

BRITISH COLUMBIA

**Bylaw Enforcement Officer
and
Licence Inspectors
2008 Survey**

Compiled

By

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B.C. Licence Inspectors and Bylaw Enforcement Officer

2008 Survey

About the Author

Philip Williams has been employed as a uniformed Peace Officer for various government agencies for the past 18 years. From 2006 until present, he has been employed as a Community Safety Officer for the City of Langford Bylaw Enforcement Division. Practice in training delivery includes experience as a Use of Force, Oleoresin Capsicum Spray (O.C. Spray) and Tactical Baton Instructor as well as a facilitator for courses about Mentally Disordered Offenders offered through the Justice Institute of B.C.

Background

The City of Langford and several other jurisdictions are breaking away from tradition in favour of a more direct approach to Bylaw Enforcement. This has been achieved through the use of a uniformed peace officer patrol function that works closely with the local police. Discussion among officers from various agencies has raised some concerns about the changing nature of Bylaw Enforcement work and the need to address standards for training, equipment and wages.

Purpose

This report has been compiled to provide some insight into the standard practices and skill set of Bylaw Enforcement Officers across the Province. It is hoped the findings will generate discussion among the B.C. Licence Inspectors and Bylaw Officer Association's (LIBOA) membership with regard to establishing a common criterion across the industry for employment, remuneration, training and equipment.

Method and Scope

In cooperation with members of LIBOA, an independent survey (see Appendix I) consisting of 43 questions was distributed at the LIBOA 2008 Conference in Richmond and via email. Respondents from 33 jurisdictions from across the Province participated in the survey which included a cross section of large and small municipalities and regions servicing populations ranging in size from 1,655 to 394,976 people. For a list of participants (see Appendix II).

The interpretation of the data received was influenced in part by additional comments made to the author by survey participants through correspondence and open discussion. Ultimately, a more detailed questionnaire from a larger sampling of agencies would have been preferred, however, the limitations of the information provided does not appear significant enough to create a margin of error so great as to invalidate the findings of this report. Moreover, the survey was indeed a necessary first step in analyzing the current nature and shortcomings of the industry.

Peace Officers and Special Constables

At present, no jurisdiction employs Bylaw Enforcement Officers who hold Special Constable Status. This topic is still being examined and reviewed by elements of the LIBOA membership and is not discussed here in any great detail.

Changes to the Special Constable Program application process are currently being modified by the Police Services Division of the Ministry of Public Safety and Solicitor General. These changes should be completed by the close of November 2008 at which time municipal agencies seeking to participate in the program should have new clear and concise guidelines for achieving Special Constable Status.

76% of the agencies polled recognized their Bylaw Enforcement Officers to be "Peace Officers" in accordance with the definition provided by the Criminal Code of Canada, Interpretation Act and case law. 24% of respondents claimed not to be Peace Officers. 38% of these same respondents included the serving of Summons and Subpoenas among their regular duties.

Under Section 28 of the Offence Act a person appointed to that duty by a government body automatically has, by virtue of his/her function, the legal status of a Peace Officer. This leads us to believe that about 9 % of all survey respondents are not fully versed in the authorities under which they operate and what it means to be a peace officer. This conclusion is supported by the fact that several survey respondents claimed that they were unsure of their designation and it has been noted by Bylaw Level I Course participants that there is not enough discussion in the course about the subject to give students a proper understanding of the role.

Search and Impound

During the performance of their duties, 33% of officers surveyed enforce alcohol related offences, but only 24% conduct searches of persons when appropriate. Yet 45% of the survey respondents reported that they do impound or destroy items that are a threat to public safety. One survey respondent reported that his department's non-uniformed enforcement employees do not enforce alcohol related offences and are not peace officers. That being said they do, however, conduct searches of persons and impound or destroy items that are a threat to public safety. These types of discrepancies once again beg the question: what is the standard of understanding among Bylaw Enforcement agencies as to what their officers are permitted to do under the law with respect to peace officer and non peace officer status?

