

24 Hour Regulation

**Yukon**



Public Comments:

“Yes. Putting a chair on a site is not using it.”

“I really hope this is enforced!”

“About time gives others a chance to actually use these sites”

“Bravo! We should ALL be able to enjoy our campgrounds. Hoping enforcement will support the new policy.”

“FINALLY! Should have been a \$500 fine! Please tell me they will ruthlessly enforce this.”



Background

In 2018, Section 5.01 (1) was added to the PLCR stating:

The holder of a campground permit that is registered in respect of a camping site must not leave the camping site unoccupied for a period of more than 24 hours unless the permit holder has written authorization from an officer to do so.

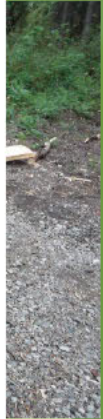
(2) For the purposes of subsection (1), a camping site is unoccupied if no occupant of the camping site is physically present at the camping site.

(3) A person must not be an occupant of more than one camping site at the same time.

Monitoring/Enforcement Strategy

Park Officers work closely to monitor “site saving” and unattended campsites.

72(1)(b)(ii)



Monitoring Procedure

72(1)(b)(ii)

- In your report indicate the sites monitored and at what time

Monitoring Procedure

72(1)(b)(ii)

Operations

72(1)(b)(ii)

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** As soon as there is an offence, initiate the 10-28 process and try to contact the registered site holder when possible.

Operations

The same person can be an offender multiple times in one weekend or throughout the season. For example if someone leaves their site unoccupied for > 48 hours, they have offended twice. If someone leaves their site unoccupied for >24 hours once in May and again in June, they have offended twice.^{72(1)(b)(ii)}

72(1)(b)(ii)

Responding to Complaints Received On-site

Once a site has been reported as allegedly being in contravention of the 24 hour regulation:

- Thank the complainant for the information
- Gather as much info as possible
- Explain that a monitoring and compliance program is underway
 - education, evictions and tickets (with a fine of \$200)
- **Begin monitoring procedure**^{72(1)(b)(ii)}
- ^{72(1)(b)(ii)}
- Share details of complaint with entire Park Officer team via standardized information sharing process by Email

Responding to Complaints Received Remotely via E-mail/Phone/Etc.

Once a site has been reported as allegedly being in contravention of the 24 hour regulation:

- Thank complainant for the information.
- Gather as much info as possible from complainant (i.e. site #, vehicle description, license plate number etc)
- Explain that a monitoring and compliance program is underway
 - education, evictions and tickets (with an increased fine of \$200)
- Share details of complaint with entire Park Officer team via standardized information sharing process by Email
- If possible, a Park Officer should follow up in-person or via phone call to conduct education but...
- Do not deviate from scheduled monitoring plan – ^{72(1)(b)(ii)}

Common Question and Responses:

Q1. How is campsite use going to be monitored? Patrols? How often will they happen?

A1. Excluding Herschel Island, we have 42 campgrounds in the Yukon and 12 Park Officers. Park Officers will continue to patrol and monitor as many campgrounds as possible in each shift.

Q2. Will it be possible for other campers to report infractions?

A2. Yes, please do. You can do this by calling 1-800-661-0408, extension 5648 or 867-456-3974.



Common Question and Responses:

Q3. What if we are out for a hike or had to run into town?

A3. The regulation was set for 24-hours so that recreational activities, like hiking, are still an option. Our campgrounds help connect Yukoners to the amazing wilderness we share, and this regulation will not deter from those opportunities.

Q4. How will this be enforced?

A.4. Yukon Parks will strive to achieve compliance through information and education and voluntary compliance and will progress to ticketing for situations that warrant such.



Common Question and Responses:

Q5. My brother in-law was here on the site! He is staying in another site in the campground but was here while I was gone.

A5. The registered site holder must be present within a 24hr period. No one can be a site holder of two sites.

Q6. So and so is on their way. I am just registering the site for them until they get here.

A6. The permit holder must be present to register their site. No one can register a site for another person.



Common Question and Responses:

Q7. Someone registered for this site but there is nothing on the site. Can I have it?

A7. There is currently no requirement to have anything on the site. The site holder has 24hrs that they can be away. Travelers often arrive, register for a site, and then go into town before returning to camp. This **is** allowed.





Yukon Parks Park Officer Program

2023 Training Manual

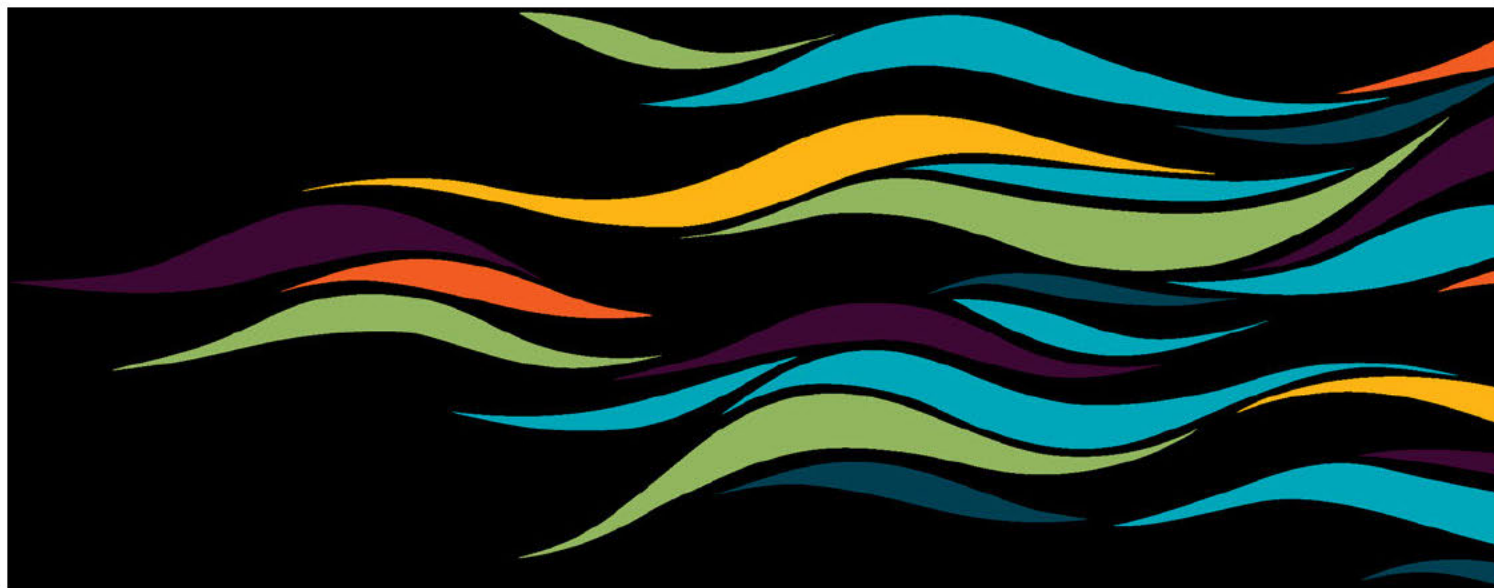


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CHAPTER 1: Charter of Rights and Freedoms

OBJECTIVE:

Aid in identifying what individual rights and freedoms are and how they apply to different work-related duties from statement taking to arrest and detention. (Implications)

General Overview

The Canadian *Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, is one of the most significant pieces of legislation passed by the Canadian government during the last half of the twentieth century. As you continue your duties this law will have a profound effect on the way you perform, and your relationship with the general public.

Almost everything you do while enforcing the law, has the potential to conflict with and infringe on the rights of an individual. You must be constantly sensitive to these situations and understand how the *Charter of Rights and Freedoms* (the *Charter*) affects your duties and responsibilities.

A breach of the *Charter* when dealing with an accused person could have serious effects on the outcome of an investigation, as well as on the public perception of your role and how you carry it out.

It may seem that other areas of work confront you more frequently than *Charter* issues. 72(1)(b)(ii)

, the issues surrounding the *Charter* must be well versed and fully understood from your first enforcement contact and throughout your service. There is very little room for error when dealing with an individual's rights and freedoms. This is why you see this chapter as the first in your Guide and why you will continue to see references to the "Charter" throughout.

In respect to your duties by far the most important sections you will have to deal with in the Charter are sections 7 to 14. These chapters outline the legal rights of every citizen and resident in the country. These rights are established to provide basic protection to people dealing with the system of justice, and to ensure fairness in all legal proceedings. It further describes the limits and actions required when dealing with accused and arrested persons.

Mistakes in these matters can be damaging to the victim, to you, to the credibility of your organization as well as to the credibility of the justice system.

Policy/Important Principles: Legal Rights

Section 7 - Everyone has the right to life liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Implications: You must be selective and careful in detaining or arresting people, and ensure that your grounds are always sufficient to convince a justice or a judge.

Section 8 - Everyone has the right to be secure against unreasonable search and seizure.

