

Ministry Environment and Parks

Describe: Basic Job Details

Position

Position Number	Working Title Investigator	
Requested Class Natural Resources 8		
Job Focus Operations/Program	Supervisory Level 00 - No Supervision	
Business Unit	Dept ID	Program Code

Employee

Employee Name (or Vacant) Vacant

Organizational Structure

Division, Branch/Unit Regulatory Assurance, Environmental Enforcement	<input type="checkbox"/>	
Supervisor's Position Number	Supervisor's Working Title Superintendent, Env Inv Mgr	Supervisor's Current Class Senior Manager (Zone 1)

Design: Identify Job Duties and Value
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Job Purpose and Organizational Context

Why the job exists:
 Reporting to the Superintendent, Environmental Investigations Manager of the Environmental Investigations Section within the Environmental Enforcement Branch this position is a specialist that provides leadership in environmental investigations and enforcement for the department. The investigator is a complex position and has an extensive knowledge of legislation, investigation skills, and experience. This position is responsible for the effective coordination and delivery of investigations to ensure a fair, consistent, and timely outcome that may that may be quasi-judicial or judicial in nature. This position supports the department by conducting regulatory investigations, leads the development and preparation of policy and operations procedures, and provides specialized training to the Regulatory Assurance Division, Lands Division, Parks Division, Policy Division, and other government departments and boards when necessary.

Primary investigations to protect the province's air, land, water, and biodiversity are of a diverse technical nature that are multifaceted, politically sensitive, high priority referrals from department staff, and may relate to an environmental emergency. This position uses a full range of advanced and innovative investigations techniques and tools including executing search warrants, production orders, and enforcement tools such as administrative penalties and prosecutions that may result in a substantial penalty. The investigator is required to work with minimal direct supervision.

The position works in collaboration with provincial environmental protection officers, compliance staff, and both Justice and Solicitor General Barristers and Solicitors in the Environmental Law Section and Justice and Solicitor General

Prosecutions Section for investigations that may result in civil enforcement outcomes of administrative penalties or criminal prosecutions. These investigations include the determination if an activity is a contravention of legislation and if there has been effects to the environment, human health or safety, or property under the *Environmental Protection and Enhancement Act, Public Lands Act, Emissions Management and Climate Resilience Act, Water Act, and Alberta Land Stewardship Act*, associated regulations and codes of practice. Investigations may involve cooperative multi-jurisdictional outcomes.

Investigations that result in an administrative penalty require additional investigation to address economic benefit or receipt of proceeds that have been derived directly or indirectly as a result of a contravention of the legislation. The investigator may be required to attend as a witness to provide evidence at an appeal board hearing or a trial in court.

Investigations that result in a prosecution may have a creative sentencing component. This position leads complex and in-depth investigations surrounding creative sentencing order projects for use by the court. If the court accepts the creative sentencing order, the investigator is required to track the accused and the recipient to ensure compliance with the order. In cases where there is a breach of the order, this position investigates the breach and appears before the court as required.

This position leads the development and preparation of policy and operations procedures in relation to investigations and enforcement practices and participates in the development of compliance/enforcement policies and procedures by providing expertise and advice.

This position organizes, coordinates and delivers specialized training to compliance staff in the department to complement the skills and tools needed to carry out their roles in a consistent and integrated manner. The training focuses on skills that would lead to successful investigations and enforcement processes.

This position is a critical component of the department's compliance program and requires a highly organized professional. This position is required to work in an integrated fashion with a wide variety of government departments, agencies, stakeholders and industry. This position requires advanced communication, facilitation, time-management, organization and technical knowledge and skills related to regulatory and criminal investigations and enforcement outcomes. Investigators specialize in investigative techniques including evidence collection and analysis, legal sampling, interviewing and report writing. Investigations are completed in a comprehensive, legal, consistent and timely manner with an appropriate outcome.

The investigator will provide technical guidance and support on investigations and may be required to act in full capacity as the Superintendent, Environmental Investigations Manager from time to time.

Responsibilities

Investigate referrals from department staff through the integrated compliance process in a timely manner, in accordance with legislation, policy and procedures to provide consistent enforcement of a range of environmental legislation. Investigations may be subject to periodic review and monitoring for compliance with investigations standards. The investigator may consult with the Superintendent, Environmental Investigations Manager of the Environmental Investigations Section.

