



Audit of enforcement management and operations

Final report

Audit and Evaluation Branch

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List of acronyms

| | |
|----------|---|
| AET | Applied enforcement training |
| AMP | Administrative monetary penalties |
| CEPA | <i>Canadian Environmental Protection Act, 1999</i> |
| COSO | Committee of Sponsoring Organizations of the Treadway Commission |
| CPR | Cardiopulmonary resuscitation |
| EB | Enforcement Branch |
| ECCC | Environment and Climate Change Canada |
| EED | Environmental Enforcement Directorate |
| EEST | Environmental Enforcement Standardized Training |
| EO | Enforcement officer |
| EOM | Enforcement Operations Manual |
| ESD | Enforcement Services Directorate |
| FA | <i>Fisheries Act</i> |
| Gavia | Name given to ECCC's new core repository for enforcement activities |
| HQ | Headquarters |
| IDMP | Internal Decision Making Process |
| LMS | Learning Management System |
| NEMISIS | National Emergency and Enforcement Management Information System and Intelligence System |
| NEP | National Enforcement Plan |
| SARA | <i>Species at Risk Act</i> |
| SOP | Standard Operating Procedures |
| TB | Treasury Board |
| WAPPRITA | <i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i> |
| WED | Wildlife Enforcement Directorate |
| WEST | Wildlife Enforcement Standardized Training |

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Executive summary

The objective of the internal audit was to assess the effectiveness of the management control framework in place as it relates to governance, risk management and internal controls, to support ECCC's enforcement operations.

Why it is important

Effective enforcement of the environmental legislation and regulations supports ECCC's mandate to protect the environment and the health of Canadians. As well, effective enforcement of the Canadian wildlife legislation protects, respects and conserves wildlife and their habitat. A robust framework to plan, measure and report on enforcement activities supports the Department in carrying out its responsibility of ensuring that companies and individuals comply with Canada's federal environmental and wildlife protection Acts and regulations.

What we found

Overall, key elements of the management control framework were in place to support ECCC's enforcement operations. Roles and responsibilities were defined, documented and communicated. While the necessary training curriculum and plans to train and designate enforcement officers were in place, management needs to ensure that branch-wide recertification training is provided uniformly and taken by all enforcement officers on a timely basis.

Plans for enforcement operations were in place; however, high-risk areas need to be prioritized. Both the Environmental Enforcement Directorate and the Wildlife Enforcement Directorate need to improve their planning process by analyzing more fully the non-compliance risks related to the Acts and regulations under their purview and by documenting more thoroughly the enforcement plans, development processes and priorities. As well, the operational plans should be approved in a timely manner. Policies, directives and guidelines were developed, implemented and communicated. Although there is a process in place for the periodic review of directives, the directives need to be completed and approved in a timely manner. These instruments are essential for supporting appropriate enforcement operations.

Management has made progress in establishing controls and processes to enforce compliance with relevant Acts in a fair, predictable and consistent manner. Management oversight must be performed on the notebooks and the core repository of enforcement actions to verify their completeness and accuracy. The audit also found no evidence of documented guidelines for follow-up activities to verify adherence to past enforcement actions and to confirm that the regulatees have returned to compliance.

Management is making progress in developing a management information system to monitor progress and achievements against the enforcement operational plans. Continued effort is required, however, to establish a fully operational system that will provide complete, accurate and timely information to support management decision making.

Although firearms, seized evidence and equipment are stored in secured locations, the need for improvement has been identified to meet the required security standards.

Management action is required to:

- review, update and clarify the current planning process to ensure that, for each regulation and act under ECCC's enforcement responsibility, non-compliance risks are analyzed, ranked and properly documented in the development of the enforcement plans for environmental and wildlife protection, to demonstrate that enforcement work is prioritized to reflect the areas of highest risks
- complete, approve and communicate all directives in a timely manner, to support enforcement operations
- ensure that all enforcement activity information is captured in the officers' notebooks and the core repository in a timely manner and reviewed by the operations managers on a periodic basis
- develop guidelines for follow-up activities, to verify adherence to past enforcement actions and to confirm that the regulatees have returned to compliance
- ensure that recertification training is provided uniformly and taken by all enforcement officers on a timely basis
- ensure that the enforcement management information system provides complete, accurate and timely information on enforcement operations, to support management decision making
- ensure diligence at all times so that the storage of enforcement equipment is aligned with the appropriate standards of security

Management agrees with the recommendations and has developed an action plan. The Associate Deputy Minister approved the final report and management action plan on December 7, 2018.