Implications: All your searches must be conducted according to law, preferably with a warrant. You must be able to convince a court that any evidence presented was obtained through legal procedures, on reasonable grounds and is completely justified. (This will be detailed in Arrest Chapter, and Evidence Gathering Chapter)

Section 9 - Everyone has the right not to be arbitrarily detained or imprisoned.

Implications: This section has implications when you stop or arrest a person. You cannot arbitrarily stop people. Make sure you have reasonable grounds to stop a person and that you have the authority to do so under the applicable Acts which you are working.

Section 10 - Everyone has the right on arrest or detention:

- **to be informed promptly of the reasons therefore;**
- **to retain and instruct counsel without delay and to be informed of that right; and**
- **to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.**

Implications: You must help the person to consult a lawyer and you must take them before a justice within 24 hours, or as soon as possible, if no justice is available. The onus is on the arresting officer to expedite these matters and ensure these rights are accommodated. This will be discussed further in the Arrest and Detention Chapter.

Section 11 - Any person charged with an offence has the right:

- a) **to be informed without unreasonable delay of the specific offence;**
- b) **to be tried within a reasonable time;**
- c) **not to be compelled to be a witness in proceedings against that person in respect of the offence;**
- d) **to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;**
- e) **not to be denied reasonable bail without just cause;**
- f) **except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;**
- g) **not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or International law or was criminal according to the general principles of law recognized by the community of nations;**
- h) **if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and**
- i) **if found guilty of the offence and if the punishment for the offence has been varied between the time of the commission and the time of sentencing, to the benefit of the lesser punishment.**

Implications:

- Subsection 11(a) You must immediately tell a person why they have been charged. To delay would jeopardize your case.
- Subsection 11(b) When delays occur in presenting a person for trial, you will have to show they were not caused by your actions.
- Subsection 11(d) You should treat people with respect for their presumed innocence until their guilt has been established.
- Subsection 11(h) Once a person has been acquitted of a charge or punished for an offence, you may not lay a charge or take enforcement action regarding the same offence.

Section 12 - Everyone has the right not to be subjected to cruel and unusual treatment or punishment.

Implications: The main implication of this section is how you treat your prisoners (arrested persons). Interrogations must be conducted in a manner respectful of human dignity and physical abuse of any prisoner or suspect is prohibited.

Section 14 - A party or witness in any proceeding who does not understand or speak the language in which the proceedings are conducted, or who is deaf, has the right to the assistance of an interpreter.

Implications: To comply with this section you may be called on to provide suitable interpreters for languages common to your work area. You should also have knowledge of where you can obtain the services of an interpreter for the deaf.

CHAPTER 2: Evidence

OBJECTIVE:

Aid in recognizing, collecting and recording evidence obtained. Attention will be paid to policy, and law, especially the Charter of Rights and Freedoms.

General Overview

Evidence comes in many shapes and forms, and there are a multitude of rules and laws surrounding the collection and recording of that evidence. This Manual will deal in three categories: Oral (Statements); Physical or Real Evidence; and Picture/Video Evidence.

Evidence will be found through search and seizure, voluntary statements or in the field while on patrol. This Chapter will deal with how to properly collect the evidence following policy and rules of law. Look to the Search and Seizure Chapters for specific authority in collecting evidence when searches and warrants are required.

Statements

There are three basic types of statements:

- Witness Statement
- Warned Statement
- Warned Witness Statement - This type is for rare circumstances and will be discussed briefly.

What is a statement and what are the reasons for taking a statement?

A statement is a formal account of the facts pertaining to the matter under investigation.

Reasons for using a statement:

- Useful to investigators to learn the details of an offence or an incident.
- Taken to ensure that the crown prosecutor and defence counsel are informed of all the facts

- Saves investigational time and money by collecting information in a detailed and accurate manner without having to go back and re-interview witnesses.
- Without statements, names of witnesses or even suspects can be misplaced and are not readily available to investigators.
- Taking statements requires that investigators review the essential elements of the offence with the person giving the statement.
- Helps refresh the memory of the statement giver at a later date.
- Written contents of the statement justifies an investigator's action: may aid in obtaining search warrants or arrest warrants, helps form the basis for a charge, and in non-enforcement situations, for example problem wildlife, statements may aid in deciding if a bear should be relocated or destroyed.
- In some cases, it may be necessary to use the statement to cross-examine the witness if the witness becomes hostile.
- Helps bring other investigators up to speed on the file should other officers need to be involved or assist with the investigation.

Components of a statement:

There are some basic components to any statement, which will not vary by the nature of the incident involved or the region in which you work.

1. Pre-Interview - Brief statement of the story by the statement giver - listen intently.
2. Basic Information - Date, Time & Place the statement was taken.
3. Description and relevant information on witness: Name, D.O.B., address, phone number, e-mail, occupation, (vehicle number plate, make and model if available)
4. Narrative - Description of what happened
5. Clarification - Questions and answers
6. Confirmation of statement accuracy
7. Signatures
8. Concluding Time and Date statement was taken.

Part I – Pre-Interview

72(1)(b)(ii)

Part II - Basic Information

There is a standard *Statement from a Witness Form*, as well as a *Warned Statement Form*, which should be kept in your duty bag and is easily completed by filling in the appropriate blanks. In absence of this form, the following information should be included in the written statement, or recorded if using audio/video to tape the interview.

- Time the statement started (regular time or 24 hour clock)
- Date, including the day of the week. (e.g. Saturday, 25th September 2003)
- Location the statement is being taken. (e.g. Park Ranger Vehicle, KM 98 Dempster Hwy, Yukon Territory, Dawson City District.)

Part III - Description of and relevant information on witness

- Full Name, Date of Birth (DOB)
- Phone number: work and home. Address: mailing and resident address.
- Other identifying information, like occupation.
- The matter that is being investigated.
- 72(1)(b)(ii)

Part IV – Narrative: Description of what happened

The Narrative section forms the main part of the statement. It is a description of the incident involved as remembered by the witnesses. ^{72(1)(b)(ii)}

Recorded Statements:

- Be sure all Basic information in Part II, and Description and Relevant Information on Witness in Part III, is recorded.
- Test your equipment first.
- Make sure you and the witness speak clearly.
- Clearly label and secure the tape once the statement is over.
- Have the statement transcribed, review the transcript ensuring total accuracy word for word, and complete the Transcript Review Certificate.

Part V - Clarification: Questions and Answers

After witnesses have given their accounts of what they remember about the incident, the statement taker should then seek specific details relating to the incident. ^{72(1)(b)(ii)}

72(1)(a)(ii)

Part VI-Confirmation of statement accuracy

After the witness has provided the information and has answered the statement taker's questions, the statement should be reviewed with the witness. Many times, reviewing of information at this stage will produce forgotten information.

If any changes are made have the witness initial any changes along with your initials to signify that the changes were made at the time the statement was obtained.

72(1)(b)(ii)

When reviewing the statement, this is a good time for you to determine if you covered the 5w's and how.

1. Who?
2. What?
3. Where?
4. Why?
5. When?
6. How?

Try your best to get all of the information the first time. Getting a second statement to clarify things said or to cover questions missed can be very difficult and may unnecessarily bother your witness.

Part VII - Signatures

After thoroughly reviewing the statement with the witness, you should then ask them to sign the statement. If the witness does not wish to sign the statement, a notation should be made to that effect ^{72(1)(b)(ii)}

The lack of signature has nothing to do with the truthfulness of the statement.

The signature and initialling should be witnessed by the investigator. If there is more than one page, the investigator and witness should also initial and date each page at the bottom right hand corner. An occurrence number can also be placed on the bottom right corner if one exists.

Part VIII - Concluding time and date

As a formality, the concluding time and date for the statement should be noted below the signatures of the witness and the investigator.

Warned Statements

We have now seen the standard 8 steps of taking a witness statement. These steps remain the same for all statements, but an added two are required for a **warned statement**.

When is a Warned statement required?

As a Park Ranger/Officer you are considered to be “a person in authority.” As such, you are required to advise a suspect of his/her rights if you intend to question the suspect. As well, while interviewing a witness you suddenly suspect that he/she has committed the offence under investigation, immediately stop taking the witness statement and advise them of the following legal requirements of *A Person In Authority*.

You must advise the person that they are a suspect and advise them of the matter of the investigation.

As per section 10 of the CHARTER OF RIGHTS AND FREEDOMS, you must advise the suspect that he or she has the right to obtain and instruct counsel without delay. Case Law also requires that you advise the suspect that they have the right to contact and apply for Legal Aid, free of cost. You are also required to provide the phone number for Legal Aid. This question should be followed up with, “Do you wish to call a lawyer?” (R v POZNIAK, 1994)

72(1)(b)(ii)

You are also obligated to give the POLICE WARNING which outlines that the suspect does not have to say anything to you, but if chooses to do so, everything said will be entered into evidence.

Review: When taking a statement from a suspect or questioning a suspect you must:

1. Advise them of their right to contact counsel (RTC)
2. Advise them of their right to legal aid (LA)
3. Read them the police warning. (PW)

It is not enough that you advise them of their rights; you must also provide reasonable access to exercise these rights without delay and provide privacy when they are talking with counsel.