- Receive, assess, prioritize and investigate public complaints, regulatory referrals, and industrial or municipal non-compliance from department staff through the Integrated Compliance Process.
- Complete investigations that include offences of unregulated or regulated activities under the various pieces of legislation in a timely and thorough manner in accordance with department policies, procedures and operating guidelines.
- Conduct investigations by: gathering, securing and preserving evidence, interviewing complainants, interviewing witnesses and respondents, taking statements and warned statements and examining records. May be required to enter public or private land and buildings to search for and seize evidence of an alleged contravention. A variety of sources including regulatory agencies, police departments, witnesses, and informants may produce documentary evidence.
- Collect and analyze documentary evidence including corporate documentation, manifests, reports,

approvals, licences, dispositions, invoices, ledgers, equipment and operating records.

- Conduct sampling on a wide array of substances, using the proper protocols to ensure the quality of a legal sample and submit the sample for analysis to determine the level of toxicity or hazard to environment and public health.
- Seek legal opinions on interpretation and application of legislation. Investigators must use critical thinking to effectively analyze the facts to determine if a contravention or offence has occurred, a defence of due diligence exists, and whether or not an economic benefit or a receipt of proceeds was derived directly or indirectly to recommend an outcome.
- Prepare comprehensive documentation, court briefs, and briefing notes on the facts of the investigation to make recommendations for enforcement actions under the legislation that result in an administrative penalty or prosecution. Appear before the appeal board or court as required to provide accurate and compelling evidence.
- Close the investigation file at the conclusion of the enforcement on the Environmental Management System and compliance SharePoint.

Act as the lead investigator in major case management investigations where a team of investigators is required. Ensure adequate resources are requested and accessed to complete a comprehensive investigation and in a timely fashion.

- Apply a highly structured systematic approach to major case methodology for managing major investigations that are serious and complex in nature.
- Identify the team members for the command triangle roles of Team Commander, Primary Investigator, and File Manager, any other team members, and any specialized equipment or authorizations that may be required. As an investigator, you may be required to fill any of the positions identified in the command triangle based on your expertise.
- Develop and coordinate an investigation plan that includes your mission, business rules and objective to move forward in allocating the resources and responsibilities as required.
- Analyze the results of the investigations and prepare a recommendation to the Superintendent, Environmental Investigations Manager of the Environmental Investigations Section for an enforcement outcome.

Facilitate regulatory action, relating to environmental legislation, policy and procedures to provide professional and accurate information to the court and administrative penalty processes.

Prosecutions:

Subject to consultation and review of by the Superintendent, Environmental Investigations Manager of the Environmental Investigations Section prepare court documents (court brief, prosecutor's information sheet, information, and summonses). Serve summonses on accused and subpoenas on witnesses.

Appear as a Crown witness and act as a liaison between the Crown, subject matter experts, witnesses, other law enforcement agencies, and provide assistance to the Crown as required.

Creative Sentencing Order Investigations

- A thorough understanding and knowledge of the department's Creative Sentencing Penalty Diversion Projects Factors (Factors) that may form part of a prosecution outcome. Including the prerequisites, aims and objectives of creative sentencing, limitations for eligible projects, limitations of eligible recipients, the form of the order, and administrative provisions.
- Technical research, analysis, and investigation of an appropriate project that meet the Factors for the use of penalty funds as directed by the Court for a specific project.
- If the Court makes such an order, the investigator will ensure compliance of the order and attend Court as required.

Probation Orders

- Work collaboratively with the Prosecution Unit and department staff to ensure a probation order

is applicable.

- Work with provincial probation offices to provide feedback on probation orders to the Crown when building conditions that require offenders to report and achieve compliance.
- Explain the conditions of the probation order to the individual and their legal requirements under the probation order. Supervise the probation order to confirm compliance and if there is a failure to meet the requirements of the probation order, you will be responsible to prepare the charges for breach of a probation order and attend court.

Administrative Penalties:

Subject to the consultation and review by the Superintendent, Environmental Investigations Manager of the Environmental Investigations Section prepare the administrative documents (summary of relevant facts and preliminary assessment of administrative penalty including economic benefit and receipt of proceeds), and attend the due process meeting, as required. The investigator is required to complete a director's record and provide written/verbal testimony to the Environmental Appeals Board, Public Lands Appeals Board, and or the Court, if the decision of the statutory decision-maker is appealed or proceeds to a judicial review.