1. Introduction and background

Environment and Climate Change Canada (ECCC) is responsible for the protection and conservation of both the environment and wildlife for current and future generations. Part of that responsibility is discharged through the Enforcement Branch (EB), which has the responsibility to verify that companies and individuals comply with Canada's federal environmental and wildlife protection Acts and regulations. As such, the EB engages in enforcement activities in a variety of areas: pollutants, toxic substances, hazardous waste, deposits of deleterious substances in water frequented by fish, disposal at sea, nutrient management, migratory birds and protection of and trade in wildlife (at the national and international levels). Enforcement officers (EO) working in the field across Canada are authorized and mandated to enforce environmental and wildlife laws and regulations and to verify compliance.

As shown in Table 1, the EB is responsible for the administration (enforcement) for eight environmental and wildlife Acts and 70 related regulations.

Table 1: Acts and regulation for which EB has enforcement responsibilities

| Enforcement responsibility | Acts | Regulations |
|----------------------------|---|-------------|
| Environment-related | <i>Antarctic Environmental Protection Act</i> | 0 |
| | <i>Canadian Environmental Protection Act, 1999</i> | 55 |
| | <i>Fisheries Act</i> (Pollution prevention provisions) | 7 |
| | <i>International River Improvements Act</i> | 0 |
| Wildlife-related | <i>Migratory Birds Convention Act, 1994</i> | 2 |
| | <i>Canada Wildlife Act</i> | 2 |
| | <i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i> | 3 |
| | <i>Species at Risk Act</i> | 1 |
| | <i>Antarctic Environmental Protection Act</i> | 0 |
| Total | | 70 |

Source: ECCC website and data provided by the Enforcement Services Directorate in August 2017. The number of regulations can vary over time.

The EB is the authoritative legal entity to verify and secure compliance of associated environmental and wildlife protection Acts and regulations. Under the Acts, the activities of the enforcement officers include:

- inspection to verify compliance
- investigations of suspected violations
- measures to compel compliance without resorting to formal court action, such as warnings, tickets, administrative monetary penalties and environmental protection compliance orders

- measures to compel compliance through court action, such as injunctions, prosecution, court orders upon conviction and civil suits for the recovery of costs

Effective enforcement of the environmental legislation and regulations supports ECCC's mandate to protect the environment and the health of Canadians. As well, effective enforcement of the Canadian wildlife legislation protects, respects and conserves wildlife and their habitat. The regulated community has the responsibility to be aware of its legal obligations. Enforcement officers are designated under the specific legislation listed in [Table 1](#) and are granted a variety of powers, including those of Peace Officers with special authorities under the Criminal Code.

A robust framework to plan, measure and report on enforcement activities supports the EB in its role to verify that companies and individuals comply with Canada's federal environmental and wildlife protection Acts and regulations. In order to successfully fulfill these commitments, the EB is mandated to:

- develop risk-based plans to guide its activities
- train and supervise enforcement officers
- conduct analyses, inspections, investigations and intelligence activities when alleged or ongoing offences occur
- take enforcement actions against any person or company that violates environmental or wildlife laws, which includes engaging the Public Prosecution Service of Canada
- participate in the development of legal documents for the protection of wildlife and the environment, such as Acts, regulations, policies and notices
- establish formal links with similar organizations inside and outside the country
- report to the public on its activities through, for example, the ECCC website, press releases and annual reports

The EB is composed of three directorates:

- The **Enforcement Services Directorate** (ESD) is responsible for the development and coordination of the delivery for training specific to enforcement officers, the development and updating of operational procedures and guidelines, including the Enforcement Operations Manual (EOM) and the branch business solutions, including information technology specific to the branch such as Gavia, the new enforcement database.
- The **Environmental Enforcement Directorate** (EED) enforces federal legislation that deals with risks related to the environment and biodiversity. The laws regulate the use of toxic substances, their release into the air, water or land and the import and export of substances that present a risk to the environment and human life or health, such as hazardous wastes and hazardous recyclable materials. The EED also leads the pollution and environmental policy and regulatory analysis.

- The **Wildlife Enforcement Directorate** (WED) enforces the Canadian wildlife legislation that protects species in Canada, including migratory birds, as well as 146 ECCC-administered protected areas. The wildlife legislation that WED has to enforce is also aimed at conserving threatened or potentially threatened species nationally and internationally and regulating human interventions, such as hunting or trade, which could adversely affect long-term wildlife conservation. WED also contributes to wildlife policy and regulatory analysis.

During the period under review, the EB implemented a new information management system, Gavia. It replaces the previous system in place, known as NEMISIS (National Emergency and Enforcement Management Information System and Intelligence System). As of February 2017, Gavia became the core repository for enforcement activities across the branch.

