting practice twice a year. Follow-up of certifications is handled by the National Office and the operations manager in each region to ensure that all park wardens maintain the certification needed to carry out their duties.

A checklist was created and attached to employee records kept at the Law Enforcement Branch to ensure completeness of the information required to obtain and maintain the Certificate of Designation of park warden.

Overall, communication and training within the LEB work well. However, sharing information with the field units should be reviewed to ensure that all relevant information pertaining to operations are transferred in timely manner. Given the emphasis on



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incidents involving the use of force and the sidearms, the Law Enforcement Branch should improve the existent reporting processes for these incidents to ensure appropriate follow-up.

### Control and monitoring

Implementation of a monitoring program will ensure compliance with policies and procedures, identify existing and potential problems, validate existing controls and bring about needed corrections in an appropriate and timely fashion.

It is expected that the Director, Law Enforcement will conduct a review of the directive every five years to ensure it continues to reflect the needs of the Agency. In addition, it must establish a rotating schedule of operational reviews to ensure that field units' law enforcement program is examined at least once every five years. Five field units per year must be visited to validate compliance with policies and procedures and the effectiveness of service delivery agreements. Initial visits had begun at the time the audit was being conducted.

Because monitoring activities have only recently begun, the audit is only able to confirm that the program exists, but not comment on its effectiveness, since monitoring reports were not yet available at the time of the audit.

Monitoring of operations is done primarily through workplace observation and a review of incident reports from the OTS system. However, as noted previously, the OTS system does not encourage the compilation or monitoring due to limitations in data extraction. Each report must be reviewed and approved by the supervisor of the park wardens. This will serve to standardize report formats and ensure that information is complete. In addition to communication, the compilation of data will be useful in developing priorities when service delivery agreements are being drawn up and for purposes of the annual report issued by the LEB to the field units.

The National Office also exercises a number of inventory controls. As administrator of the Program, the National Office team is responsible for the purchase and registration of specialized equipment, including sidearms. It ensures that they comply with norms and standards, and distributes them to the sites. No physical inventories of the equipment, including munitions, are carried out on a regular basis. As the result of a recent request from the National Office, an initial count was taken. The aim was to reconcile the inventory data and to update files.

Three of the sites visited serve as regional munitions warehouses. Therefore these sites must exercise inventory control management. Each one has created worksheets in Excel with varying levels of control. In some cases, the inventory is counted when moved (in or out) or just when there is an official request from LEB staff at the National Office. At the time of the audit, no formal inventory procedure was in place.

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**Risks assessment**

The identification and assessment of risks associated with the implementation of the program must be made to determine an acceptable level of risks and develop mitigation strategies.

A risk assessment was developed at the time the Law Enforcement Branch was established and was used to develop risk mitigation strategies and evaluate any residual risk. A point-based rating system was established and applied to the risks that were identified. Three of the risks were identified as moderate. Based on an analysis, guidelines were developed for use in determining the number of park wardens required for a given site.

Although there is no official process in place, policy-related risks are regularly discussed during conference calls attended by managers from Operations and managers from the Law Enforcement Branch of the National Office.

At the operations level, park wardens apply the Incident Management Intervention Model (IMIM), which defines intervention options based on situational factors.

**Conclusion**

Overall, the key elements of the control framework were present. Moderate improvements should be made to facilitate the exchange of information and ensure controls on incidents with use of force and / or use of the sidearm and the inventory of specialized equipments.

**Recommendations**

The Vice President, Protected Area Establishment and Conservation should:

- 1) Develop a standard approach to acquiring and using law enforcement designations from outside agencies to ensure that all authorities are exercised within the policies and procedures approved by the Vice President, Protected Area Establishment and Conservation.

**Management response:**

**Agree:** The LE Branch recently staffed a new policy advisor position in September 2011. A key task of this position is to develop policy standards related to the acquisition, operational implementation and administration of law enforcement designations and cross designations. These standards will provide improved direction to LEB staff, park wardens and enforcement officers from partner organizations on such elements as: the acquisition of new designations and cross designations; the extent and limitations of designated authority; training requirements; cross-agency coordination; approvals procedures; and information management.

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Implementation of a new designation policy and procedures is planned for April 2012.

- 2) Maintain a current list of certificates of designation issued to park wardens in order to ensure the appropriate levels of authority for a given region.

**Management response:**

**Agree:** Under the designation and cross-designation project outlined above, a database will be created to track and manage national certificates of designation, which will identify implementation/expiry dates and the location of supporting documentation. The database will be made available to all LE Branch staff across the system.