Lead the development and preparation of policy and operations procedures on investigations/enforcement and participate in the development of compliance policies and procedures by providing expertise and advice.

- Participate in ongoing reviews of regulatory requirements, policy and authorizations to ensure that legislative and authorization requirements are co-coordinated and do not conflict when more than one piece of legislation regulates an activity or operation.
- Document, report and recommend suggested improvements and corrections to legislation (including regulations and codes of practice). Recommend and revise internal policies and guidelines to assist compliance staff.
- Participate with external enforcement agencies including City Police, RCMP, and other Provincial/ Federal/ International agencies to research and remain current with best practices in environmental and applicable case law.
- Lead coordination in the implementation of policy and procedural changes for investigations that result in prosecutions and administrative penalties.

Establish a sustainable and adaptable training program for present and future staff.

As a member of the Regulatory Assurance Division Training Program, develop specialized investigative training to ensure a clear, consistent, and coordinated process for compliance staff throughout the department. Specialized training may occur in partnership with Alberta Justice and Solicitor General Prosecutions and Alberta Justice and Solicitor General Environmental Law Section.

- Prioritize training in alignment with division and department needs for annual development and delivery
- Define training standards and best practices to be implemented and followed
- Coordinate and resource the development and delivery of prioritized training
- Outline a communication and decision-making structure that allows all program areas and levels of governance to be engaged and aware; and allows for coordination with training efforts in other divisions and ministries
- Provide direction to management and staff on training required to perform diverse positions and roles
- Establish tracking and metrics to evaluate the status of training in program areas

Collaborate and participate in partnerships as an investigation and enforcement specialist within the department and with external environmental enforcement agencies (provincial, national, or international).

- Provide guidance and direction to ministry staff on incidents and the process to triage investigations files to the Environmental Enforcement Branch for investigation using the Integrated Compliance Process.
- Act as a resource for entry-level compliance staff by sharing knowledge and expertise through mentoring

and coaching on investigative policy and procedures.

- Consult on investigative techniques and act as a general resource for other investigators and compliance staff.
- Participate in legislative policy and program task teams to enhance compliance practices and procedures and provide feedback as requested.
- Work cooperatively with other provincial, municipal, and federal government agencies to co-ordinate investigations and enforcement responses, when appropriate, through the intergovernmental and inter-agency agreements in place to support coordination and to reduce duplication of efforts.
- Enhance environmental enforcement programs through consultation with regulatory agencies, Alberta Justice and Solicitor General, and other government bodies involved in civil, criminal, and administrative enforcement of environmental laws. This provides an integrated and coordinated approach of technical, legal and investigatory resources for effective investigations and enforcements.

Problem Solving

Typical problems solved:

The position must collect and analyze information from varied and numerous sources to determine compliance, resolve problems, and make recommendations during various stages of an investigation and enforcement outcome. This may involve interpreting anecdotal and technical information provided by the stakeholder. Stakeholder attitudes range from professional, open-minded and unbiased to unreceptive, confrontational, emotionally charged, or biased. This position must remain objective, non-judgmental and consistent when making observations, providing information and making recommendations that clearly show that the department is fair and considerate in attaining its goals, while providing clear and firm direction to correct non-compliance.

An ability to function within a complex, diverse, and changing work environment, with emphasis on support for the transition to a province-wide cumulative effects management system. This position must be able to quickly assess complex situations, make effective use of well-developed problem-solving skills, be able to effectively complete assigned duties with identified time lines, and make decisions about how to proceed in situations where complete information may not always be available.

The ability to interpret regulatory law to determine if there is a contravention of the legislation, a due diligence defence and if there sufficient evidence to make a recommendation to proceed with an enforcement outcome that can withstand an appeal or a criminal prosecution.

Although it is the Court's jurisdiction to issue a creative sentencing order diverting penalty funds to projects, the investigator must ensure there is a connection between the project and offence through the type of offence, the root cause of the offence, the location of the offence, or a combination of these factors.