If the suspect chooses not to speak to counsel and acknowledges understanding his/her rights, you may resume questioning. If the suspect indicates that he/she would like to speak with counsel you have to stop questioning that suspect immediately and provide them the opportunity to do so.

Once the suspect has spoken with counsel you may resume questioning. Many lawyers will advise their client not to speak. This is only advice and the suspect can choose on his or her own if they wish to follow that advice. After you have afforded them their rights under section 10 of the Charter and they have exercised them, you may resume questioning.

When speaking to a suspect that has already spoken to another officer or another person in authority it will be necessary for you to administer what is called a secondary warning.

This must be read; despite the fact a primary warning has already been given. ⁷²⁽¹⁾
(b)(ii)

Young Offenders

Where a young offender is a suspect, Section 56(2) of the YOUNG OFFENDERS ACT provides very specific directions for the taking of statements.

A young person is the Age of 12 and under 18.

56 (2) No oral or written statement given by a young person to a peace officer or other person who is, in law, a person in authority is admissible against the young person unless:

- The statement was voluntary
- The person to whom the statement was given has, before the statement was made, clearly explained to the young person, in language appropriate to his age and understanding, that
 - the young person is under no obligation to give a statement
 - any statement given by him may be used as evidence in proceedings against him
- the young person has the right to consult another person in accordance with paragraph (c) and
- any statement made by the young person is required to be made in the presence of the person consulted, unless the young person desires otherwise:
- the young person has, before the statement was made, been given a reasonable opportunity to consult with counsel or a parent, or in the absence of a parent, an adult relative, or any other appropriate adult chosen by the young person; and
- where the young person consults any person pursuant to paragraph (c) the young person has been given reasonable opportunity to make the statement in the presence of that person.

(3) The requirements set out in paragraphs 2(b)(c) and (d) do not apply in respect of the oral statements where they are made spontaneously by the young persons to a peace officer or other person in authority before that person has had a reasonable opportunity to comply with these requirements.

(4) A young person may waive his rights under paragraph (2) (c) or (d) but any such waiver shall be made in writing and shall contain a statement signed by the young person that he has been apprised to the right that he is waiving.

(5) A Youth Court Judge may rule inadmissible in any proceedings under this act a statement given by the young person in respect of whom the proceedings are taken if the young person satisfies the judge that the statement was given under duress imposed by any person who is not in law, a person in authority.

Warned Witness Statement

This warning is used when the investigator believes that the witness may provide a honest account in the present but may change his or her story later. This is not frequently used and serious consideration should be given to all circumstances before deciding to use a warned statement with a witness.

Refer to the Warned Statement from a Witness form, as the warning is vastly different from the warning issued to a suspect.

Physical or Real Evidence

The following provides recommended general practices for handling and identifying physical and documentary evidence. It does not address specific types of evidence (e.g. blood, hair, scat)

Important Principles:

Maintain and Document Continuity of Possession - At trial, the crown may be required to show when, where, and how each item of evidence was obtained and how it was handled from the time it was obtained to the time it is introduced as evidence. This process helps the court determine whether the item was originally connected to the offence charged and whether there has been any change in the condition of the item since it was obtained that would diminish its relevance. To show continuity of possession and condition, evidence should be marked with:

72(1)(b)(ii)

Transferring Evidence - Ensure the person you are transferring the evidence to:

72(1)(b)(ii)

Handle Evidence Properly: ^{72(1)(b)(ii)}

Follow these steps when you handle evidence:

^{72(1)(b)(ii)}

STEPS IN THE IDENTIFICATION AND HANDLING OF PHYSICAL AND DOCUMENTARY EVIDENCE

^{72(1)(b)(ii)}

Photography and Video Evidence

^{72(1)(b)(ii)}

72(1)(b)(ii)

CHAPTER 3: Searches

OBJECTIVE:

To aid in Evidence Collection where Warrants are involved and to recognize when warrants are required, and the use and implications of Consent searches. Particular attention will be paid to the applicable sections of the Charter of Rights and Freedoms.

General Overview:

During the course of work, it may be important to conduct a SEARCH. Search authorities are found within the Acts under which you are working. Park Officers also have INSPECTION authorities ^{72(1)(b)(ii)}

As you recall from Chapter One, the Charter of Rights and Freedoms under Section 8 states: “everyone has the right to be secure against unreasonable search and seizure”

^{72(1)(b)(ii)}

Furthermore, for the purpose of inspections you should be familiar with Section 9 of the Charter, which states: “everyone has the right not to be arbitrarily detained or imprisoned.”

Following Chapter Two, the guidelines for evidence collection and handling will remain the same. This Chapter will focus on the legal process required when attempting to get evidence through SEARCHES.

Policy/Important Principles

Inspection vs Search

Inspection authorities are found within the Acts under which you are working at any particular time during the course of your duty. Each Act will outline, where, when and what you are allowed to inspect and for what purpose. Inspection authorities speak to most locations. **Except for a Dwelling House.** A person’s home is regarded with

the highest level of privacy, and with few exceptions a warrant must be obtained before a search of a dwelling house can be conducted.

Remember that a tent or trailer can be viewed as a 'dwelling' or 'temporary dwelling' by the courts.

Remember Section 8 of the Charter, ^{72(1)(b)(ii)}

When conducting an inspection, it is generally held that the person is being DETAINED. In other words, they are not free to go until the inspection is complete. Therefore, you must be further cognisant of Section 9 and 10 of the Charter.

Lets look at an example: If the Parks and Land Certainty Act permits a Park Officer to stop and inspect any vehicle, for compliance with the Parks and Land Certainty Act and Regulations (see Sec 136 (1) WA) The officer must be able to show that (a) it was for the purpose of an inspection to ensure compliance or enforce provisions of the Act and (b) the stopping of the vehicle was not arbitrary.

^{72(1)(b)(ii)}

72(1)(b)(ii)

A Wildlife Act scenario::

72(1)(b)(ii)

72(1)(b)(ii)

To keep it simple, we will identify two types of searches:

1. Searches without a warrant
2. Searches with a warrant

Searches without a warrant

Again, your authority to search with and without warrant falls under each specific Act that you are enforcing. Review inspection and search authorities so you are familiar with the powers under each Act, ^{72(1)(b)(ii)}

- **Search incidental to arrest** - this will be dealt with further in the arrest/use of force chapter but is useful here. Common Law allows an officer to search an arrested individual for: mechanisms of escape, or injury, any property which he in good faith believes to be connected with the offence charged, or that may be used as evidence against him, or that may give a clue to the commission of the crime or the identification of the suspect.
- **Plain view Doctrine** - Occurs when evidence falls into the plain view of an officer who is lawfully in the position he/she is in and who has reasonable grounds to believe that the evidence seen is incriminating. The item must be obvious and visible without positive action of the officer to make it observable. The doctrine ceases to operate if a further invasion of privacy must precede or accompany the seizure.
- **Protect Life or Prevent Injury** - Any time you have reasonable grounds to believe that immediate entry is necessary to protect life or prevent serious injury, then search without warrant is justified. ^{72(1)(b)(ii)}

72(1)(b)(ii)

- **Public Grounds** -You are authorized to search areas considered to be in the public domain. It covers any space to which the public has free access.
- **Fresh Pursuit** - Is more applicable to Police services, however, it does provide the authority to enter into any place if in fresh pursuit to arrest a person, but ONLY to make that arrest and you can only search the individual incidental to arrest and NOT the location.
- **Consent Searches** - For a search to be consensual and hence reasonable the person consenting must have truly waived the right not to be searched. Valid consent will be informed consent; that is, it must be voluntary, issuing from an operating mind with the person having knowledge of the consequences. The suspect must be made aware that he/she is not required to respond to questions or to submit to a search. The purpose of the intended search must be made clear. Consent must be expressed by word or explicit conduct and cannot be inferred by silence or compliance. A person may give a general consent or may limit consent in some way. ^{72(1)(b)(ii)}

Remember these 6 points for consent searches:

1. Consent must be given expressly, use consent to search form where possible.
2. The giver of consent must have the authority to give consent
3. The consent must be voluntary, not as a result of coercion.
4. The giver of consent must be aware of the reason they are asked to give consent
5. The giver of consent must be aware of the right to refuse consent at any time.
6. The giver of consent must be aware of the consequences of giving consent

Exigent Circumstances - Again, your authority to search without a warrant with exigent circumstances varies from Act to Act, and it is important to know if the Act you are enforcing allows you to use exigent circumstances to search without a warrant. Exigent Circumstances are those where grounds exist to obtain a warrant but the delay in getting the warrant would result in loss or destruction of evidence, or serious injury or loss of life. Section 78 (3) of the Parks and Land Certainty Act allows for 'urgent' (exigent) circumstances but this authority does not include a dwelling house.

72(1)(b)(ii)

Searches with a warrant

When you have grounds to believe an offence has been committed, and evidence exists in a location that requires you to have a warrant, each Act will detail provisions surrounding obtaining a search warrant and where, when, how, and expiry date of the warrant. Section 77 (1)-(3) and 78 (1)-(3) of the Parks and Land Certainty Act deals with searches with warrant. ^{72(1)(a)(ii)}

A Search Warrant is ALWAYS required under the Parks and Land Certainty Act and the Wildlife Act to search a dwelling house.