Release of the designation database is planned for April 2012.

- 3) Issue guidelines on the sharing of information between the law enforcement group and the field units in order to standardize practices and ensure active cooperation and communication among the parties.

**Management response:**

**Agree:** Over the period of two annual reporting cycles since 2009, the LEB has found that variation in communication and reporting across field units is largely a factor of the information needs and reporting requirements unique to each park or site. The LEB acknowledges however, that communications can always be improved with a better understanding of the communication and reporting expectations of both parties. Increasing the frequency of information exchange will ensure the LEB can adaptively manage changes in field unit enforcement priorities throughout the year and address management sensitivities beyond the scope of annual service delivery requirements.

To promote best practices in this respect, the LEB will develop procedures that establish a standard for law enforcement communication with the Field Unit. To ensure consistency in information exchange, the LEB will define a minimum reporting requirement under the service delivery agreement framework.

Procedures on LEB-Field Unit communications and minimum reporting protocols will be developed and implemented for the start of the 2012 operational season.

- 4) Improve the existing control process to capture all incidents involving the use of force and/or the use of sidearm to ensure appropriate follow-up.

**Management Response:**

**Agree:** The LEB control process for use of force/sidearm reporting involves two components: direct notification by park wardens to management staff and an

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information system notification following data entry in the incident management system.

Park wardens are required to report any use of force or sidearm directly to their Operations Manager and the Director of Law Enforcement as soon as possible and confirm receipt of the incident report. Guidance for this notification process is provided under the Serious Incident Reporting Directive 2.6.2. (March 2011).

A new Incident Management System (that will replace the OTS) will support the capture of use of force information, providing email alert notification to LEB management when the use of force/sidearm incident is entered in the system. The project has progressed through the Envisioning Stage with the OCIO and currently awaits funding approval to begin development.

- 5) Improve the existing control procedures governing inventories of specialized equipment, such as munitions, in order to facilitate reconciliation, to ensure quantity on hand and to avoid having excess quantities at any given site.

### Management Response:

**Agree:** The Park Warden Administrative Relational Database (PWARD) is currently in the development phase with the OCIO. This new database will provide the LEB the ability to manage information regarding the national inventory of specialized equipment and ammunition. The system will support tracking and locating of items, identifying responsible custodians and creating summary reports of individual and cache quantities on hand.

PWARD will be implemented for pilot testing in February 2012 with operational release in May 2012.

## 6.2 Compliance of service delivery agreements and memoranda of understanding

<b>YELLOW</b>	Moderate improvements required	Some controls are in place and functioning. However, important issues were noted and need to be addressed. These issues could impact on the achievement of program/operational objectives.
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The establishment of service delivery agreements and memoranda of agreement serves to define the roles and responsibilities of the various parties, how they are applied and the expected results.

The following criteria were used to determine whether the process in effect allows for compliance with the service delivery agreements and memoranda of understanding:

- C2.1** Service delivery agreements (SDAs) between field units and the Law Enforcement Branch have been developed and implemented.

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- C2.2** A process to provide for the annual review of service delivery agreements has been put into place: it is applied by individuals who possess the required authority.
- C2.3** Working relationships with other law enforcement bodies have been defined by means of the necessary memoranda of understanding.
- C2.4** A process for reviewing memoranda of understanding is in place; it is applied by individuals who possess the required authorities.

**A Service Delivery Agreement (SDA)** is an agreement on performance and responsibilities between the Director, Law Enforcement, and a Field Unit Superintendant which stipulates the type and level of services provided for a given period. The SDA also lists the existing agreements between the field unit and local communities or bodies regarding selected accepted activities.

The Agency's Law Enforcement Administration and Operational Manual provides the elements that must be defined in an agreement, such as high-priority issues, roles and responsibilities, service levels including offices, storage space, vehicles, etc. SDA templates have been developed to facilitate the task.

The basis of the agreement lies in the prevention and law enforcement planning process. This process is used to determine the strategy to be applied in resolving an identified problem relating to visitor experience and/or resource conservation. The recording of incident reports and data from the prevention program are used in determining the problems. If the prevention strategy is deemed appropriate, a work plan and an employee training plan will be developed. If the law enforcement strategy is deemed more appropriate, the problem will then be identified as a priority for the field unit and will be included in the service delivery agreement. The roles and responsibilities of each of the parties are determined on the basis of established priorities. Expectations with regard to the effort expended are also indicated in the SDA. In addition, the SDA stipulate the support expected by the field unit and the LEB with respect to infrastructure, equipment, communication, training and special arrangements, including agreements with local groups or bodies.