Interpretative and critical thinking is required along with the ability to facilitate decision-making processes involving department representatives, stakeholders and staff. Examples of difficult or challenging situations faced by the position include:

- Situations that are generally unstructured and unique requiring creative approaches to ensuring compliance that is meaningful and results in clear benefits for the environment or appropriate management of natural resources.
- Capitalizing on opportunities to partner effectively with law enforcement agencies and other ministries with differing mandates, business objectives and philosophies.
- Meetings with facility/industry/regulated activity representatives to discuss results, areas of non-compliance, follow-up and any enforcement actions related to investigations.

Types of guidance available for problem solving:

There are manuals, standards, protocols, procedures and guidelines in place along with templates, and case law to assist investigators during both the investigation process and recommending an enforcement outcome to the Superintendent, Environmental Investigations Manager of the Environmental Investigations Section. Additional guidance may occur through colleagues, managers, and Alberta Justice and Solicitor General.

Direct or indirect impacts of decisions:

Recommendations of an investigation that result in an enforcement action are educational in nature, but the main goal of an enforcement action is deterrence, fair and equitable treatment of a person responsible, communication of the appropriate educational message, and ultimately, resolution of the legislated contraventions. All enforcement outcomes are publicly available through routine disclosure, news releases, annual reports, quarterly enforcement reports, open data, posting on Alberta.ca, and extractions to the Environmental Law Centre. These decisions may result in appeals, judicial reviews, and court proceedings resulting in case law precedents.

The credibility of the ministry is impacted by an investigation and enforcement outcome. The goal is always to provide assurances to Albertans that compliance activities are transparent and conducted under legislative authority with non-compliance receiving appropriate enforcement responses.

Key Relationships

Major stakeholders and purpose of interactions:

Internal

- Assistant Deputy Minister and department executive leaders: drafting briefing notes for information and decision, press releases and information bulletins on prosecutions and appeal board decisions that substantiate the outcomes of investigations resulting in administrative penalties with substantive penalties.
- Divisional and cross-Divisional Branch Management Staff: collaborate and coordinate policy development, training and development, integrated and consistent investigations.
- Department Staff: provide leadership, direction, advice, coaching and mentoring in investigative techniques
- Environmental Enforcement Branch Management Team: Provide information and advice on program delivery issues, training deficiencies, specific situation updates, and potential contentious situations pertaining to investigations. Share information, collaborate and coordinate on initiatives, to manage and realign resources.

External

Investigation and enforcement representative to other ministries (e.g.: Alberta Justice and Solicitor General (Fish and Wildlife Enforcement Service), Alberta Transportation, Alberta Municipal Affairs, Alberta Agriculture and Forestry, Alberta Energy Regulator, Beverage Container Management Board, other provincial regulators, law enforcement agencies, Western States Project, municipalities, industry representatives, regulated community, public, stakeholder communities and organizations by:

- developing partnerships and collaborative working relationships;
- facilitate problem solving, exchange information, championing education, preventative and stewardship programs;
- develop and communicate the department compliance policy to other regulators delivering similar compliance assurance activities for the legislation within the scope of the position; and
- Support training, information, coordination and communication for environmental enforcement.

Required Education, Experience and Technical Competencies

Education Level Diploma (2 year)	Focus/Major Other	2nd Major/Minor if applicable Other	Designation
If other, specify: Preferably Environmental or Conservation Law Enforcement			

Job-specific experience, technical competencies, certification and/or training:

A two-year college diploma in a directly related field (such as environmental and/or resource management and/or conservation law enforcement) supplemented by least 7 years of directly related experience in a technical, compliance or enforcement role.

This position is complex and requires a highly specialized professional. It is responsible for the department delivery of multifaceted investigations and enforcements that result in punitive enforcement outcomes, which at times can be substantial.

An extensive knowledge of the Compliance Assurance Management Framework, environmental legislation, use of specialized investigative/enforcement techniques and equipment including the analysis of evidence from a variety of media and sources using standard protocols. Ability to interpret sampling results, and apply analytical results to determine non-compliance and an adverse effect. Has demonstrated the ability to conduct investigations resulting in administrative penalties and prosecution enforcement outcomes.

Ability to be appointed as a Peace Officer under the Peace Officer Act for the purpose of enforcing the provincial statutes including the *Environmental Protection and Enhancement Act, Public Lands Act, Emissions Management and Climate Resilience Act, Water Act, and Alberta Land Stewardship Act*, associated regulations and codes of practice.

