



Department of Environment

Nunavut Conflict Control Policy

POLICY STATEMENT

The Department of Environment is committed to ensuring that all sanctioned Wildlife enforcement duties are carried out in a manner that is safe, responsible, and respectful of the general public of Nunavut, and the officers that are mandated with this work. The Department of Environment also recognizes the need to ensure that this policy covers all potential enforcement situations that Wildlife Officers may encounter.

This policy will provide direction to all Wildlife Officers working within the Department of Environment regarding when the use of force is justified, and the appropriate levels of force to be used in their enforcement work.

The ***Nunavut Wildlife Service Conflict Control Policy*** also recognizes that wildlife officers usually work alone. Consequently, this policy addresses the unique terms and conditions by which Conflict Control may be used by a lone on-duty Wildlife Officer during the performance of his or her official duties, in order to ensure the safety of that officer.

This policy is a small part of larger training program that emphasizes negotiation, non-violent conflict management and alternative dispute resolution as methods to be used ahead of the use of physical conflict control techniques.

1.0 PURPOSE

1. The Purposes of this Conflict Control policy include:

- (i) Protecting the safety of all Wildlife Officers and the general public;
- (ii) Respecting and responding appropriately to the fact that, in Nunavut, many officers work alone and regularly have to deal with members of the public who are carrying firearms;
- (iii) Protecting the Government of Nunavut and the Department of Environment from liability concerning the use of force by an Officer, and liability should an officer be killed or injured in the performance of his/her duties as approved in this Policy;
- (iv) Protecting individual Officers from personal liability concerning the use of force;

- (v) Providing Officers with the certainty that the Department and Government of Nunavut (GN) will support them in the event any conduct approved in this policy is challenged.
- (vi) Avoiding the use of force, and reinforcing the direction to use reasonable force where necessary to enforce the Acts and Regulations for which the GN is responsible.
- (vii) Complementing the existing training and other professional development provided to Nunavut Wildlife Officers, to ensure they have appropriate skills and tools to comply with the direction to defuse situations where force might otherwise be needed.
- (viii) Where conflict cannot be avoided in the course of enforcement activities, this Policy directs Wildlife Officers to restrict their use of force to the extent and in the manner described within.
- (ix) Guiding Officers in exercising their discretion to determine, based on the circumstances at hand, whether Conflict Control is appropriate, and to authorize Officers to take appropriate measures, including withdrawing, when a situation threatens the life or physical safety of him/herself, a member of the public, or the subject.

1.1 DEFINITIONS

1. “**Conflict Control**” means the employment of **any** reasonable physical action and/or force (including verbal commands) by a duly empowered on-duty Wildlife Officer. Conflict Control includes all physical contact offered by a Wildlife Officer.
2. “**Serious Offence**” means an offence that threatens the immediate physical well being or life of a wildlife officer or member of the public.
3. “**Designated Senior Official,**” means one of, the Regional Manager, the Director of Wildlife, the Assistant Deputy Minister, or the Deputy Minister of Environment.
4. **Use of Force Continuum:** For the purposes of this policy a use of force continuum is defined as the range of potential responses an officer may encounter while enforcing the law.

2.0 Criteria

2.1 GENERAL GUIDELINES

What Conflict Control is reasonable?

The Department of Environment uses the conclusions drawn from precedent and existing Federal Legislation to define what is and isn't appropriate Conflict Control by

its Wildlife Officers. The Canadian Charter of Rights and Freedoms, the Canadian Criminal Code, and several court decisions allow for very firm conclusions regarding the use of appropriate Conflict Control measures. An officer must only use as much force as is reasonably necessary for the following reasons:

1. Force is necessary for the purposes of doing something that is required or authorized by law for the administration or enforcement of a law, or
2. Force is required to prevent the commission of a serious offence, or
3. Force is required for self-defense or to protect a person under the Officer's protection, provided that:
 - (i) The Officer must not be malicious or negligent in performing these duties, and
 - (ii) The Officer must honestly believe that Force is necessary and justified, and
 - (iii) The Officer must use no more Force than is necessary, and
 - (iv) The Officer should not intend to cause death or act in a manner likely to cause death.

Under this policy DEADLY FORCE will be considered excessive and unacceptable and it is understood that excessive force may attract criminal responsibility upon the perpetrator of that force.

The Criminal Code of Canada justifies the use of deadly force by any citizen including officers under the following conditions:

- (i) When the officer believes on reasonable grounds that deadly force is necessary to preserve an Officer's life; or
- (ii) When deadly force is necessary to preserve the life and/or physical safety of another person; or

2.2 Operational Parameters

This policy shall provide guidance to Officers in the following areas:

1. How to address general issues like:
 - a. The overall strength, and level of training of the individual Officer
 - b. The current state of the suspect
 - c. Any evident size and weight disparities

- d. The relative health and condition of the Officer
 - e. The relative health and condition of the suspect
 - f. Communication problems
 - g. The seriousness of the offence
2. How Officers shall be allowed to use Conflict Control in the performance of their duties; and
 3. How Officers may use Conflict Control to protect themselves, a member of the public, or the suspect.