Service delivery agreements are for five years but they must be reviewed annually in order to better reflect regional realities that could result in unforeseen events or changes in priorities. The review will also make it possible to determine and correct problems identified in the previous agreement.

A service delivery agreement had been presented for each field unit in 2009 but none of them was formally approved even though they were put into effect. The Director, Law Enforcement, and the Field Unit Superintendant must sign the initial service delivery agreement. Once the initial agreement is approved, the Manager, Law Enforcement Operations, will be authorized to sign off on subsequent changes as representative of the

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Director, Law Enforcement. Some field units have reviewed the agreement, reduced the number of priorities, and changed level of services.

The five sites visited recognized that the original version had too many priorities, given the available staff. The review helped to better identify objectives and performance indicators.

As SDA refers to local agreements, as a good practice, the document itself should be available for consultation in order to facilitate the integration of new park warden or park warden on a temporary assignment.

**Memoranda of understanding (MOU)** are used to establish working relationships between Parks Canada and external law enforcement agencies. Like service delivery agreements, the memoranda define the parties involved, objectives, roles and responsibilities, expectations, amounts involved, if any, and the length of the agreement. At the time of the audit, there were no manual or electronic systems in place to locate all existing memoranda of understanding.

An MOU was signed in 2009 between the Canadian Police Information Centre and the Law Enforcement Branch. Over the years, numerous memoranda of understanding were signed between the Royal Canadian Mounted Police (RCMP) and various field units of Parks Canada, including the National Office. Slightly fewer than 30 law enforcement-related MOUs were found. The Law Enforcement Programs Group from the National Office is currently reviewing MOUs with the RCMP. Valid MOUs are grouped under a national version for all elements affecting the entirety of the field units. MOUs are possible for elements specific to a particular field unit or activity (such as the use of an interview room within RCMP premises, training provided by the RCMP, etc.). Parties involved will be informed whenever MOUs that are no longer required are cancelled or amended. Several verbal agreements between different agencies and law enforcement groups in field units exist involving primarily the sharing of information but very few are formalized.

It should be noted that memoranda of understanding also exist between the local police or security agencies and some field units. These are typically measures taken to have more frequent patrols or targeted. The LEB is not directly involved; these agreements are the responsibility of field units within the prevention program.

## **Conclusion**

Service delivery agreements have been developed and implemented according to the Management Directive-Law Enforcement. However, they must be reviewed to better define the objectives and expectations of the parties involved allowing to formalize the agreement.

The review process of MOU must be completed to ensure the validity and necessity of each of the protocols.

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**Recommendations**

The Vice President, Protected Area Establishment and Conservation should:

- 6) Ensure that service delivery agreements are reviewed in such a way that they meet expectations and are suitably approved by both parties within a reasonable time frame.

**Management response:**

**Agree:** Since program implementation in 2009, many service delivery agreements have been a work-in-progress, as both parties have sought to define clear priorities with attainable targets. The establishment of the field unit Prevention and Law Enforcement Planning Process has enabled field unit management teams to understand their needs, design a prevention process, and define law enforcement needs. The LEB will continue to promote this mandatory prerequisite planning process.

As the 2012 operational season approaches, the LEB will work toward signing agreements where the planning process has defined clear priorities that meet service delivery expectations of both parties. In other sites, the LEB will continue to support Field Unit management teams as they develop their Prevention and Law Enforcement Planning Process.

- 7) Complete the review of existing MOUs to confirm the necessity and validity of the latter.

**Management response:**

**Agree:** The LEB is currently working on a national review of MOUs to validate the need for and formalize the administration of these agreements. The completion of the review is planned for September 2012.

### 6.3 Compliance with policies and procedures related to arming initiative

<b>BLUE</b>	Minor improvements required	Many of the controls are functioning as intended. However, some minor changes are necessary to make the control environment more effective and efficient.
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Policies and procedures are developed to guide actions within laws and regulations. Actions put into practice should reflect the rules.