72(1)(b)(ii)

Powers and Authorities for Search and Inspection for Park Officers

INSPECTION - Sec. 76(1) Parks and Land Certainty Act – “For administration of this Act and Regulations, a Park Officer may, at any reasonable time make inspections in relation to vehicles, boats, conveyances within a park”. Make verbal enquiries of any person, require the production of documents.

Sec. 9 Wilderness Tourism Licensing Act– Operator or guide providing ID or any other document under the Act to an Inspector.

Sec 10 Wilderness Tourism Licensing Act – Other powers of inspection.

SEARCH - Sec 78(3) PLCA – A Park Officer may search a vehicle or other place that is not a dwelling without warrant if urgent circumstances exist related to an offence and the need to obtain evidence related to said offence.

*** These powers do not extend to dwellings or any “unit in a park that is designed to be mobile and used as a permanent or temporary residence” ***

CHAPTER 4: Arrest and Use of Force

OBJECTIVE:

Aid in recognizing arrest authority and Charter requirements upon arrest. Become familiar with the authorized use of force.

General overview

As with previous Chapters, the Charter of Rights and Freedoms will play a significant role in authority and power that is exercised by an officer. Arrest is a serious matter. Anytime a person's liberty is taken away a number of standards must first be met. Most of these are outlined in statutes such as the Charter of Rights, the Parks and Land Certainty Act and the Wildlife Act. Others are found in interpretations provided by case law. ^{72(1)(b)(ii)}

Arrest

Your powers or authority to arrest fall under the individual Acts which you are enforcing. For example; Section 75(1) and (2) of the Park and Land Certainty Act informs Park Officers when they can and cannot arrest. Section 156 of the Wildlife Act outlines the provisions under which a Conservation Officer can make an arrest.

^{72(1)(b)(ii)}

72(1)(b)(ii)

Steps of an Arrest

72(1)(b)(ii)

72(1)(b)(ii)

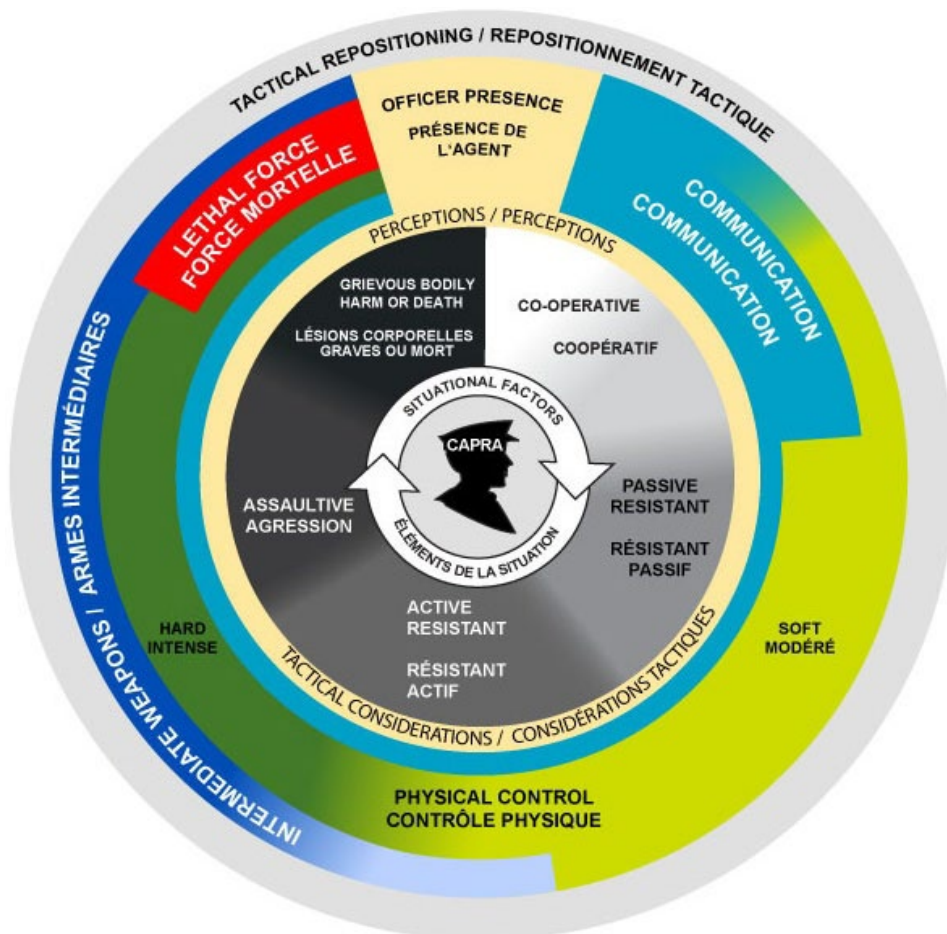
This scenario may help to illustrate this point:

72(1)(b)(ii)

72(1)(b)(ii)

Use of Force Continuum

Above, reference was made to a “Use of Force Continuum.” The Continuum is a Model, accepted nationally, to guide law enforcement officers in appropriate levels of force when faced with a particular level of resistance by a suspect. ^{72(1)(b)(ii)}



Arrest – Guidelines for Yukon Park Officers

There are two pieces of legislation that grants a Park Officer the power to make an arrest. The authority in which your power stems from is found in The Parks and Land Certainty Act. & Regs. and/or the Criminal Code of Canada.

The Parks and Land Certainty Act is a territorial piece of legislation specific to the Yukon while the Criminal Code is a piece of federal legislation applicable to all of Canada.

Sec. 75 PLCA – Park Officer's power of arrest (finds committing/believes on reasonable grounds has committed)

Sec. 50(4) PLCA – Park Officer as 'Peace Officer' (within the meaning of the Criminal Code for the purpose of enforcing this Act and has the powers, duties and protections provided by law to peace officers)

Peace Officer (Criminal Code) "peace officer" includes; a police officer, [police constable](#), [bailiff](#), constable, or **other person employed for the preservation and maintenance of the public peace** or for the service or execution of civil process, (This is the definition applicable for a Park Officer)

Sec. 495 (Criminal Code) - Peace Officer's powers of arrest without warrant. (See attachment)

Sec. 494 (Criminal Code) – Arrest without warrant by any person.

72(1)(b)(ii)

72(1)(b)(ii)

What should be considered when contemplating the arrest of someone in a Park setting for a Criminal Code violation;

72(1)(b)(ii)

72(1)(b)(ii)

Other circumstances when arrest under the Park and Land Certainty Act or Criminal Code may be contemplated by Park Officers;

72(1)(b)(ii)

The process of making an arrest goes something like this;

72(1)(b)(ii)

72(1)(b)(ii)

Use of Force – Guidelines for Yukon Park Officers

There are two pieces of legislation that grants a Park Officer the power to use force if necessary. The authority in which your power stems from is found in The Parks and Land Certainty Act. & Regs. and/or the Criminal Code of Canada.

Sec. 74 PLCA – Reasonable Force for eviction. This section deals with using a reasonable amount of force to evict a non-compliant person from a park or prevent them from re-entering. It also allows reasonable force to be used to remove property in certain situations.

Sec. 25(1) Criminal Code – Using as much force as necessary to arrest. This section covers all instances that a Park Officer may effect an arrest under the PLCA and the criminal code.

Everyone required or authorized by law to do anything in the administration or enforcement of the law as a private person or a peace officer is, if he acts on reasonable grounds, justified in doing what is required/authorized to do and in using as much force as is necessary for that purpose.

72(1)(b)(ii)

Sec. 26 Criminal Code – Excessive Force. Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

72(1)(b)(ii)

72(1)(b)(ii)

Sec. 27 Criminal Code – Use of force to prevent commission of offence. Everyone is justified in using as much force as necessary to prevent the commission of an offence that the offender could be arrested for without warrant or that would likely cause immediate and serious injury to the person or property of anyone.