2.3 Guidelines on the application of Conflict Control by any Wildlife Officer employed by the Government of Nunavut:

Consistent with this policy, all Officers will consider the following factors when exercising his/her discretion as to whether and to what extent Conflict Control techniques may be used.

1. Strength and Training:

In a situation where the potential for violent confrontation is high, and where a Wildlife Officer has assessed that he/she has neither the training nor the strength to adequately and safely deal with the situation that he/she is facing, that Wildlife Officer shall safely withdraw and obtain assistance, either from another Wildlife Officer, or from an RCMP Officer, before re-engaging the subject.

2. The Current State of the Subject

In a situation where a Wildlife Officer has assessed that the current mental and/or emotional state of a suspect may lead to a rapid and dangerous escalation of an enforcement situation, regardless of the Officer's overall confidence to deal with the situation, that Officer shall safely withdraw and obtain assistance, either from another Wildlife Officer, or from an RCMP Officer, before re-engaging the subject.

3. Size and Weight Disparities

In a situation where the potential for violent confrontation is high, and where a Wildlife Officer has assessed that the disparity between the size and weight of the Officer and the size and weight of the suspect may result in the Officer being overpowered and/or injured, that Officer shall safely withdraw and obtain assistance, either from another Wildlife Officer, or from an RCMP Officer, before re-engaging the subject.

4. The Relative Health and Condition of the Officer

In situation where the potential for violent confrontation is high, and where a Wildlife Officer feels that his/her health and/or physical condition may lead to the Officer being overpowered and/or injured, the Officer shall safely withdraw and obtain assistance, either from another Wildlife Officer, or from an RCMP Officer, before re-engaging the subject.

5. The Relative Health and Condition of the Suspect

In a situation where the potential for violent confrontation is high, and where a Wildlife Officer has knowledge of a health problem in a suspect that could threaten either the life or well-being of that suspect, the Officer shall immediately withdraw and re-evaluate the situation using his/her best judgment and the overall seriousness of the offence as guides before proceeding. Prior to re-engaging the suspect, the Officer shall obtain assistance, either from another Wildlife Officer, or from an RCMP Officer.

6. Communications Barriers

In any situation where a Wildlife Officer believes his/her orders are not being followed because the suspect cannot understand commands due to problems with language or another type of communication barrier, the Officer shall obtain assistance, either another Wildlife Officer or an RCMP Officer capable of communicating with the subject.

7. The Overall Seriousness of the Offence

In a situation where the potential for violent confrontation is high, the Wildlife Officer must use his/her best judgment to weigh the potential level of conflict against the seriousness of the offence committed. Where the officer concludes that the potential for violence outweighs the overall benefit of proceeding; that Officer shall withdraw and carry out his legally required duties by other means.

2.4 The Use of Force Continuum

The use of force by a Wildlife Officer should be seen as a continuum (or range) of possible responses that must be constantly re-evaluated, from the first moment of encounter. The level of Conflict Control used for the purposes of the enforcement and regulation of Legislation requires stringent control. It is important to reiterate that the use of excessive force may attract criminal responsibility upon the perpetrator.

When an Officer must enforce the laws of Nunavut or Canada, there is a wide range of possible outcomes, from immediate compliance on the part of the suspect, to immediate and violent non-compliance on the part of the suspect. Consequently, a continuum or range of sanctioned responses is required, to allow the Wildlife Officer to deal with every eventuality.

The continuum of responses may be compared to an elevator. The potential exists for any given situation to begin, end, or travel directly through a wide variety of escalating and de-escalating scenarios. For example an Officer may face a situation that starts out very hostile and very quickly settles down, or he/she may face a situation that begins very innocently and very rapidly becomes violent.

1. Situations: In every enforcement situation between a Wildlife Officer and a member of the public one of the following reactions to their authority will occur:

- i) **Co-operative:** these are individuals who fully and immediately cooperate with the Officer, provide no resistance and require no associated Conflict Control

response.

- ii) **Co-operative but non responsive:** These are individuals who exhibit no threat to the Officer but do not immediately heed the Officer's requests for compliance.
- iii) **Passive Resistive:** These are individuals who choose to neither heed nor obey the orders and requests made of them by the Officer, however they exhibit no violent tendencies.
- iv) **Active and Aggressive:** These are individuals who actively and physically deter the attempts of an Officer to do his/her work, they may repeatedly block an Officer from entering a building or searching a vehicle, they may also utter threats against the Officer in an attempt to dissuade him/her from doing their jobs, however they are unlikely to follow through on these threats.
- v) **Assault or Threat of Assault:** These are individuals who will use some type of physical violence to dissuade an Officer from doing his/her job, or who are threatening violence with every intention of carrying it through.