2. Objective, scope and methodology

Objective

The objective of the audit was to assess the effectiveness of the management control framework in place as it relates to governance, risk management and internal controls, to support ECCC's enforcement operations.

Scope

The audit examined the governance, risk management and controls in place to support ECCC's enforcement activities for the two business lines of Environment and Wildlife protection. It focused on the following areas:

- the governance structure, including the planning process, roles and responsibilities, decision making and the reporting process
- management of information, including intelligence and file documentation
- tools available to support enforcement officers in carrying out their duties, including policies, directives (operational procedures), guidelines and training
- processes in place for quality assessment

Enforcement operations are decentralized. To have a department-wide representation for the Environmental Enforcement Directorate (EED) and Wildlife Enforcement Directorate (WED), the audit field work included visits to three selected regional offices.

Given their unique nature, management of partnership agreements and services provided by third parties, budget management, human resources (other than training) and workplace health and safety were excluded from the audit.

The audit covered the period from April 1, 2016 to March 31, 2017.

Methodology

The audit methodology included:

- a review of relevant documentation and systems, such as policies, directives, enforcement plans, reports and performance measurement information
- interviews with management, enforcement officers and support services staff at Headquarters (HQ) or in selected regions
- observations on-site during regional visits
- walk-throughs of the processes in place
- file reviews of a sample of inspection and investigation files, to test compliance with selected internal controls and processes in place

The audit line of enquiry and criteria are provided in [Appendix A](#).

Statement of conformance

The audit was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing.

3. Findings, recommendations and management responses

3.1 Planning of enforcement operations

Findings: Both the Environmental Enforcement Directorate (EED) and the Wildlife Enforcement Directorate (WED) need to improve their planning process by analyzing more fully the non-compliance risks related to the Acts and regulations under their purview and by documenting more thoroughly the enforcement plans, development process and priorities.

What we examined

The audit examined the operating objectives and orientation (mandate, mission, vision and core values) for the EB's activities. The expectation was that these objectives and orientations would be in place, documented and communicated throughout the organization, and periodically reviewed to determine continued relevance. The audit also examined approved plans for enforcement operations. The expectation was that these plans:

- are developed using a risk-based approach
- set out annual branch priorities to support the enforcement activities
- provide clear goals and orientations
- are aligned with the operating objectives and orientation set for the branch

- are reviewed on a regular basis to ensure that they address high-risk areas and remain relevant

What we found

Enforcement Branch as a whole

The EB has a strategic plan in place that includes core values defined under three key pillars:

- empowering people
- modernizing operations
- accounting for actions along with commitments

The Strategic Plan for the period from 2015 to 2020 is designed to guide branch decisions on priorities and to develop operational risk-based plans for each of the three key pillars. Although the plan does not clearly identify the EB's mandate, its essence is covered within the EB's role, with the intention that everyone will work towards achieving the common goals. The branch's mandate is clearly defined and is communicated through the ECCC's intranet. Both the EED and WED have developed their own vision, mission, values and key pillars, which align with the Strategic Plan.

As well, the EB Directive on Enforcement Planning Process requires that both the EED and the WED have in place a National Enforcement Plan (NEP), based on the analysis of existing compliance issues and trends.

Environmental Enforcement Directorate

The EED has put in place a NEP that sets its yearly enforcement operations, the management direction and service levels. However, there was no evidence that the NEP for FY 2016 to 2017 had been approved by management. In fact, all versions received during the audit were still in a draft form. This plan should have been approved and in place for the beginning of the fiscal year to make it official, since management is accountable for the NEP. The NEP is communicated through the EED Portal and is accessible to all EED employees. Management regularly monitors the priorities included in the NEP.

The NEP Team developed the EED's NEP through discussions with representatives from the regions, internal partners (such as the Environmental Protection Branch and the Science and Technology Branch) and staff at HQ. The NEP development process included a review of proposed projects submitted following the issuance of a call letter to the responsible parties.

Although risks were considered during the planning of national projects for FY 2016 to 2017, it was not optimal. The EED did not perform a thorough analysis of non-compliance risks associated with each regulation under the [Canadian Environmental Protection Act, 1999](#) (CEPA) (about 55 regulations) and under the [Fisheries Act](#) (seven regulations plus the general prohibition) as a basis to determine the priorities for a given year. The EB would benefit from performing risk analyses of the non-compliance rates for each regulation and providing this information to regional

representatives and internal partners at the time of the call letter soliciting projects to be considered in the NEP. This would allow the EED to be in a better position to prioritize projects based on risk factors including non-compliance risks, and thus optimize the NEP. At the time of the audit, it was unclear on what basis the NEP Team decided on the yearly priorities, taking all the regulations to be enforced into consideration. The EED's planning process could be made more robust by understanding more fully the regulations to enforce and by documenting more thoroughly the planning and decision-making processes to support the NEP.