Patrol and Traffic Stops

97% of the jurisdictions surveyed conducted patrols during the day, 61% conducted patrols in the evening whereas only 39% conducted patrols at night. 39% of respondents made use of bicycle patrols and one half of all the agencies polled reported that they operated marked vehicles with emergency equipment. It is important to note, however, that it remains undetermined if the "emergency equipment" met with the definition articulated under the Motor Vehicle Act Emergency Vehicle Driving Regulation.

50% of the jurisdictions operating marked vehicles with emergency equipment conducted traffic stops, but alarmingly only 63% of that number reported that their officers had Emergency Vehicle Operation (EVO) Training. This is a concern since this training is mandatory under provincial statute.

Fire and Police Support

52% of all Bylaw Enforcement Officers in the province attend open burn complaints on behalf of their fire department yet only 24% extinguish small fires. This discrepancy may be attributed to limitations imposed by local policy and concerned members should discuss this matter with their local fire authority.

24% of Bylaw Enforcement Officers regularly attend police muster briefings and 39% are in radio contact with the police. These figures initially seemed low compared to the 61% of survey respondents that reported that they assist the police with bylaw related calls and other operational matters. However, outside of traditional bylaw complaints, the greater majority of jurisdictions were either unable or unwilling to articulate the nature of their operational assistance to the police or it was limited to providing information services only. 15% of enforcement agencies monitored their contacts for persons of interest. 15% had occasion to conduct a combined patrol function with the police and 18% provided a wide range of other operational support services.

Self Defense Tools

73% of the jurisdictions polled operate a uniformed force. Only 27% carry handcuffs on their duty belt whereas 36% carry O.C. Spray and an Expandable Baton for self defence purposes. Under the National Use of Force Model, mechanical control techniques such as handcuffs are considered a lower level of force than O.C. Spray and impact weapons. The discrepancy in these figures illustrates that one quarter of all Bylaw Enforcement Officers who carry intermediate weapons do not have the option of using a lower level of force such as handcuffs to control a situation. Furthermore, only two thirds of them are issued a protective stab or ballistic vest.

All departments that make use of self defence tools should have a use of force policy. The industry standard for recertification in Baton and O.C. Spray is every 1-3 years. Although this subject was not covered in the survey, discussion with members from various departments revealed that some agencies issue intermediate weapons and handcuffs to officers without any formal training and in some cases without a use of force policy in place.

64% of all the agencies polled had officers trained in first aid. This is a positive figure, however, 24% of the officers carrying self defence tools did not have first aid training which is contrary to the precept that if you have the training to use force, it is prudent to have the training to attend to injuries.

Squatters and Homeless Contacts

73% of departments surveyed reported that they deal with squatters and trespass issues, but only 58% said that they engaged the homeless on a regular basis. Many officers have commented to the author that problems in their jurisdictions with transients are on the rise.

Animal Control

Two thirds of all the departments polled perform some measure of Animal Control duties when needed.

Legal Duties

90% of the officers throughout the province testify in court and 70% prosecute their own tickets. The latter figure is almost in proportion to the 67% of respondents that are tasked with drafting their own bylaws. On the other hand, only 45% prepare evidence for criminal proceedings and attend payment hearings. Furthermore, only 30% of officers administer small claims actions on behalf of their agency.

Compensation, Performance and Structure

For the most part, smaller departments with two or more officers will have a designated Supervisor or Senior Bylaw Enforcement Officer. Departments with eight to ten officers may have the addition of a Manager or Senior Supervisor and large departments generally have a whole range of ranks and designations that often include auxiliary staff to provide coverage for regular employee absence. The largest department at present is the City of Surrey with a compliment of twenty-six Enforcement Officers.

The average score with respect to positive responses to survey questions 4 through 43 was 47%. The highest score achieved was by Langford with a total of 97%. The lowest total score was Fraser Fort George Regional District with 13%

In respect to compensation, it would seem that the size of jurisdiction and the sphere of work performed are not necessarily proportional to remuneration. Information regarding officers' wages was taken from survey results, archived job postings and collective agreement records. As of 2008, the top paying municipalities for a Bylaw Enforcement Officer position are Coquitlam at \$33.65/hr, Kelowna at \$33.50/hr and Pitt Meadows at \$33.40/hr. These figures do not take into account benefits or annual increases negotiated through contract. Many submissions were given with regard to pay for Senior Officers and Managers; however the results are not mentioned here as this was not the original focus of the survey. Appendix III lists Bylaw Enforcement Officer Remuneration across the Province organized from largest to smallest. The bolded figures are current as of 2008. The remaining figures are gleaned from information provided in 2006 and 2007.