In determining whether practices comply with Arming Initiative policies and procedures, the following criteria were used:

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- C3.1** Law enforcement officers use force in the performance of their duties, when circumstances make it necessary, in accordance with the Incident Management Intervention Model.
- C3.2** All Agency employees who are required to use sidearm receive training on the handling of sidearm. Employees who have not been given the training do not use any sidearm.
- C3.3** Law enforcement officers carry only Agency-authorized sidearm and controlled items. Sidearms and controlled items are transported and stored in accordance with applicable laws and regulations.
- C3.4** Appropriate facilities and equipment necessary for the safe handling of sidearms and controlled items are available.
- C3.5** Park wardens engaged in law enforcement duties wear protective and defensive equipment when they deal with the public or are likely to meet members of the public.
- C3.6** Law enforcement vehicles and vessels are identified, equipped, controlled and maintained according to standards.
- C3.7** Incidents in which law enforcement officers are required to use force are reported and reviewed on an ongoing basis in order to recognize exemplary behaviours, ensure the integrity of the program and identify areas of concern, training needs and the need for further investigation.

#### Use of force

The *Criminal Code* provides that a peace officer may resort to the use of force in the performance of his or her duties as well as the use of a sidearm when he or she has reasonable grounds for believing that its use is necessary for his or her own protection or that of others.

The training given to park wardens is based on the RCMP's Incident Management Intervention Model (IMIM). This model has been approved by Parks Canada and is a standard that is used by numerous federal law enforcement bodies. The IMIM is a direction and problem-resolution framework that park wardens use to assess risk and ensure public safety. Under this model, risk is continually reassessed as a situation evolves.

According to data in the OTS, the number of incidents noted on the use of force since the direction was established is ten, with one incident involving the use of a sidearm (which was not discharged). Subsequent to that event, a full analysis of the process was carried out and a summary report submitted to the Agency's Chief Executive Officer. During the



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audit period, there were four incidents involving the use of force but none required investigation.

The review of incidents allows managers to ensure that practices meet the milestones of the intervention model and provide support to employees involved in a serious incident. Following the review of incident reports, corrective action can be made if need it.

During the interviews, it was noted that there was a certain level of ambiguity regarding the need to issue a Sidearm Use Report whenever a sidearm is drawn. The confusion stems from the interpretation of the terms used during training versus those that are in the handbook. It is therefore important that the LEB's position be confirmed and a clarification provided regarding situations requiring the application of procedures relating to the use of force and the use of sidearm so that all incidents requiring follow-up are reported.

Exemplary behaviours are shared during conference calls between managers. Park wardens and supervisors do not have access to this information except orally, through phone calls with their managers. The sharing of good practices among law enforcement groups can be a communication and training tool, while standardizing the actions taken when park wardens are required to intervene. The LEB should implement a system of sharing good law enforcement practices in order to facilitate the work of park wardens when faced with similar situations.

### Training

The LEB training program was developed in cooperation with the RCMP so as to comply with and meet industry standards. No park wardens officially receive their sidearm before successfully completing their training, but a sidearm is supplied during the training period. Park wardens take a twelve-week training course including ten weeks given by RCMP members in Regina. Various elements of training are given during this time, including the handling of sidearms. Periodic follow-up occurs during the training course while the instructors and a manager from Law Enforcement Training and Standards group are present. While they are there, additional advice and tips are offered to employees to ensure that they understand and are able to correct any apparent shortcomings. Final examination results are kept in the employee's file. Once successful completion of the training is confirmed, the park warden certificate of designation is presented to the employee, along with his or her sidearm.

Annual certification is required for all park wardens. This period is used to clarify certain practices or acquire new knowledge. Two shooting practice sessions per year are also required with a qualified instructor present to certify the park warden's shooting skills. These requirements ensure that the teaching and techniques are retained.

Training sessions are controlled by the National Office's LEB. In addition, Managers, Law Enforcement Operations must facilitate the attendance of park wardens at their annual certification.

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Employee files have been created to hold all the documents required when an employee is hired and those that confirm that the employee meet the requirements of the position, such as security clearances and medical requirements. Many of the documents contained personal information related to the hiring. To comply with the *Privacy Act*, the group responsible for training removed from the files those documents that contained personal information that was not needed with respect to law-enforcement activities. Those documents were then transferred to the employees' human resources files.

While employee files are maintained in the National Office, some park warden supervisors keep copies of documents for reference purposes. The comparison of the files revealed that a local folder contained a copy of certificate of designation that was not on the record kept in the National Office.

The audit of 15 employee files confirmed the presence of supporting documents, including the results of training examinations, compulsory practices and certificates of designation. However, three files contained copies of documents that should have been in the employee's human resources file. We also found copies of certificates of designation. However, no exhaustive list of the certificates of designation is in the files of LEB. It is therefore impossible to verify whether the files kept at the National Office are complete with respect to the certificates of designation. A list of certificates of designation awarded to park wardens would make it easier to review the files and confirm the authority held by park wardens in a given region.