Regional plans were also developed to support regional priorities not included in the NEP. According to management, the workload of an officer includes NEP projects, regional projects and unplanned events such as incidents, referrals and tips. The audit found that regional plans were not consistent from one region to another. Some regions developed detailed work plans for all their district offices and determined how many inspections they could carry out (targets), given available resources. However, the reports on planned inspections do not provide information on how these targets were determined.

Wildlife Enforcement Directorate

Although WED has established a list of priorities to be enforced nationally, it does not constitute a formal plan, as required by the EB Directive on the enforcement planning process. The current process involves a three-day face-to-face meeting between regional representatives and HQ. The outcome of this yearly meeting is to determine the national project priorities and regional priorities for the year ahead. The documentation shared with the audit team to support the plan did not provide sufficient evidence to conclude that the list of priorities established was based on the highest risks and threats. Although a risk-based approach was used, it was not optimal. WED does not perform a systematic analysis of non-compliance risks for each regulation under the Wildlife legislation. WED needs to improve its planning process by documenting more thoroughly its risk-based planning and prioritization processes. WED also needs to formalize its processes so that they are aligned more clearly with EB's Directive on the enforcement planning process.

WED indicated that it had identified Canadian wildlife environmental pressures. However, the audit could not confirm what these pressures were and if they were considered in the discussions leading to the development of WED's priorities for FY 2016 to 2017.

At the time of the audit, HQ did not have a copy of the regional plans. As such, it would appear that HQ does not play an oversight role regarding regional plans, and does not review them to ensure that the highest risks have been identified. The regional plans obtained by the auditors from the regions visited took the risks into consideration. However, while risk was considered in the regional plans, the audit could not determine if the approach implemented in the regions identified the most important risks.

Recommendation 1

The Chief Enforcement Officer should review, update and clarify the current planning process to ensure that:

- a) yearly plans are established and approved in a timely manner for the Environmental Enforcement Directorate and the Wildlife Enforcement Directorate, in accordance with branch policies
- b) yearly plans are informed by a comprehensive analysis and ranking of non-compliance risks for regulations under Environment and Climate Change Canada's enforcement responsibility

Management response

Management **agrees** with recommendation 1a as it relates to establishing plans. The Enforcement Branch will ensure consistency in the timing of the plans through the integration of national annual planning that is aligned with ECCC Integrated Planning.

Management **agrees** with recommendation 1b. Operational planning will be done in accordance with the departmental Integrated Planning process and will identify operational priorities using a risk-based approach. This work will be supported through intelligence analysis and information gathering, internal and external to the branch, and is contingent on resources as well as support from branches such as the Environmental Protection Branch and Canadian Wildlife Service.

3.2 Roles and responsibilities

Findings: The roles and responsibilities of personnel at all levels involved in the management of enforcement operations were defined, documented and communicated.

What we examined

Clear roles and responsibilities are essential for the effective management of enforcement operations. In support of its staff, to provide better guidance and clear direction and to promote national consistency and cohesion, the EB has developed and implemented an Enforcement Operations Manual (EOM). The EOM is separated into four volumes, each covering specific themes:

- Volume 1 – The EB profile, presenting in a clear manner the branch's structure, the enforcement activities, the statutes to enforce and the Strategic Enforcement Framework
- Volume 2 - ECCC's Compliance and Enforcement Policies, including policies related to the environmental and wildlife Acts under its responsibility
- Volume 3 - Administrative directives, including sections on program management, certification management, personnel management, information management and enforcement equipment management
- Volume 4 - Operational directives, including general enforcement activities, vehicular activities, environmental enforcement activities, wildlife enforcement activities,

investigation techniques, special operations management, legal processes and use of force management

The EOM also includes a directive on the Internal Decision-Making Process (IDMP) to guide and support officers and managers while performing their duties and carrying out their responsibilities. The directive clarifies accountabilities with respect to day-to-day decision making on individual EED and WED enforcement cases. It also defines roles and responsibilities at a high level in relation to decision making. As well, EB staff positions (for example, regional directors, enforcement and intelligence officers) are defined, providing clarity on roles and responsibilities.

What we found

Roles and responsibilities for enforcement personnel at all levels were well defined within the EOM. The EOM provides specific guidance to assist EOs in performing their duties. Roles and responsibilities are also further defined in each directive found in the EOM. Roles and responsibilities are disseminated through training, which includes a review of the EOM; they are also communicated on both the EED and WED Portals, to which all EB employees have access.