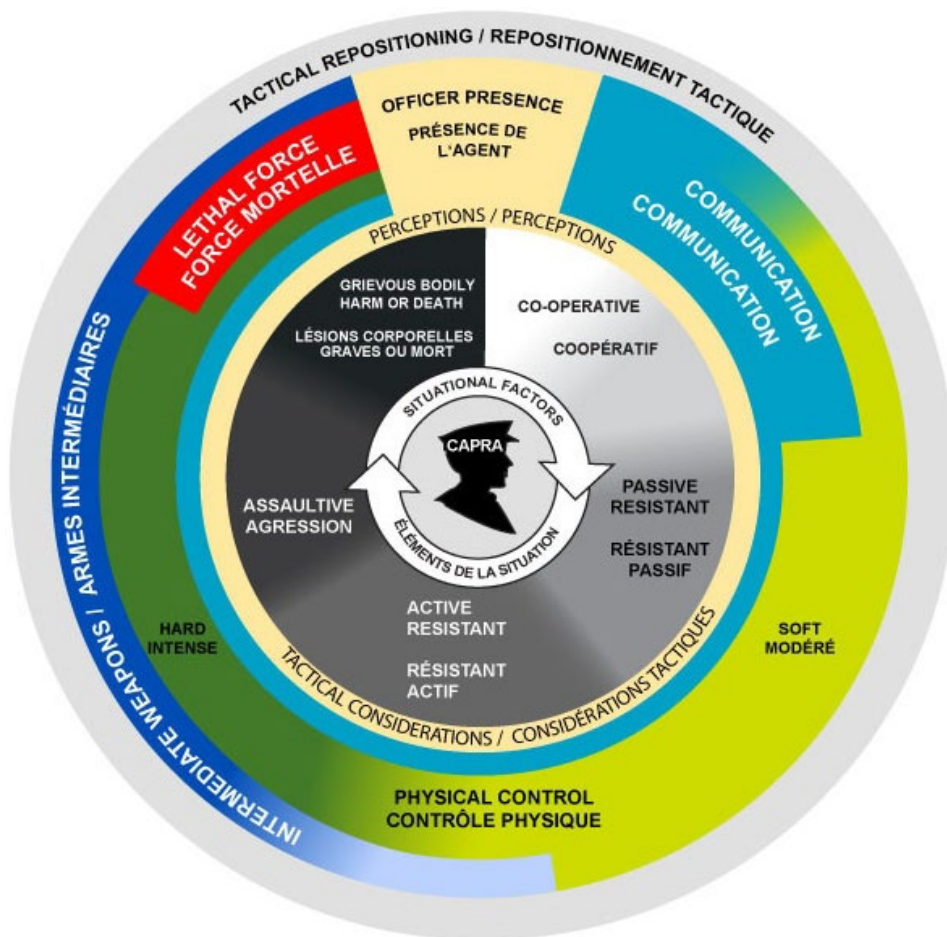
Sec. 34(1) & (2) Criminal Code – Self-defense against unprovoked assault. Everyone who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than necessary to enable him to defend himself. ^{72(1)(b)(ii)}

Sec. 37(1) Criminal Code - Preventing Assault. Everyone is justified in using force to defend himself or anyone under his protection from assault, if he uses no force than is necessary to prevent the assault or repetition of it.

72(1)(b)(ii)

The National Use of Force Framework

Be familiar with the above noted framework and the need to continually assess the situation. The Framework is summarized as follows;



CHAPTER 5: Judicial Process

OBJECTIVE:

To familiarize you with the process involved in laying charges, and compelling witnesses and suspects to court. You will be introduced to forms such as the Summary Conviction Act Ticket, Appearance Notice, Summons, Information, and Subpoena.

General Overview

In the course of your duty it may be required for you to charge a person for an offence under one or more of the Acts or regulations that you have the authority to enforce. It also may be required to attend court and compel suspects or witness to attend court.

In order to charge an individual with an offence or compel a witness to court there is a Judicial Process that must be followed. This process usually involves completing prescribed forms/tickets, providing copies to the accused or witness, presenting them to a justice and swearing or affirming the allegations and the service of documents to the parties required.

In this Chapter you will be introduced to the following forms:

- The summary conviction act ticket
- The subpoena
- The information
- The summons
- The appearance notice

The Summary Conviction Act Ticket (SCAT)

The SCAT is the most often used form of a charge used by Park Officers. It is a ticket used for minor offences, which enables the accused to avoid court attendance by paying a prescribed fine. With the ticket, the accused still has the ability to plead not guilty and attend court to provide his or her account/defence.

The Summary Conviction Act, outlines the rules for giving an individual a ticket and outlines the prescribed fine and wording for the offence. A SCAT can also be used to compel someone to court where there is no set fine for an offence, such as all those listed under the Parks and Land Certainty Act. If there is no ticket option, you will have to use an INFORMATION. This will be described in detail later.

Completing a ticket

A SCAT contains essential elements that must be filled out. For the most part you just fill in the blanks. Double-check your information. Minor mistakes can lead to a dismissal of the ticket in court.

SUMMARY CONVICTIONS ACT TICKET CHEAT SHEET

ISSUING TICKETS

Part A: Completing the Complaint

Ensure all identifying information is entered accurately and completely, including:

- Full name of individual charged, DOB, address, etc.
- Driver's licence information (or other form of ID in notes on back)
- Vehicle info if applicable

Enter the date, time and location of offence:

- Location can be nearest community or identifiable area (eg. Marsh Lake)

Enter the offence(s) with which the individual is being charged:

- list the section number, abbreviation of the act and description of the offence (doesn't have to be exact wording)
- if you are seeking the specified fine amount and allowing the option for voluntary payment, enter the fine amount and surcharge
- refer to the Summary Convictions Booklet to determine if an offence is ticketable and for the fine and surcharge amounts.
- If an offence has occurred but is not ticketable, contact our office for assistance

Sign the ticket as the issuing officer - please print clearly so we can identify you

Part B: Explaining options to the Defendant

Once a ticket has been issued, the defendant has 30 days to respond by:

- 1) Paying the ticket - information on how to do so is on the back of the defendant's copy.
- 2) Pleading not guilty - instructions are on the ticket, or the defendant can attend the court registry for assistance.
- 3) Requesting a Court Appearance – the accused can attend the court registry to request an appearance or contact them by phone if they are unable to attend in person.

****** Info on calculating 30 days is found on the back of the defendant's copy of the ticket

Part C: Summons

A ticket may be used as a summons ^{72(1)(b)(ii)}

- Do not enter fine amounts in “Part A” and Strike out “Part B”
- Fill in the date and location of the court appearance:
 - In Whitehorse - court sits every Tuesday at 2:00 p.m. for territorial offences
 - In communities – refer to circuit court calendar
- **** Location must include the full address of the courthouse
- If you are using the ticket as a summons, you must swear the ticket before first appearance

Part D: Certification of Personal Service

To be completed upon service of the ticket.

- Must be personally served upon the defendant
- Does not have to be served by the same person who issued the ticket
- Must be served within 30 days after the day on which the offence is alleged to have been committed.

DISTRIBUTING COPIES OF TICKETS

Once a ticket has been issued, the copies are to be distributed as follows:

- Original goes to the court registry – do this ASAP (must be within 30 days after date of service)

- Defendant's copy is provided to them
- A copy with case summary on back should be sent to Amber Drift at the territorial Crown office (see contact info below)
- Remaining copies – refer to your office procedures but ensure that you keep a copy of the front as well as your notes on the back.

SWEARING TICKETS

Tickets need to be sworn:

- Before a trial can proceed
- Before a warrant can be issued
- When the ticket is used as a summons (before the first court appearance)

Best practice: swear all tickets for which a court date has been/is being set

How will you know when a trial date is set or a court appearance is requested?

- The court registry will send you a notification advising that the ticket needs to be sworn
- When a trial is being scheduled our office will contact you to obtain your availability

How to swear tickets:

- In Whitehorse: tickets can be sworn in person at the courthouse between noon and 1:00.
- In communities: by fax or local JP – contact the court registry for more information

PREPARING FOR A COURT APPEARANCE

When a ticket goes to court, we may require you to:

- Provide us with a court package
 - Includes all materials relating to your investigation (eg. notes, pictures, statements)
 - Can be submitted by mail or scanned and emailed to Amber Drift
- Provide your availability for trial and attend court to testify on the trial date (we will assist you in this process).

ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT US:

Yukon Justice

Julie DesBrisay, lawyer - 667-5823

Legal Services Branch
PO Box 2703 (J-2)
Whitehorse, YT
Y1A 2C6

Julie.desbrisay@gov.yk.ca

Lee Kirkpatrick, lawyer – 667-5480
Lee.kirkpatrick@gov.yk.ca

Peterson Ndlovu, paralegal - 667-5631
Peterson.Ndlovu@gov.yk.ca

Amber Drift, paralegal - 667-5100
Amber.Drift@gov.yk.ca

****Our offices are located on the 2nd and 3rd floors of the courthouse building****

Now that the ticket has been issued:

- You now need to swear the information on the ticket is correct. You do this before a justice.
- You then need to swear on the back of ticket that you served the ticket on the person and that the information is accurate.
- Once these two steps are done, you must submit the “court copy” of the ticket to the court registry office in the community or city in which the ticket was issued.
- Keep the officer copy of the ticket. Court Registry will notify you if and when the ticket is paid.
- Keep track of the court date for that ticket and be prepared to attend court if the fine is not paid.

Using the SCAT as an Appearance Notice

An Appearance Notice is a document issued by a peace officer, before an information has been sworn, to a person accused of an offence, commanding that person to appear in court to answer a charge. An appearance notice is used when the accused has not been arrested or where the accused has been arrested and released. The appearance notice may also be used if the seriousness of the offence or the

circumstances around the offence doesn't justify giving the person the option to pay a fine prescribed by a ticket. ^{72(1)(b)(ii)}

To use the SCAT as an Appearance Notice, the offence must be Territorial (e.g. Wildlife Act, Parks and Land Certainty Act, Environment Act, etc)

- Follow all the steps listed above, EXCEPT for the Fine option. Put an X through the fine option section of the ticket and initial the X.
- Explain to the accused that he/she must attend court on the date specified on that form. The ticket has now become an appearance notice.
- Follow the same steps for swearing the ticket before a justice.