In depth knowledge of other related provincial and federal statutes that affect investigations such as *Charter of Rights and Freedoms, Criminal Code of Canada, Alberta Evidence Act, Canada Evidence Act, and Interpretations Act*. The ability to interpret case law and the implications on investigations and enforcements.

Individuals require effective listening skills and ability to provide appropriate verbal, non-verbal and written communications, adaptability to change, problem solving and judgment to assess options and implications in order to identify a solution appropriate to workload requirement. Conflict resolution, negotiating, tact and organizational skills are required to attend to the sensitivity and diversity of issues addressed by this position.

Organizational skills, research skills and the ability to work independently are required to establish and adjust competing priorities to meet deadlines and operational budget allocations.

An understanding of the consequence of error relating to officer safety and legal issues while coordinating investigations. Improper decisions or actions could result in:

- Serious bodily harm or death to enforcement officers or members of the public;
- Termination of the investigation resulting in loss of time/funds expended;
- Creation of negative case law that could impact all enforcement agencies; and
- Ongoing impacts to the environment.

Minimum a valid class 5 driver's licence

Standard first aid and CPR

Behavioral Competencies

Competency	Level					Level Definition	Examples of how this level best represents the job
	A	B	C	D	E		
Creative Problem Solving	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Engages the community and resources at hand to address issues: • Engages perspective to	Investigators consider a variety of factors throughout the course of an investigation and assess

		<p>seek root causes</p> <ul style="list-style-type: none"> • Finds ways to improve complex systems • Employs resources from other areas to solve problems • Engages others and encourages debate and idea generation to solve problems while addressing risks 	<p>risk to the environment, stakeholders, the public and the government. Investigators are also required to consider economic benefit, proceeds, creative sentencing options, and probation orders under various pieces of legislation by weighing competing factors in their analysis.</p>
Build Collaborative Environments	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Collaborates across functional areas and proactively addresses conflict:</p> <ul style="list-style-type: none"> • Encourages broad thinking on projects, and works to eliminate barriers to progress • Facilitates communication and collaboration • Anticipates and reduces conflict at the outset • Credits others and gets talent recognized • Promotes collaboration and commitment 	<p>Investigators provide a comprehensive service to the whole department and directly support compliance staff through the integrated compliance process. Investigators are required to seek information from subject matter experts and apply an unbiased and impartial approach to investigations.</p>
Drive for Results	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Works to remove barriers to outcomes, sticking to principles:</p> <ul style="list-style-type: none"> • Forecasts and proactively addresses project challenges • Removes barriers to collaboration and achievement of outcomes • Upholds principles and confronts problems directly • Considers complex factors and aligns solutions with broader organization mission 	<p>Investigators work within the compliance assurance framework to ensure investigations are conducted in a timely manner and meet the statute of limitations. Investigators understand the necessity for fair and just outcomes and the need to balance competing demands between the environment, the economy and the public.</p>
Agility	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Identifies and manages required change and the associated risks:</p> <ul style="list-style-type: none"> • Identifies alternative 	<p>Investigators are required to adjust priorities for investigations depending on the severity and impact</p>

		<p>approaches and supports others to do the same</p> <ul style="list-style-type: none"> • Proactively explains impact of changes • Anticipates and mitigates emotions of others • Anticipates obstacles and stays focused on goals • Makes decisions and takes action in uncertain situations and creates a backup plan 	<p>of potential outcomes. Investigators are self-starters who are capable of working with minimal supervision and are comfortable with using their initiative to achieve their assigned work.</p>
Develop Self and Others	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Encourages development and integration of emerging methods:</p> <ul style="list-style-type: none"> • Shapes group learning for team development • Employs emerging methods towards goals • Creates a shared learning environment • Works with individuals to develop personal development plans 	<p>Investigators are seasoned and experienced individuals who readily apply their skills sets to their assigned work and deliver a comprehensive investigation service to the department. Investigators undergo periodic training and continue to develop their skills which can then be further applied to more complex and senior positions within the public service. Investigators coach and assist regional compliance staff with the conduct of investigations in order to build greater capacity within the department.</p>

Assign

The signatures below indicate that all parties have read and agree that the job description accurately reflects the work assigned and required in the organization.

Employee Name	Date (yyyy-mm-dd)	Employee Signature
Manager/Director Name	Date (yyyy-mm-dd)	Manager/Director Signature
ADM Name	Date (yyyy-mm-dd)	ADM Signature