3.3 Policies, directives, procedures and guidelines

Findings: Policies, directives and guidelines were developed, implemented and communicated to support enforcement operations. Although there is a process in place for the periodic review of directives, they need to be completed and approved in a timely manner.

What we examined

The audit examined the national policies, directives, procedures and guidelines developed by the EB to fully support its EOs for both business lines (EED and WED) in their day-to-day work. The audit looked particularly at whether the policies, directives and guidelines provided a consistent approach to enforcing compliance with relevant Acts that can be applied across the country in a fair, predictable and consistent manner. The audit also examined whether the policies and directives were reviewed on a regular basis and updated as required, and whether modifications to existing policies and directives, as well as new ones, are communicated to EOs in a timely manner. In cases where regional management has developed specific guidelines to be applied locally, it was expected that they would support and align with the policies and directives set nationally by HQ.

What we found

Policies, directives, procedures and guidelines were in place nationally and were included in the EB's EOM. Each directive includes a short description, the purpose and scope, a policy statement and policy requirements and guidelines. The EOM is communicated to EB staff through the branch's portal, to which all EB staff have access. For EOs, it is also communicated through the training provided to obtain their certification.

During site visits, the audit noted that some regions have developed Standard Operating Procedures (SOP) to address local needs not specifically covered in the EOM. These locally focused SOPs were designed to further support EOs in their roles and responsibilities. They were aligned with and often made reference to the related national directives included in the EOM.

The EB has a framework in place to develop directives and review implementation pathways. The EOM is periodically assessed internally. Planned new releases identify amendments to be made to existing directives, as well as new directives to be developed and added to the EOM. Internal assessments ensure that the EOM remains current. They also identify the need for new directives to better support EOs in enforcing the Acts. Delays in implementing identified updates or new directives could impact the enforcement actions of the EOs.

The last internal assessment was completed in May 2016. It indicated that eight new directives were to be released by March 31, 2017. The audit found that two of the eight proposed directives were approved and included in the EOM. The Directive on Undercover Operations was completed on March 31, 2017, and the Directive on AMP Process was completed in April 2018.

Management also identified eight directives whose status is dormant. These directives date back to 2010 and 2013 and have no planned release date. The topics of these directives include program evaluation, training standards, major case management, intelligence gathering, plain-clothes operations and organized crime.

Recommendation 2

The Chief Enforcement Officer should ensure that directives are completed, approved and communicated to enforcement officers in a timely manner, to support enforcement operations.

Management response

Management **agrees** with the recommendation.

The Enforcement Services Directorate is undertaking a review of Operational Directives, with the goal of updating, merging and streamlining the documents to better support operations.

Within the current fiscal year, branch management triage will be conducted to prioritize critical directives for revision, with a process to validate and systematically update directives in consultation with branch technical experts.

Updates also comprise a review and approvals from Legal Services, the Union of Health and Environment Workers and Enforcement Branch management.

Updates will be communicated to all enforcement staff, with particular focus and detail for enforcement officers.

3.4 Controls and processes

Findings: Overall, management has made progress in establishing controls and processes to enforce compliance with relevant Acts in a fair, predictable and consistent manner. Guidelines for follow-up activities need to be established. Management oversight must be performed on the notebooks and the core repository of enforcement actions, to verify their completeness and accuracy.

What we examined

The audit examined the key controls and processes in place to ensure that enforcement actions are performed in a fair, predictable and consistent manner. It was expected that these key controls and processes would include the following:

- criteria for choosing appropriate actions
- guidelines for supporting enforcement decisions
- follow-up actions to verify adherence to past enforcement actions and to confirm that the regulatees have returned to compliance
- standards and guidelines for the management of information

The audit also examined some key controls that are specific to WED. When they are not in use, firearms must be secured in an appropriate container inside a secured room that meets the required standards of federal gun control regulations. As well, seized firearms should be secured in an appropriate room, in a different container than service guns.

What we found

Criteria for choosing appropriate actions and guidelines for supporting enforcement decisions

The possible enforcement actions are defined in the ECCC [Compliance and Enforcement Policy for the Canadian Environmental Protection Act](#) (CEPA, 1999), ECCC [Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the Fisheries Act](#) and ECCC [Compliance and Enforcement Policy for Wildlife Legislation](#). These policies also provide information to establish criteria for choosing the appropriate action.

The EB has developed a Directive on internal decision-making process (IDMP), to guide and support officers and managers in making decisions based on their professional judgment while performing their duties and carrying out their responsibilities. The directive aims to clarify accountability with respect to day-to-day decision making on individual enforcement cases.