What is now required is an **INFORMATION**-a document sworn before a Justice alleging that an accused has committed an offence. An information starts legal proceedings against the accused.

The INFORMATION requires the following details:

- Venue—the Jurisdiction of the Information---Yukon Territory
- Informant's name, address, and occupation---you are the informant, use your work address and write Park Officer.
- Accused name, date of birth, address, date and place of the offence.
- The charge - There are several places that you can locate the proper wording of the charge. Refer to other officer's files.

The INFORMATION must be in writing (typed), under oath, and before a justice.

This means that you need to type up the INFORMATION, with all required information on it. Swear under oath as to the validity and accuracy of the charge, and do so before a justice.

Information and a summons

Summons is a document issued by a justice (drafted by the officer and sworn before a justice) to an accused requiring him to appear in court at a specified time and place in order to answer to a charge. A summons will be issued on acceptance by the justice of an information and being satisfied that there are reasonable and probable grounds to issue a summons.

Most often you bring the INFORMATION and SUMMONS (completed) into the justice at the same time. If the justice is satisfied that the INFORMATION is valid, the justice will then sign the SUMMONS. You then must serve the SUMMONS to the accused.

Summary: If you use an APPEARANCE NOTICE you must complete the INFORMATION AFTER the appearance notice is given. If you want to use a SUMMONS, the INFORMATION is made BEFORE the summons is served.

Use one or the other: an appearance notice or a summons - never both.

Statute of Limitations

Prior to laying a charge, either in ticket form (SCAT) or in Long Form (SUMMONS / INFORMATION) you should be aware that some Acts and Regulations have statutes of limitation. This means that there is a maximum length of time for which you have to charge a person for an offence, from the time the offence was committed. Under the Summary Convictions Act you have 30 days to charge a person by way of a ticket (SCAT). Section 94 of the PLCA states the limitation period for all offences under both the Act and the regulations is two years. If the 30 days pass, you will have to swear an INFORMATION and serve a SUMMONS for the other Acts and Regulations.

The Subpoena

This is a document issued by a justice (drafted by the officer and signed by the justice) requiring a witness to appear in court at an indicated time and place in order to give evidence.

The subpoena is valid anywhere in Canada, shall be served by a peace officer and shall be delivered personally to whom it is directed, or if that person is not conveniently found, shall leave it for him at his latest or usual place of abode with an inmate thereof who appears to be at least 16 years of age.

Leaving the subpoena with someone else is called “Substitutional Service.” This can only be done in the province or Territory in which the subpoena was issued.

A subpoena may be served on a holiday.

A subpoena must contain similar information to the INFORMATION including any evidence that is required of the witness to bring.

Once the Subpoena has been served you must complete the **Affidavit of Service**. This is normally found on the reverse side of the Subpoena. You must note how you served the subpoena, either in person or substitution service, and then cross out the one that does not apply. Failure to complete this affidavit will limit the court’s ability to issue a warrant for the arrest of the witness if they fail to appear for court.

CHAPTER 6: Acts and Regulations

OBJECTIVE:

Introduce the variety of Acts and Regulations that the Park Officer will be referencing, interpreting and applying on a daily basis.

General Overview

Varied activities throughout a working day are most often governed by one piece of legislation or another. Different Acts and Regulations will provide you with different authorities, roles, and powers. There will be varied requirements when particular events occur and certain actions are taken.

72(1)(b)(ii)

This Chapter will introduce you to the Acts and Regulations that you will work with the most.

Almost every Act has regulations made under it. Some Acts have several different Regulations.

There are multiple regulations made under the *Environment Act*, which are specific to related activities. (ie. Solid Waste Regs. Under the E.A.)

Some Acts are Federal, e.g. Fisheries Act, Migratory Birds Convention Act

Some Acts are Territorial, e.g. Wildlife Act, and the Wilderness Tourism Licensing Act.

Your authority and responsibilities will be outlined in each of the Acts. 72(1)(b)(ii)

Commonly used Acts:

Wildlife Act	Territorial
Parks and Land Certainty Act	Territorial
Environment Act	Territorial
Wilderness Tourism Licensing Act	Territorial

Commonly used Regulations:

Campground regulations	Under the Parks and Land Certainty Act
Solid waste regulations	Under the Environment Act
Dempster Highway regulations	Under the Area Development Act
Wilderness Tourism Regulations	Under Wilderness Tourism Licensing Act
Trapping Regulations	Under the Wildlife Act

The above are commonly used Acts and Regulations, but are by no means a complete list of Acts and Regulations that you may be required to apply during the course of your duties.

Finding a section in an Act or Regulation

Almost every Act or Regulation starts out with a Definition section. It is important, when reading a section that you check to see if a word is defined to have a specific meaning. This will help in deciding if an offence has occurred or not.

An example: In the *Wildlife Act* it is an offence to have a loaded firearm in a vehicle.

There are some key elements here for an offence to take place. The key elements are:

Loaded firearm

In a vehicle

What is a vehicle? What is a firearm? What constitutes a loaded firearm?

This is where you would look to the Definition section of the Act or Regulation to help you determine if in fact you have an offence. Some Acts have different definitions for the same word.

The *Wildlife Act* does not consider a boat to be a vehicle, whereas the *Migratory Birds Convention Act* does.

So, if a person were to shoot from a running boat at a moose, an animal governed by the *Wildlife Act* there would be no offence. Yet, if a person were to shoot at a *Migratory Bird* while in a running boat, there would be an offence.

After the Definition Section there are General Headings. Under these headings you will find the specific prohibitions, authorities, exemptions, etc... These general headings are divided into Parts. All sections under a 'Part' deal with specific topics. The *Parks and Land certainty Act* for example, has 7 Parts. Part 1 (Interpretation/Definitions) Part 6 (Offences) and Part 7 (Administration and Enforcement) are relevant for Park officers whereas Part 2 (Establishing Parks) is

much less relevant for our purposes. Some 'parts' have more sections than others, depending on the complexity of the topic.

Some Acts and Regulations make reference to Schedules or Appendix. These are lists found at the back of the Act or Regulation that are typically too long to include in the body of the legislation. Examples include: a list of established parks and their designation.

The **authority** that grants us **power** to **enforce** is always found in an Act or Reg.

72(1)(b)(ii)

Relevant Criminal Code Offences

Impaired Driving (Sec. 253 CC) – everyone commits an offence who operates a motor vehicle or vessel or has care or control of same whether in motion or not, while the person's ability to operate the vehicle is impaired by alcohol or drugs.

As a Peace Officer you have the power to arrest someone for impaired driving, the justification for arrest being to prevent the offence or the continuation of the offence.

72(1)(b)(ii)

72(1)(b)(ii)

Theft (Sec. 322 CC) – Everyone commits theft who fraudulently and without colour of right takes anything to deprive, temporarily or absolutely, the owner of it, or a person who has a special property or interest in it.

As a Peace Officer you have the ability to arrest someone for theft in a park setting.

72(1)(b)(ii)

Mischief (Sec. 430 CC) – Everyone commits mischief who wilfully destroys or damages property, renders property dangerous, useless, inoperative or ineffective.

72(1)(b)(ii)

Uttering Threats (Sec. 264.1 CC) – Everyone commits an offence who in any manner, knowingly utters, conveys or causes any person to receive a threat to cause death or bodily harm to any person, to burn, destroy or damage real or personal property or to kill, poison or injure an animal or bird that is the property of another person.

72(1)(b)(ii)

Assault (Sec. 265 CC) – A person commits an assault when without the consent of another person he applies force intentionally to that other person, directly or indirectly.

72(1)(b)(ii)

CHAPTER 7: Field Operations

OBJECTIVE:

This miscellaneous chapter will deal with a wide range of field operation tips. Note taking, radio (MDMRS) operations, problem wildlife, and general safety guidelines.

72(1)(b)(ii)

General Overview

This section will deal with a variety of topics. Some of these will be discussed at length and others will be merely introduced.

72(1)(b)(ii)

The Field Operations Section will cover topics that you are most likely to deal with on a day-to-day basis.

72(1)(b)(ii)

Radio Use

The Park Officers, as with most Government Departments (including the RCMP), use the Multi Departmental Mobile Radio System (MDMRS). These radios work off of repeaters that spread throughout the Yukon and allow different departments to communicate back and forth on their own user group channel.

The MDMRS system is very handy, and the radio is used steadily throughout the day by Park Officers.

The radio can be a quick source of information or it can be a lifeline for you or a member of the public.

Duty Bag

You will be provided with a duty bag. This will contain your essential equipment required to do your job. Go through the equipment you should have in your duty bag to ensure you have everything you may need under normal circumstances. Specific occurrences will require extra material or special equipment.

