



Audit at a Glance

Audit of enforcement management and operations

Environment and Climate Change Canada (ECCC) is responsible for the protection and conservation of both the environment and wildlife for current and future generations. 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.

What the audit examined

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.

What the audit 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 enforcements 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 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.

Recommendations and management responses

The audit found that management action is required in seven areas.

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.

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.

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 regulatees presenting the highest risk of non-compliance.



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

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.

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.

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.