Given the complexity of environmental and wildlife issues, there are several decision-making matrices in the IDMP that define circumstances where senior management should be consulted on a

decision before going ahead with an enforcement activity or action. The matrices contribute to ensuring corporate consistency and responsibility throughout the organization.

The IDMP complements the policies. Kept within the intended parameters, the IDMP is a valuable tool for the EED and WED. It identifies approval authority levels related to management and enforcement activities and responses to alleged violations for routine or non-routine situations. In addition to the approval authority level, it also identifies the authority levels that need to be informed, consulted and make recommendations.

Follow-up actions

The ECCC [Compliance and Enforcement Policy for the Canadian Environmental Protection Act \(CEPA, 1999\)](#) and the ECCC [Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the Fisheries Act](#) call for a follow-up to verify adherence to past enforcement actions and to confirm that the regulatees have returned to compliance. Management indicated that a risk-based approach was taken on a case-by-case basis for follow-ups. The auditors were unable to perform testing on follow-up activities due to a lack of information. Further, the audit found no evidence of documented guidelines for these follow-up activities.

The EED recently developed an EED Statistics Pilot Report, which includes information on recidivism levels regarding the EED's portion of the branch's activities. This will help form the basis of a risk-based approach.

Recommendation 3

The Chief Enforcement Officer should develop guidelines for follow-up activities, to verify adherence to past enforcement actions and to verify that the regulatees have returned to compliance, as appropriate.

Management response

Management **agrees** with the recommendation.

Enforcement Branch operational directorates will develop risk-based performance protocols for following up with violators, where warranted, to verify that they have returned to compliance. The risk framework will account for concerns related to non-compliance, balanced with the impact on the environment, wildlife and habitat.

Guidelines will be communicated to Enforcement Officers to help determine where follow-up activities should be performed, in order to ensure return to compliance of regulates presenting the highest risk of non-compliance.

Notes and notebooks

The Directive on Notes and Notebooks states that EOs should document in their officer's notebook the enforcement activities they perform while on duty, including all occurrences, incidents and actions. The notebook is an important tool to officially record details, incidents and the sequence of

events. It is also used to provide a paper trail to corroborate facts when testifying in court. According to this directive, the operations managers must conduct periodic reviews of these notes and notebooks of the EOs under their responsibility and leave a trace of their review in each notebook.

During regional visits, the auditors randomly selected information from the files of a given officer from Gavia to trace it back to that officer's notebooks. Although most of the information was recorded in the notebooks, the audit noted instances where information received from referrals through emails, phone calls and documents were recorded directly in Gavia but not in the notebooks. The auditors also did not find evidence that operations managers conducted periodic reviews of the notebooks to provide assurance regarding their accuracy and completeness.

Management of information

In February 2017, a new enforcement information management system called Gavia was implemented to manage enforcement files. This new system replaced NEMISIS (National Emergency and Enforcement Management Information System and Intelligence System) as the core repository for file management.

At the time of the audit, Gavia was under development and improvements were still being made. The audit found that not all information from NEMISIS had been transferred into Gavia. Sample testing performed by the audit team during site visits revealed that EOs had to refer to NEMISIS to obtain some of the information needed to explain a file. Management indicated that necessary steps were being taken to transfer all of the remaining data from NEMISIS into Gavia.

During the regional visits, the auditors performed sample testing of information inscribed in the notebooks by comparing them with corresponding information found in Gavia. Results of the testing indicated instances where key information from the notebooks had not been entered into Gavia in a timely manner. In some cases, it was clear that the information was missing in Gavia. The auditors also observed that at some locations, many files had not been entered into Gavia. As a result, any report provided to management at that time was missing some information. By way of explanation, the branch indicated that these files were compliant and that priority for entering files into Gavia was given to non-compliant files, to provide intelligence for future cases. It would be important to account for information in a timely manner. The non-inclusion of some files could affect the quality of the data and statistics reported, which in turn could have an impact on planning for the following year. It could also prevent linkages between files.

Recommendation 4

The Chief Enforcement Officer should ensure that all enforcement activity information is:

- captured in the officers' notebooks and recorded in the core repository (Gavia) in a timely manner
- periodically reviewed by the operations managers

Management response

Management **agrees** with the recommendation.

Enforcement Branch will develop and implement procedures to:

- guide Enforcement Officers in note taking, in order to have the necessary information recorded to support the enforcement measures taken and to facilitate the entry of pertinent information into Gavia
- ensure periodic reviews of officers' notebooks and Gavia to ensure that pertinent data is captured

WED controls for storage of departmental firearms and seized evidence

According to the [Public Agents Firearms Regulations](#) (SOR/98-203), firearms must be stored in a container, receptacle, vault, safe or room that is kept securely locked and is constructed so that it cannot readily be broken open or into. The EB Directive on Firearms Administration specifies that departmental firearms stored in an ECCC office will be secured in a locked firearm locker, safe or vault to which only authorized employees have access or stored in a room that is kept securely locked and constructed so that it cannot be readily broken into, as prescribed under the [Firearms Act](#).