Things to be included in your duty bag: (not a complete list)

72(1)(b)(ii)

General Safety

In General, you should familiarize your self with all equipment before use. Make sure you know ^{72(1)(b)(vi)} where tools are, note any “tricks” of a particular piece of equipment from the operation of winches, to spare tires, to radios and satellite phones.

Never assume things are in proper working order, ask and inspect before use.

Always advise the Park Officer Supervisor of any damage, or malfunction of equipment. Wear all safety equipment required by law and by policy.

Trust your gut instinct, and communicate things with your partner. Do NOT assume that they see everything you see, no matter how obvious it may seem. Lack of communication can lead to disastrous results. Don't be shy or hesitant when it comes to safety. ^{72(1)(b)(ii)}

Remember, you are involved in work which can put you into very remote locations, and at times the weather can be unforgiving. Don't take chances. Make sure all of your equipment is operational; and you know how to use it and how to fix things if something goes wrong. Help is not always around the corner. Bringing a little too much is always better than bringing too little. Never assume any patrol is routine; you never know where the next call will take you!

It is a good idea, no matter what the weather, ^{72(1)(b)(ii)}

. In the winter, ^{72(1)(b)(ii)} should be carried at all times.

Receiving a complaint

As with a statement, your goal is to get as much information as possible. ^{72(1)(b)(ii)}

72(1)(b)(ii)

Problem Wildlife

Quite often, Park Officers and Conservation Officers are called upon to deal with “problem wildlife.” Each situation is different and will require a varied level of attention, action, and training to deal with the situation. The most frequent and serious concern in the Yukon is that of problem bears.

Understanding of bear behaviour is also a must and this will be reviewed during your Park Officer training.

Note Taking

72(1)(b)(ii)

72(1)(b)(ii)

72(1)(b)(ii)

PARKS AND LAND CERTAINTY ACT

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
PLCR 4 (1) Facilities for intended use only	<ul style="list-style-type: none"> ● Operating a business in campground ● Sleeping in a cook shelter 	72(1)(b)(ii)
PLCR 5(1) – no campground permit	<ul style="list-style-type: none"> ● Not registering for a camping site 	
PLCR 5(2) - must be 16 years of age for a campground permit	<ul style="list-style-type: none"> ● Registered site holder is under 16 ● All occupants of camping site are under 16 	
PLCR 5(3) - must pay applicable campground fee	<ul style="list-style-type: none"> ● Site holder is registered, but not paid ● Site occupant is not register, not paid 	
PLCR 5(4) - permit authorizes use for period and terms on permit	<ul style="list-style-type: none"> ● Site holders stays longer than check out time 	
PCLR 5(5) campground permit for use of 1 site only	<ul style="list-style-type: none"> ● Campsite user has registered on one permit for more than one camping site 	
PCLR 6 (6) annual pass can not be used for backcountry campground, reservation sites, group camping site	<ul style="list-style-type: none"> ● Campground users use their annual pass to register for a backcountry campground (Tombstone), a group camping site (Kusawa/Watson), or a site they reserved online 	
PLCR 6 (7) Annual pass for Residents only	<ul style="list-style-type: none"> ● A resident from somewhere other than the Yukon has an annual permit ● YP interpretation of resident - “means a person who, in the settled routine of their life, makes their home, resides and is ordinarily present in Yukon” 	

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
PLCR 6 (9), (10) & (11) Park Permit required for Groups 72(1)(b)(ii)	<ul style="list-style-type: none"> • groups larger than max size (ie 5 tenting, 8 regular, 12 group sites) require a Permit; • group wants to use multiple sites, or an entire campground; OR • they want exclusive use of an area • apply to parkpermits@yukon.ca 	72(1)(b)(ii)
PLCR 6(16) - must produce a campground permit when requested to do so	<ul style="list-style-type: none"> • User cannot provide proof of a campground permit 	
PLCR 5.01(1) - Cannot leave site unoccupied more than 24hrs	<ul style="list-style-type: none"> • No occupant of the camping site has been on the site in over 24 hours 	
PLCR 5.01(3) - Must not be an occupant of more than once camping site at the same time	<ul style="list-style-type: none"> • Campground user has used the same annual permit to register for multiple sites • Campground user has registered and paid for multiple sites 	
PLCR 5.03(1) - Maximum number of occupants of a camping site is eight (8)	<ul style="list-style-type: none"> • There are 10 occupants staying the night on one camping site 	
PLCR 5.03(2) - Maximum number of occupants of a group camping site is 12	<ul style="list-style-type: none"> • There are 15 occupants staying the night on one camping site 	

SECTION	EXAMPLE	72(1)(b)(ii) ENFORCEMENT ACTIONS
PLCR 5.03(3) - Maximum number of occupants of a tenting-only camping site is five	<ul style="list-style-type: none"> • There are 7 occupants staying the night on one camping site 	
PLCR 7(2) - No person shall use facilities in a campground that has been closed	<ul style="list-style-type: none"> • A campground has been closed due to a public safety issue and an individual enters the campground to have a campfire 	
PLCR 8(1) - Cannot use kitchen shelter, service building or other similar campground facility for sleeping accommodation	<ul style="list-style-type: none"> • A group sets up their tents in a kitchen shelter because it is raining outside 	
PLCR 8(2) - Cannot affix tarps, blankets, wood, metal, plastic etc to walls of a public building	<ul style="list-style-type: none"> • A group sets up tarps in the kitchen shelter to keep heat in 	
PLCR 8(3) - Cannot cut, remove, or damage and tree in a campground	<ul style="list-style-type: none"> • A family is throwing axes at a tree in their camping site • someone cuts tree(s) down 	
PLCR 8(4) - Cannot remove sand, stone, gravel or like material from a campground	<ul style="list-style-type: none"> • An individual is taking sand from a beach in a campsite to take home 	
PLCR 8(5) - Cannot litter (any material or human waste), on or within waters or lands in campgrounds	<ul style="list-style-type: none"> • Min violation - garbage placed next to the garbage bins as they are full • Gross violation - dump black water tank in campsite 	
PLCR 8(6) - Cannot remove or damage campground facilities	<ul style="list-style-type: none"> • An individual carves their name into a picnic table 	
PLCR 8(7) - Cannot have a fire except in a fireplace or stove	<ul style="list-style-type: none"> • Campfire on beach outside of campsite campground -Not in fire pit • Wall tents with stoves - allowed if no impacts to site - on hardened surface 	

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
PLCR 8(8) - Cannot leave a fire unattended	<ul style="list-style-type: none"> • A campground user leaves their fire burning as they go to bed for the night 72(1)(b)(ii) 	72(1)(b)(ii)
PLCR 8 (10) - No person shall discharge a firearm within a campground	<ul style="list-style-type: none"> • Minimum violation - An individual is practicing with their bow, sling shot or BB gun inside their camping site • gross violation - discharging firearm or hunting in campground 	
PLCR 8(11), 8(12)(a)(b)(c)(d)(e) - No person shall cause a public nuisance in a campground	<ul style="list-style-type: none"> • Complaint received - their neighbour running generator from 7 am to 6 pm daily • Noise (rowdy party, dogs barking, quads) 	
PLCR8(13) - Cannot operate or park vehicle in any area other than area designated for use	<ul style="list-style-type: none"> • A campground user has parked their truck on vegetation to the side of their camping site 	
PLCR 8(14) - Cannot carry on a business in a campground	<ul style="list-style-type: none"> • An individual is selling ice out of their campsite to other campground users • Bus tour with 50 passengers taking over beach area or picnic shelter for lunch 	
PLCR8 (15) - Cannot remove or damage any signage posted by an Officer	<ul style="list-style-type: none"> • An individual decided to take a bear in area sign as a souvenir from a campground 	
PLCR 8(16) – Cannot place accommodation unit while it is used as sleeping accom in any area other than registered site	<ul style="list-style-type: none"> • A campground user has set up their trailer in the day use area and is planning on spending the night 	
PLCR 8(17) – can only use tents in tenting-only sites	<ul style="list-style-type: none"> • a camper has parked a small truck and camper in a tenting only site 	

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
PLCR 9(1) - Officer may order any person to extinguish fire for preservation, control or management of campground	<ul style="list-style-type: none"> fires during high winds and dry conditions – if there is threat of fire spreading (with or without fire ban in place) 	
PLCR 10 (1)(2) - Cannot remove wood from a campground	<ul style="list-style-type: none"> Complaint received - individual observed loading up back of truck with firewood and exiting campground. Licence plate and vehicle description provided. 	
PLCR 10(1)(3) - Cannot load more than 15 pieces of wood in a vehicle	<ul style="list-style-type: none"> A campground user loads up the back of their pickup truck fully with half a cord of wood to bring to their camping site 	
PLCR 10(1)(4) - Cannot burn or consume any wood from a campground anywhere else (only to be used in campground)	<ul style="list-style-type: none"> You are driving into a campground and observe someone random camping with wood that appears to be campground wood 	
PLCR 11(1) - Cannot allow an animal to roam at large	<ul style="list-style-type: none"> Dog is wandering through campground not causing a disturbance 	
PLCR 11(2)(a)(b)(c) – cannot allow animal to annoy or injure any person, damage property or molest wildlife	<ul style="list-style-type: none"> Loose dog is harassing or injuring others, molesting wildlife and/or complaints received 	
PLCR 11(3) - Officer may order person to remove or restrain an animal	<ul style="list-style-type: none"> Loose dog is harassing or injuring others, molesting wildlife and/or complaints received 	
PLCR 12(1) – Unlawful period of stay, cannot use facilities in a single campground more than 14 days in any thirty day period	<ul style="list-style-type: none"> User has been in the same campground for 16 nights and is changing sites / or name on registration every few days 	
PLCR 13(2) - Shall comply with the instructions, prohibitions and directions of lawfully posted signs	<ul style="list-style-type: none"> Exceeding speed limit 	

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
PLCR 14(1) - Cannot interfere with or give false information to an Officer	<ul style="list-style-type: none"> • using someone else's annual pass 	72(1)(b)(ii)
PLCR 11 (2)(c) - failure to control animal	<ul style="list-style-type: none"> • You're on a trail and you witness a dog chasing a marmot/squirrel/ (in a wilderness park area vs campground area) 	

Where to place tents?