Synopsis

There appears to be a significant misunderstanding among some departments as to the authorities and limitations of a peace officer employed in a Bylaw Enforcement role and the respective statutes that govern that activity.

Uniformed patrols throughout the day are commonplace and to a lesser degree in the evenings. Marked vehicles with emergency equipment are operated by less than one half of agencies polled and only one quarter conduct traffic stops. Mandatory EVO Training to facilitate this activity is lacking.

About 20% of departments are employing some measure of direct enforcement in support of their local police agency and an additional 20% seem to be slowly testing the waters possibly to that end. This is proportional to the amount of officers which are carrying self defence tools, however, only half of the agencies that allow the use of these tools see fit to issue stab proof or ballistic vests to their personnel which is poses significant health and safety concern. Roughly the same amount of agencies that are either conducting or experimenting with direct enforcement strategies are also using bicycles as an effective patrol tool. Bicycle training was not addressed in this survey.

Standards for Use of Force, O.C. Spray and Baton Certification and Recertification need to be established since there are some anomalies in practice that increase the risk of liability and could ultimately endanger lives.

The majority of the officers surveyed; testify in court, prosecute their own tickets and draft or assist in the drafting of their own bylaws. However, their skills are underutilized when it comes to facilitating payment hearings, small claims actions and the collection of evidence.

Department structure is consistent across the province, but remuneration does not necessarily reflect the education, experience, skill set and risk factors attributed to incumbents.

Recommendations

1. LIBOA establish a guideline for member jurisdictions across the Province for standards of training in relation to the duties being performed.
2. Established training standards and the level of duties performed by Bylaw Enforcement Officers are commensurate with professional designations through the association.
3. That a minimum wage standard be suggested for each designation as a guideline for employers.

Appendix I

Survey Questionnaire

Province of British Columbia

Bylaw Enforcement and License Inspectors Survey

(Please Print)

Agency Name: _____

Municipality: _____

Position: _____

- 1. How many Officers are in your department? _____
- 2. What is your rank structure? (I.e. Assistant Bylaw Officer, Bylaw Officer, Senior Bylaw Officer, Chief Bylaw Officer etc.)

3. What are the corresponding ranges of pay for each position?

- | | Yes / No |
|---|----------|
| 4. Are you designated as a Special Constable? | _____ |
| 5. Are you a Peace Officer? | _____ |
| 6. Do you issue Municipal Ticket information? | _____ |
| 7. Do you serve summons and subpoenas? | _____ |
| 8. Are you part of a uniformed department? | _____ |
| 9. Do you carry handcuffs? | _____ |
| 10. Do you carry O.C. Spray? | _____ |
| 11. Do you carry a baton? | _____ |
| 12. Do you wear a protective stab or ballistic vest? | _____ |
| 13. Do you enforce liquor related offences? | _____ |
| 14. Do you conduct searches of persons when appropriate? | _____ |
| 15. Do you impound or destroy items that are a threat to public safety? | _____ |
| 16. Do you deal with squatters and trespass issues? | _____ |
| 17. Do you engage the homeless on a regular basis? | _____ |
| 18. Do you conduct plain clothes surveillance? | _____ |
| 19. Do you conduct patrols during the day? | _____ |
| 20. Do you conduct patrols in the evening? | _____ |
| 21. Do you conduct patrols at night? | _____ |
| 22. Do you conduct bicycle patrols? | _____ |

- 23. Are you in radio contact with the police? _____
- 24. Do you attend police muster briefings? _____
- 25. Do you assist police with bylaw related calls (i.e. noisy parties at night)? _____
- 26. Do you assist police with other operational matters? _____

If yes, please explain:

- 27. Do you operate marked vehicles with emergency equipment? _____
- 28. Do you conduct traffic stops? _____
- 29. Are you trained in Emergency Vehicle Operation (EVO)? _____
- 30. Do you tow vehicles? _____
- 31. Do you perform Animal Control Duties when needed? _____
- 32. Do you attend open burn complaints for your Fire Department? _____
- 33. Do you extinguish small fires? _____
- 34. Do you provide assistance at motor vehicle incidents? _____
- 35. Are you trained in First Aid? _____
- 36. Do you draft your own bylaws? _____
- 37. Do you prosecute your own tickets? _____
- 38. Do you attend payment hearings? _____
- 39. Do you administer small claims actions? _____
- 40. Do you testify in court? _____
- 41. Do you prepare evidence for criminal proceedings? _____
- 42. Are you trained in CPTED? _____
- 43. Do you hold a JI Bylaw Investigative Skills Certificate or Equivalent? _____

Please return this survey to Phil Williams at the City of Langford when complete. Thank you.

Appendix II

Survey Participants

Survey Participants

The following jurisdictions participated in the 2008 B.C. Bylaw Law Enforcement and Licence Inspectors Survey:

Abbotsford

Burnaby

Cariboo Regional District

Colwood

Capital Region District

District of Chetwynd

Coquitlam

Comox Valley Regional District

Courtney

Cowichan Valley Regional District

Fraser-Ft George Regional District

Kamloops

Ladysmith

Lake Cowichan

Langford

Maple Ridge

Merritt

Nanaimo

Nanaimo (Commercial Transport)

City of North Vancouver

Port Alberni

Pitt Meadows

Quesnel

Salmon Arm

Summerland

Sunshine Coast

Sooke

Surrey

Thompson-Nicola Regional District

Tofino

West Vancouver

Victoria

Vernon

The City of Kelowna and the City of Cranbrook also forwarded submissions, but unfortunately they were received too late to be included in the final analysis.

Appendix III

Remuneration Rankings

British Columbia

Bylaw Enforcement Officer

Remuneration Rankings

Note: Bolded wages are current as of 2008. Figures in italics are gleaned from 2006/2007 information.

RANKING	MUNICIPALITY	\$/HR 2008
1	Coquitlam	33.65
2	Kelowna	33.50
3	Pitt Meadows	33.40
4	City of Surrey	32.97
5	Vancouver	32.93
6	Colwood	32.80
7	Thompson-Nicola Regional District	32.55
8	Victoria	32.36
9	Burnaby	32.30
10	Sooke	32.24
11	Richmond	<i>32.19</i>
12	Town of Sidney	32.12
13	Sumerland	32.00
14	North Saanich	31.81
15	Capital Region District	31.39
16	Saanich	31.28
17	Mission	<i>31.06</i>
18	Smithers	30.62
19	Langford	30.43
20	New Westminster	<i>30.42</i>
21	Vernon	29.83
22	Williams Lake	<i>29.72</i>
23	District of Chetwynd	29.70
24	Delta	29.60
25	Cowichan Valley Regional District	29.38
26	TNRD	<i>29.24</i>
27	Salmon Arm	29.00
28	Fraser Valley Regional District	29.00
29	Creston	<i>28.97</i>
30	Fernie	28.84
31	Township of Golden	28.76
32	City of Abbotsford	28.76
33	Central Saanich	<i>28.28</i>
34	Nanaimo	28.24
35	North Vancouver	28.22
36	Sunshine Coast	28.03
37	Langley City	<i>27.95</i>

38	District of Maple Ridge	<i>27.79</i>
39	Port Moody	27.79
40	Campbell River	27.52
41	Kamloops	27.05
42	Port Alberni	<i>26.64</i>
43	North Vancouver	26.48
44	Cariboo Regional District	<i>26.42</i>
45	Regional District of Nanaimo	<i>26.38</i>
46	Township of Langley	<i>26.30</i>
47	Quesnel	25.87
48	Parksville	<i>25.70</i>
49	City of Nanaimo	<i>25.29</i>
50	Gibsons	25.05
51	Comox	<i>25.00</i>
52	District of Tumbler Ridge	<i>25.00</i>
53	Tumbler Ridge	25.00
54	Merritt	24.95
55	Ladysmith	24.85
56	Courtney	24.44
57	Lake Cowichan	24.18
58	Penticton	<i>23.95</i>
59	Tofino	23.90
60	City of Prince Rupert	23.63
61	Cranbrook	22.99

