



# Powers of Conservation Officers

## WHAT IS THE ISSUE?

The [Conservation Officer Service \("COS"\)](#) is a government office focused on natural resource law enforcement and human wildlife conflicts prevention and response.

Conservation Officers have legal powers of search and seizure, similar to those of police officers. In certain circumstances, Conservation Officers' conduct may infringe your civil liberties.

This factsheet tells you about the roles and responsibilities of Conservation Officers, their powers, and steps you can take if you believe your rights have been violated.

## WHAT LAW GOVERNS CONSERVATION OFFICERS?

Conservation Officers are governed by the [Environmental Management Act](#) and the [Conservation Officer Service Authority Regulation](#). As well, they have powers to enforce the following statutes:

- Dike Maintenance Act
- Ecological Reserve Act
- Environmental Management Act
- Fisheries Act
- Forest Act
- Forest and Range Practices Act
- Forest Practices Code of British Columbia Act
- Greenhouse Gas Industrial Reporting and Control Act
- Integrated Pest Management Act
- Land Act

## WHAT ARE THE POWERS OF CONSERVATION OFFICERS?

Under the *Environmental Management Act*, Conservation Officers are "peace officers" or "prescribed officials" for the purposes of enforcement.

A Conservation Officer can apply to a judge for a warrant to:

- enter and search your home, your vehicle, or other personal property;
- seize and remove anything that the Conservation Officer has reasonable grounds to believe may provide evidence of an offence; and
- take any actions the judge considers appropriate under the circumstances.

The judge can grant a warrant if, the Conservation Officer shows that there are reasonable grounds to believe that:

- an offence occurred or is in the process of occurring; and
- a search is likely to provide evidence of an offence.
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Conservation Officers have special powers when there are "exigent circumstances." Conservation Officers may do the following **without a warrant** from a judge:

- search your home, your vehicle, or other personal property; and
- seize and remove anything that the Conservation Officer has reasonable or probable grounds to believe may provide evidence of an offence.

If conditions for obtaining a warrant exist but due to exigent circumstances, it is sometimes not practicable to obtain a warrant.

Exigent Circumstances are situations of special urgency in which a delay would result in:

- danger to human life;
- danger to human safety; or
- loss or destruction of evidence.

## WHAT CAN I DO ABOUT IT?

There is a process for filing complaints if you believe a Conservation Officer's actions constitute misconduct. A complaint may be accepted if:

- it contains at least one allegation that, if proven true, satisfies the definition of "misconduct";
- it is submitted by a person who is directly affected or who witnesses officer misconduct;
- it is submitted within twelve (12) months of the alleged incident of misconduct; and
- it involves a current employee of the Conservation Officer Service.

In general, complaints will be resolved no later than six (6) months after being received.

The steps to file a complaint are as follows:

1. Submit your complaint to the Conservation Officer Service ("COS") in person or by phone, email, fax, or mail. You may use the [Complaint Form](#) but it is not required.
2. If your complaint is accepted, it may be resolved by either:
  - a. an informal resolution process in which you will indicate what remedy you believe would be appropriate under the circumstances; or
  - b. a complaint investigation in which the discipline authority will issue a written decision of whether your allegation of misconduct is substantiated or unsubstantiated.

If you are not satisfied with the decision of the discipline authority, you may submit an appeal within 30 days of the date of the decision. If your appeal is accepted, the Chief Conservation Officer will act as the review official or will appoint an independent reviewer. All decisions of the Chief Conservation Officer are final.

You cannot appeal the following:

- the dismissal of a complaint; or
- the corrective or disciplinary measures imposed by the discipline authority.

A third party, such as a legal advocate, may act as representative for a complainant.

For more information on the complaint process, please see the [Conservation Officer Service's Policy and Procedure](#).