- Only on areas hardened and designated by YG
- Can not be placed on (living or dead) vegetated area
- Best practice: Advise only to camp on tent pad or driveway, **not** on living or dead vegetation, sand is ok as long as in foot print of campsite

Liquor

- PLCA – can only drink on your site (act says accommodation only, but we practice 'on registered campsite')

Cannabis

- no specific PLCA authorities
- Cannabis Legislation applies everywhere

WILDLIFE ACT (WA)

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
WLD 93(2) – Encourage wildlife to become a nuisance	<ul style="list-style-type: none"> ● Attractants are visible in a mesh tent on a registered campsite. The site is unoccupied (Inspection vs. Investigation) ● Trail of food coming from inside a tent. Tent flaps are closed. Has been a report of a bear in the site 	72(1)(b)(ii)
WA 92 (2)(b) - A person shall be deemed to harass wildlife if the person is the owner of a dog, or has a dog in his or her charge, and allows the dog to run after or molest a big game animal, specially protected animal, or a fur bearing animal	<ul style="list-style-type: none"> ● You're on a trail and you witness a dog chasing a marmot/squirrel/ (in a wilderness park area vs campground area) 	

ENVIRONMENT ACT Regulations

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
EA 101 - Littering	<ul style="list-style-type: none"> You are at a roadside pullout and observe someone throw an empty pop can and a bag of fast food wrappers on the ground 	72(1)(b)(ii)
EA 103(1) - Emptying RV holding tank in non-designated area	<ul style="list-style-type: none"> You are driving behind a vehicle on the highway and observe/smell that the RV is emptying their holding tank as they drive down the highway 	
EA 103(2) - Transporting litter that is not properly secured and is escaping vehicle	<ul style="list-style-type: none"> You are driving behind a vehicle that appears to be heading to the dump. A garbage bag falls from the back of the truck into the ditch 	
SoWR 2(1) - Littering from a vehicle	<ul style="list-style-type: none"> You are driving behind a vehicle and observe the driver throw a coffee cup out the window 	
SoWR 4 - Improper disposal of solid waste	<ul style="list-style-type: none"> Complaint received - someone depositing an old couch in a gravel pit next to a campground 	

WILDERNESS TOURISM LICENCING ACT AND REGULATIONS

SECTION	EXAMPLE	ENFORCEMENT ACTIONS
		72(1)(b)(ii)
WTLA 5 - Unlawful operation of wilderness tourism activity	No licence	
WTLA 9 - Fail to produce proof of identity or other document	Failure to produce licence, or ID etc	
WTLA 11(2) - Contravention of licence condition	Failure to comply	
WTLA 11(4) - Fail to stop vehicle on request	Follow up action -	72(1)(b)(ii)
WTLA 11(5) - Refuse to comply with request/obstruct inspector		72(1)(b)(ii)
WTLA 11(6) - Operator liable if fail to prevent violation by employee		
WTLA 11(7) - Knowingly give false information		
WTLR 8(1) - Guiding without minimum 1 st aid		
WTLR 8(2) - Fail to show proof of first aid		
WTLR 9 - Fail to submit trip report by deadline	Will not be permitted to renew permit in future	
WTLR 10 - Fail to submit rental report by deadline	Will not be permitted to renew permit in future	
WTLR 11(3) - Fail to properly dispose toilet paper	TP under a rock	
WTLR 11(4)(i) - Cleaning dishes in body of water		
WTLR 11(4)(ii) - Putting non-biodegradable soap or shampoo in a body of water		
WTLR 11(4)(iii) - Leaving food in the wilderness without completely burning it	Option to use EA	
WTLR 11(4)(iv) - Leaving campsite with evidence of presence		

ISSUING TICKETS

Part A: Completing the Complaint

Ensure all identifying information is entered accurately and completely, including:

- Full name of individual charged, DOB, address, etc.
- Driver's licence information (or other form of ID in notes on back)
- Vehicle info if applicable

Enter the date, time and location of offence:

- Location can be nearest community or identifiable area (eg. Marsh Lake)

Enter the offence(s) with which the individual is being charged:

- list the section number, abbreviation of the act and description of the offence (doesn't have to be exact wording) but note that the Summary Convictions Act regulations provide the authorized short form wording for tickets-unfortunately, the booklets are not up to date, so not all ticketable offences are included
- if you are seeking the specified fine amount and allowing the option for voluntary payment, enter the fine amount and surcharge
- refer to the Summary Convictions Booklet to determine if an offence is ticketable and for the fine and surcharge amounts. If an offence has occurred but is not ticketable, contact our office for assistance

Sign the ticket as the issuing officer - please print clearly so we can identify you

Have a good look at the defendant as you may have to identify them in court weeks or months later.

Part B: Explaining options to the Defendant

Once a ticket has been issued, the defendant has 30 days to respond by:

- 1) Paying the ticket - information on how to do so is on the back of the defendant's copy.
 - 2) Pleading not guilty - instructions are on the ticket, or the defendant can attend the court registry for assistance.
 - 3) Requesting a Court Appearance – the accused can attend the court registry to request an appearance or contact them by phone if they are unable to attend in person.
- ** Info on calculating 30 days is found on the back of the defendant's copy of the ticket

Part C: Summons

A ticket may be used as a summons^{72(1)(b)(ii)}

- Do not enter fine amounts in "Part A" and Strike out "Part B"
- Fill in the date and location of the court appearance:
 - In Whitehorse - court sits every Tuesday at 2:00 p.m. for territorial offences
 - In communities – refer to circuit court calendar
- ** Location must include the full address of the courthouse
- If you are using the ticket as a summons, you must swear the ticket before first appearance

Part D: Certification of Personal Service

To be completed upon service of the ticket.

- Must be personally served upon the defendant

- Does not have to be served by the same person who issued the ticket
- Must be served within 30 days after the day on which the offence is alleged to have been⁰⁸⁷ committed.

DISTRIBUTING COPIES OF TICKETS

Once a ticket has been issued, the copies are to be distributed as follows:

- Original goes to the court registry – do this ASAP (must be within 30 days after date of service)
- Defendant's copy is provided to the defendant
- A copy with case summary on back should be legible and sent to Bonnie Gauvin at the territorial Crown office (see contact info below)
- Remaining copies – refer to your office procedures but ensure that you keep a copy of the front as well as your notes on the back.

SWEARING TICKETS

Tickets need to be sworn:

- Before a trial can proceed
- Before a warrant can be issued
- When the ticket is used as a summons (before the first court appearance)

Best practice: swear all tickets for which a court date has been/is being set as soon as possible

How will you know when a trial date is set or a court appearance is requested?

- The court registry will normally send you a notification advising that the ticket needs to be sworn if a trial is requested by the accused party, however it is best practice to swear each and every ticket issued.
- When a trial is being scheduled our office will contact you to obtain your availability

How to swear tickets:

- In Whitehorse: tickets can be sworn in person at the courthouse between noon and 1:00.
- In communities: by fax or local JP – contact the court registry for more information

PREPARING FOR A COURT APPEARANCE

When a ticket goes to court, we may require you to:

- Provide us with a court package
 - Includes all materials relating to your investigation (eg. notes, pictures, statements)
 - Can be submitted by mail or scanned and emailed to Bonnie Gauvin
- Provide your availability for trial and attend court to testify on the trial date (we will assist you in this process).

ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT US:

Yukon Justice
Legal Services Branch
PO Box 2703 (J-2)
Whitehorse, YT
Y1A 2C6

Lee Kirkpatrick, lawyer - 667-5480
Lee.Kirkpatrick@yukon.ca

Julie DesBrisay, lawyer - 667-5823
Julie.DesBrisay@yukon.ca

**Our office is located on the 2nd
floor of the courthouse**

Bonnie Gauvin, paralegal - 667-5775
Bonnie.Gauvin@yukon.ca