As part of the visits to three regional offices and one district office, the auditors observed that the firearms were stored in an appropriate locked safe for each location. The auditors observed as well that the safe was stored in a secured storage room accessible to authorized employees for three of the four locations. The storage room in one location was not kept secured at all times, allowing unauthorized employees access to the area.

The auditors also visited three seized evidence rooms and found that they were adequately secured.

Recommendation 5

The Chief Enforcement Officer should ensure diligence at all times, so that the storage of enforcement equipment is aligned to appropriate standards of security.

Management response

Management **agrees** with the recommendation.

Upon notification of the problem identified during the audit, EB management made appropriate corrections. EB management also conducted an extensive review of firearms storage facilities and determined that current facilities are above the standards required by legislation.

Going forward, EB management will include a review of the storage of enforcement equipment during their regional visits, on an ad-hoc basis.

3.5 Training and tools to foster compliance

Findings: Subsequent annual recertification training for enforcement officers is not delivered consistently across the regions. The Enforcement Branch has put in place a Learning Management System (LMS) to track and monitor the training of enforcement officers pertaining to their designation and their field of work. However, the existing LMS database does not effectively provide the necessary information to make sure that the enforcement officers have received all the required training.

What we examined

The objective of the Treasury Board [Policy on Learning, Training, and Development](#) is designed to:

- help build a skilled, well-trained and professional workforce
- strengthen organizational leadership
- adopt leading-edge management practices to encourage innovation and continuous improvements in performance

The policy creates the expectation that new employees will share a common understanding of their role as public servants and that employees at all levels will acquire and maintain the knowledge, skills and competencies related to their level and functions.

The EB has put in place a Certification Program in which certification standards can be met through both staffing and training processes. As defined in the EB Directive on Ministerial Designation and Certification Standards, certification is the process of attesting that an individual has successfully completed the mandatory training needed and has met the standards required to be designated as an officer or analyst. Once all mandatory certification standards have successfully been met, the designation may be granted. Designation is maintained through recertification.

Full designation means that a person has been given powers as an ‘officer’ and is authorized to exercise full peace officer powers for the purposes of the legislation for which ECCC is responsible. An officer who has full designation is afforded the protection and obligations of this legislation and the Criminal Code.

The audit examined whether specialized training was in place to support EOs in carrying out their roles and responsibilities and whether the training was provided consistently across Canada. The audit also examined whether there was a process in place to monitor training taken or needed, to ensure that certification standards were maintained.

What we found

The EB has put in place the necessary training curriculum to fully designate officers for both business lines. The two business lines cover two different fields and have specific regulations and Acts to enforce. As such, two different training standards were developed:

- the Wildlife Enforcement Standardized Training (WEST) for WED officers
- the Environmental Enforcement Standardized Training (EEST) for EED officers

Common areas are covered through the Applied Enforcement Training (AET), which is provided after the WEST or EEST training has been completed. To be certified, an officer must complete EEST or WEST training, which includes a review of the related Acts and regulations, Occupational Health and Safety and Field operations, including the EOM. They are then required to follow AET, which includes use of force and Gavia, among other areas. Wildlife officers must also complete a specific training on firearms. In addition, both directorates require officers to complete other training, such as First Aid and CPR, before being fully designated with officer powers.

Through regional visits, it was observed that the EOM was not used consistently across the regions, which could be an indication of a lack of awareness of the purpose of the EOM and its use. The audit also noted instances where training on the EOM was not provided to EOs. Furthermore, the annual recertification use of force training provided in regions is not uniform across Canada. This increases the risk that EOs may not be able to properly carry out their duties.

Recommendation 6

The Chief Enforcement Officer should take appropriate actions to ensure that annual recertification training is delivered uniformly in regions and taken by all enforcement officers on a timely basis.

Management response

Management **agrees** with the recommendations.

EB management is already taking the necessary steps to ensure that recertification use of force training is delivered uniformly within the regions and taken by all enforcement officers on a timely basis, as required:

- The Enforcement Services Directorate has established the position of the National Use of Force Coordinator, whose primary responsibility will be to ensure that annual use of force training is delivered uniformly in the regions.
- The Use of Force Program curriculum is under review and a revised version will be implemented in FY 2019 to 2020.