- vi) **Life Threatening Assault:** These are individuals who will use physical violence to the point where the life of the Officer is endangered.

2. Authorized Responses by a Wildlife Officer: A Wildlife Officer must use adequate and appropriate responses to get each of the above situations under control, as follows:

- i) **Co-operative:** For co-operative individuals no Conflict Control response is authorized.
- ii) **Co-operative but non responsive:** For cooperative but non-responsive individuals displays of authority via tone of voice and verbal commands are appropriate Conflict Control responses.
- iii) **Passive Resistive:** For any individuals who are passive resistive the appropriate Conflict Control response is to gently but firmly to lay his/her hands upon the individuals to steer or guide them to a position of safety and non-interference with the activities of the Officer.
- iv) **Active and Aggressive:** For any individuals who are active and aggressive the appropriate Conflict Control response is a compliance response, which entails the use of strong joint manipulations, and pressure point applications and includes the use of handcuffs, and/or manacles as necessary for defensive purposes.
- v) **Assault or Threat of Assault:** For individuals actively assaulting an Officer the appropriate Conflict Control response includes the use of chemical weapons like Pepper Spray, strong upper body restraints, batons, and the

use of an Officer's hands or feet in an offensive manner to safely subdue the individual.

- vi) **Disengagement and Withdrawal** from Assault or Threat of Assault: If it is reasonable and safe for an Officer to do so he/she **MUST** withdraw from any situation likely to escalate beyond the point where response techniques for *active and aggressive* subjects are deemed to be necessary. **The use of lethal force is not authorized, except where the life of an officer, or of another person, is endangered.**
- vii) **Life Threatening Assault:** Individuals attempting to take the life of an Officer or assault the officer or another person, with a weapon or a level of force that is likely to cause death. The appropriate Conflict Control response in this case includes the use of deadly force against the individual.

Officer Discretion:

While an Officer must withdraw from any situation that begins to escalate beyond the point of active and aggressive resistance, there may be situations where the potential exists for an Officer to employ more force than that noted above. Such force shall only be deemed to be reasonable in the event that it is used to pacify and/or restrain an individual thereby guaranteeing the safety of the Officer or other persons, or if the use of Conflict Control techniques is necessary to provide the Officer with the time necessary to withdraw and obtain assistance.

3.0 Reporting and Reviewing Requirements

This policy shall require the following reporting and review criteria.

1. The Officer:

After using force, beyond the use of verbal commands or exchanges, an Officer shall:

- (i) Immediately ensure that anyone involved in conflict control incident is as soon as practical evaluated by a medical professional to receive appropriate treatment if necessary;
- (ii) Notify his/her supervisor within 2 hours of the incident; if the officer is unable to immediately notify his/her supervisor, he/she will (within 8 hours) notify a designated senior official. Designated contact names and numbers will be posted in a public area of each wildlife office in Nunavut.
- (iii) He/she shall accurately and fully document the incident in a written Occurrence Record for their supervisor within 24 hours.
- (iv) Within 24 hours after providing notice, commence a **Use of Force Report (See Schedule A)**, and provide it to his/her immediate supervisor.
- (v) Respond promptly and completely to his/her supervisor's request for clarification or elaboration of any matter included in the **Use of Force Report (See Schedule A)**.

2. The Supervisor:

On being notified that a Wildlife Officer has used force, beyond the use of verbal commands or exchanges, the Officer's immediate supervisor shall,

- (i) Ensure that the officer's immediate needs are cared for, including providing professional or peer counseling for the officer where appropriate in light of the seriousness of the incident;
- (ii) Immediately, notify a designated senior official;
- (iii) Begin an investigation of the incident, collecting all relevant and necessary evidence and witness information;
- (iv) If the supervisor has reason to believe a Wildlife Officer has acted outside the scope of responses authorized by this Policy, this information will be included in their Use of Force Report to senior staff. The relevant senior official or the senior manager in consultation with the senior official shall if appropriate notify the local RCMP in a timely manner, and will cooperate fully with any resulting RCMP investigation ;
- (v) Prepare, with the relevant Regional Manager of Wildlife, a briefing for the Department outlining the incident, and attach copies of all relevant reports including the Officer's Occurrence Report, **Use of Force Report**, and all available medical reports, police reports and witness statements.

3. The Department of Environment:

The Director of Wildlife shall, in every case involving the use of Conflict Control techniques, beyond the use of verbal commands or exchanges, empanel a **Use of Force Review Panel**.