There is a checklist in each park warden's file to ensure that there is supporting documentation confirming successful completion of mandatory courses (first aid, sidearm safety, physical skills, etc.) and current permits.

### Equipment

Most of the equipment used by park wardens, including sidearms, was selected and purchased by the Law Enforcement Branch in the National Office. The sidearms were given to the park wardens in Regina upon successful completing of their training. The procedural manual clearly states that only LEB-approved equipment is to be used. To ensure uniformity, the Branch supplies all equipment deemed necessary by the park wardens in the performance of their duties.

The procedural manual describes the personal protective equipment that must be worn and used. The circumstances and requirements governing the use of handcuffs, pepper spray, the defensive baton, the body armour vest, search gloves and equipment belt are clearly defined. The manual also describes exceptions for the wearing of certain equipment. The Manager, Law Enforcement Operations, must approve such exceptions. Personal protection equipment is stored on the premises at the end of each shift. Supervisors of park wardens must ensure that wardens wear and use only those items of equipment that are authorized by the Agency. No interventions or reprimands to this effect have been necessary at any of the sites visited. In addition, no abnormalities were observed during our visits. The park wardens interviewed were aware of the importance of the equipment to their safety and also to maintaining a level of professionalism in the eyes of the public.

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Sidearms are stored in strongboxes meeting safety standards that are installed in a room with limited access, out of sight of the public. Just one park warden assigned to one of the visited sites kept his firearm at home in support of operational requirements.

The facility at one of the sites allowed park wardens to have access to all the sidearms. While the facility does not contravene procedures, the LEB should limit access to sidearms to only the holder of a particular sidearm and to the supervisor.

The procedure for transporting weapons complies with the *Firearms Act* and the *Public Agents Firearms Regulations*. Detailed instructions were developed in March 2011 regarding the shipping and transportation of controlled items in order to avoid certain situations.

We checked the serial numbers on all accessible sidearms during our visits in order to validate the information shown on the control sheets at the National Office. No anomalies were detected.

All ammunition is kept in secure rooms whose access is controlled. Whenever possible, we performed a physical count of the munitions stored in the field units in order to validate the inventories recorded at the National Office. An inventory count of munitions according to type had been requested by the National Office several months prior to the start of the audit. We also compared the inventory count against the existing control sheets in the field units. Note that inventory levels of ammunition in two of the sites exceed the capacity of safes available at the point where the count performed by the auditors in one of the sites could not be completed for lack of accessibility to ammunition boxes.

Overall, the physical count was matched the locally inventory sheets. The small number of discrepancies noted were explained or justified. Reconciliation with data from the inventory file of the National Office was more laborious. Six anomalies were observed in the inventory count such as reversal in the categories of ammunition, having no count or wrong amount.

The exercise confirmed the need to establish inventory procedures in order to determine appropriate levels and controls that need to be put into place in the field units and at the National Office in order to facilitate reconciliation and to maintain up-to-date inventories.

### Facilities

Firearms must be used safely, so they require appropriate storage in the workplace, at the warden's place of residence, if the firearm is stored there, and during transportation. They also require appropriate facilities for loading and unloading at the permanent or temporary workplace and at the warden's residence, if firearms are stored there.

The five sites visited had one or more secure storage locations for the firearms and munitions. All sites had strongboxes attached to the floor, except for one, which is to be fixed to the wall. The storage and loading area is not visible to clients and cannot be accessed by Parks Canada employees other than those assigned to law enforcement. A facility for the loading and unloading of firearms was also available at each site visited. Among the sites visited, one park warden was allowed to keep his sidearm at home. The

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site was inspected by the Manager, Operations of the law enforcement, however, no formal report was provided to the work place health and safety committee as agreed in the procedures manual. The report is to confirm that the installation has been inspected and meets safety standards. It is therefore essential to keep track of inspections.

Firearm maintenance is carried out after each practice or as required. A complete check is made at the time of annual certification.

#### Vehicles and watercraft

The choice of vehicles used by the Law Enforcement group was made at the time the service delivery agreement was developed. Field units must provide the Law Enforcement group with vehicles that meet specific criteria. All sites visited had vehicles with Agency markings, as did the park warden's. In general, vehicles used at the sites visited meet the requirements. However, one of the sites visited had no vehicle available with a safety screen protector.

Only park wardens are allowed to use the vehicles for operations. Vehicles are maintained according to a pre-determined schedule established for all vehicles in a field unit.