3.6 Monitoring and reporting on enforcement operations

Findings: Senior management receives monthly reports on progress and achievements against their operational plans. However, the current Excel-based report does not provide the analytical information needed for decision making. There is therefore a risk that senior management may not be getting complete and accurate information on enforcement operations.

What we examined

The audit looked at whether there was a systematic process in place to monitor and report on enforcement operations and whether meaningful reports could be prepared to support management in its decision making. In particular, the audit examined the mechanisms in place to monitor compliance in meeting the requirements of the legislation and recidivism rates.

What we found

As indicated earlier in the report, Gavia, the new enforcement management information system, is currently under development. In the absence of a fully operational information system, WED and EED regional managers have developed their own Excel-based report to monitor progress and achievements against their operational plans. Although senior management receives monthly reports, the Excel-based reports do not provide the analytical information needed for decision making. There is, therefore, a risk that senior management may not be getting complete and accurate information on enforcement operations. The audit noted that management is making progress with the development of a pilot project to report on the number of files that are compliant for each Act and regulation that WED and the EED are responsible for enforcing.

The annual mandatory external reports that WED must prepare under the [Species at Risk Act](#) (SARA) and the [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act](#) (WAPPRITA) and that EED must prepare under the [Canadian Environmental Protection Act](#) (CEPA), 1999 were produced within the required timeframe and met expectations.

Recommendation 7

The Chief Enforcement Officer should ensure that the enforcement management information system provides complete, accurate and timely information on enforcement operations to support management decision making.

Management response

Management **agrees** with the recommendations.

Despite adaptations, Gavia does not yet fully address business requirements. The officer user interface is labour-intensive and non-intuitive, and information retrieval is cumbersome.

A significant Gavia development was in the works at the time of this audit to enhance the tools available to report on operational activities.

Further work will be done with the help of the Corporate Services and Finance Branch, as the evolution of Gavia continues. EB management will work collaboratively with the Chief Information Officer (lead on Gavia maintenance) and her team to ensure the most efficient process possible for timely updates.

Appendix A: line of enquiry and audit criteria

| Audit criteria and sub-criteria | Sources of criteria |
|---|---|
| Line of enquiry 1: assess the effectiveness of the management control framework in place as it relates to governance, risk management and internal controls to support ECCC's enforcement operations. | |
| <p>1.1 Plans for enforcement operations are in place and a risk-based approach is used to ensure that the highest priorities are addressed</p> <p>1.2 Roles, responsibilities, authority and accountability for the management of enforcement operations are defined, communicated and understood</p> <p>1.3 Policies, directives procedures and guidelines are developed, implemented and communicated department-wide, to support enforcement operations</p> <p>1.4 Controls and processes are in place to enforce compliance with relevant Acts in a fair, predictable and consistent manner</p> <p>1.5 Enforcement Officers are provided with training and tools to foster compliance with relevant policies, procedures and guidelines and support the discharge of their responsibilities</p> <p>1.6 A systematic approach is in place to monitor, assess and report on enforcement operations on a regular basis</p> | <ul style="list-style-type: none"> - Internal Control – Integrated Framework , Committee of Sponsoring Organizations of the Treadway Commission (COSO) - Framework for the Management of Risk, Treasury Board, 2010 - Core Management Controls: Guide for Internal Auditors, Office of the Comptroller General - Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999 (CEPA 1999) - Compliance and Enforcement Policy for Wildlife Legislation - Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the Fisheries Act – November 2001 |

Appendix B: number of enforcement operations (inspections and investigations), April 1, 2016 to March 31, 2017

| Acts | Inspections | Investigations | | |
|---|-------------|--|----------------------------|--------------------------|
| | | Started before FY 2016 to 2017 and ongoing at the start of the fiscal year | Started in FY 2016 to 2017 | Ended in FY 2016 to 2017 |
| Environmental Enforcement Directorate (EED) | | | | |
| <i>Canadian Environmental Protection Act, 1999</i> | 3,829 | 102 | 19 | 33 |
| <i>Fisheries Act (Pollution prevention provisions)</i> | 2,975 | 83 | 33 | 51 |
| Wildlife Enforcement Directorate (WED) | | | | |
| <i>Migratory Birds Convention Act, 1994</i> | 797 | 109 | 138 | 182 |
| <i>Canada Wildlife Act</i> | 102 | 21 | 55 | 45 |
| <i>The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i> | 2,130 | 176 | 101 | 198 |
| <i>Species at Risk Act</i> | 330 | 8 | 2 | 5 |
| <i>Antarctic Environmental Protection Act</i> | 0 | 0 | 0 | 0 |

Source: *Canadian Environmental Protection Act, 1999* and *Fisheries Act* annual reports and WED data extracted from Gavia (provided by the Enforcement Branch)