The **Use of Force Review Panel** will include the following DSD senior staff:

- i) The Officer's immediate supervisor,
- ii) The Regional Wildlife Manager,
- iii) The Director of Wildlife, and
- iv) The Assistant Deputy Minister of Operations.

The Wildlife Officer will be asked to appear before the Use of Force panel either in person or by telephone. He/she will have the option of having either a Nunavut Wildlife Officer's Association representative, a union representative, or legal counsel, present during this interview.

The Use of Force Panel will be tasked with providing a comprehensive review and

evaluation of all aspects of the incident, and recommending any disciplinary actions arising from that review to the Deputy Minister, Minister (and the RCMP if necessary)

Once completed to the panel's satisfaction they shall sign the ***Use of Force Report***.

If dissatisfied with the use of force panel's recommendations, the Officer has the option of appealing their decision to the Deputy Minister whose decision shall be final with regard to any action to be taken by the Government of Nunavut.

This process does not preclude the ability of the officer to appeal such a decision to a body with authority over such matters, such as GN Labour Relations, the Government of Nunavut Employees Union, nor does it limit his/her options to pursue legal remedies within the Nunavut courts.

4.0 PREROGATIVE OF THE EXECUTIVE COUNCIL

Nothing in this policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions, and/or take actions respecting the work undertaken by duly authorized members of the Nunavut Wildlife Service on behalf of the Government of Nunavut either within or outside the provisions of this policy.

This policy will be reviewed and evaluated by the Department on an annual basis.

5.0 Sunset Clause

This policy will be in effect from the date of signature until March 31st 2010

SCHEDULE A
USE OF FORCE REPORT

Officer's Report:

1. Type of Force Used:

2. Where on the civilian was force applied? Please indicate any readily apparent injuries resulting from the incident and their location

Name and rank of Officer Involved:

Date of Incident: ____/____/____

Name of Civilian(s) Involved: _____

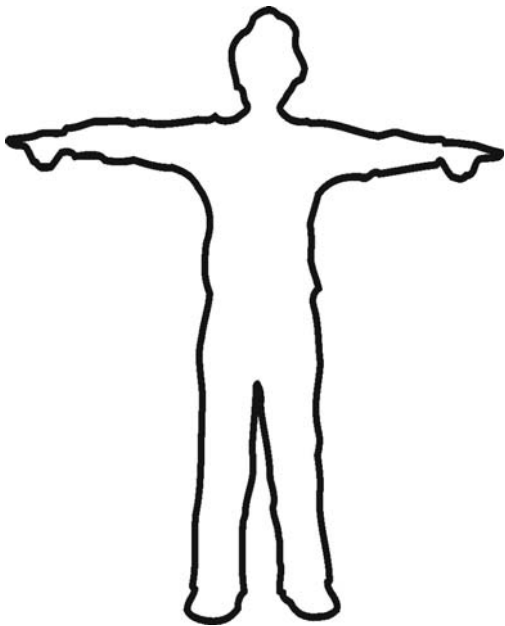
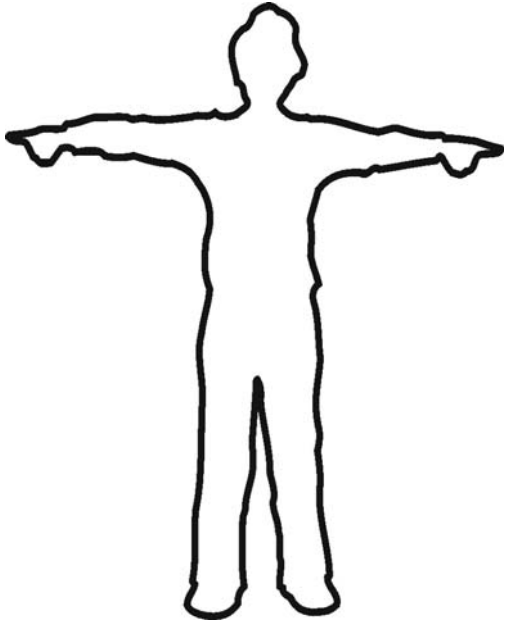
Age: _____

Address: _____

Community or Location of Incident:

FRONT

BACK



Use of Force Panel Report:

After reviewing all of the information provided, did this incident fall within the parameters of the Department's Conflict Control Policy? Yes No

If No, what are the recommendations of the panel with regard to this incident?

Formal Warning Yes No

Suspension of Officer (with pay) Yes No

Suspension of Officer (without pay) Yes No

Formal Charges against Officer Yes No

Dismissal of Officer: Yes No

No recommendation Yes No

Other: _____

Comments of the panel:

Signed:

Assistant Deputy Minister Date

Director, Wildlife Services Division Date

Regional Manager, Date

Supervisor, Rank Date