The other methods of transport that could be used by the Law Enforcement group in carrying out their duties are shared with the other groups in the field unit. The practice appears to be acceptable to the groups, since requirements are limited and occasional. As a result, the equipment can be used by employees that detain all requirements, regardless of the position held. It is not assigned to the Law Enforcement group and therefore must not be identified as such for that purpose.

Because of the geography of the Gulf Islands National Park Reserve, wardens there frequently use boats. At the time of our visit, the boat used by the park warden did not have distinctive law enforcement identification, simply an Agency designation. However, it did have on board the equipment needed to carry out law enforcement duties, such as a marine radio, a PA and boarding system and a marine blue strobe light. At the time of our visit to one other site, we observed a boat with a distinctive sign indicating *Park Warden*. The unit's Law Enforcement group confirmed that it uses this boat, even though it has been assigned to Resource Conservation. In order not to confuse the public on the identity of users and to comply with law enforcement procedures that limits the use of vehicles and watercrafts with distinctive indicator to employees of the LEB, the management unit will remove the identification.

#### **Conclusion**

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Overall, we conclude that the practices observed comply with existing policies and procedures. However, changes need to be made to promote consistency in practices and reduce the risk of non-compliance.

### **Recommendations**

The Vice President, Protected Area Establishment and Conservation should:

- 8) Clarify situations requiring application of the use-of-force procedure in instances where a sidearm is drawn.

#### **Management response:**

**Agree:** The LEB is currently working on policy clarification with respect to what constitutes “drawing” of a sidearm and reporting procedure. This clarification will take the form of a policy update to all staff and inclusion in future training during the recruit warden and annual recertification training programs.

The policy update and modified training programs will be completed for the next recruit warden training program in March 2012.

- 9) Implement a process for sharing best practices in order to facilitate the work of park wardens and standardize actions taken.

#### **Management response:**

**Agree:** The LEB holds an Annual Functional Meeting and regular conference calls for Park Warden Supervisors to discuss operational issues and share best practices. Annually, the LEB holds an All-Staff Conference Call to share updates on new program initiatives.

The LEB is currently working with the OCIO in the development of a collaborative team site on Sharepoint software. This will include, among other functionality, a centralized site for document sharing, FAQs and best-practices, and collaborative work environments.

A pilot site is planned for February 2012, with phase one implementation in the 2012 operational season.

- 10) Ensure that any information not relevant to management of the Law Enforcement Program is removed from employee files in order to assure compliance with the *Privacy Act*.

#### **Management response:**

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**Agree:** All LEB park warden employee files in national office were reviewed in June 2011 and are now compliant with the *Privacy Act*.

- 11) Clarify the level of accessibility that park wardens have to sidearms and take whatever actions are necessary to ensure compliance.

**Management response:**

**Agree:** Law enforcement policy requires that areas used to store sidearms are designed on a two-lock layer principle. Sidearms require locked containers and locked doors to control access. Park warden supervisors are the only staff that have access to all sidearms.

The audit observed a situation where acting supervisors had maintained access to storage facility keys following their acting period. LEB staff were informed of this situation at the time it was discovered by the audit and the appropriate action taken. Operations Managers were informed of this incident in a subsequent audit debrief (September 2011) and asked to remind their staff of appropriate procedures.

- 12) Ensure that annual inspections are conducted in law enforcement staff residences where they are operationally required to keep their sidearm at home and that a copy of the report is sent to the local Occupational Health and Safety Committee to confirm that the installation meets the required standards.

**Management response:**

**Partial agreement:** In many park locations across the country, positions on the Occupational Health and Safety Committee are held by park staff that live in these local communities. The LEB has reservations about sharing information that sidearms are stored in residences within the community. In addition, to our knowledge OHS committees seldom have a protocol to appropriately assess standards for safe practice in this area. At the time this operational policy was developed, the implications of this statement had not been fully considered.

The LEB proposes to amend policy that requires the Manager of LE Operations to annually inspect staff residences and a copy of the report sent to the National Occupational Health and Safety Advisor. A policy amendment will be completed by April 2012.

- 13) Ensure that where the use of vehicles and watercraft is shared with various groups in a field unit, they do not display a distinct *Park Warden* indicator; this is to

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comply with the law enforcement procedure that limits the use of such equipment to the staff of Law Enforcement.

**Management response:**

**Agree:** The LEB will investigate where this situation exists with shared resources and work with Field Units to ensure compliance. The LEB will seek full compliance by the start of the 2012 operational season.