



A VIEW FROM THE FRONT LINES



OFFICER SAFETY AND THE NECESSITY OF SIDEARMS

BORDER SERVICES OFFICERS
REGIONAL INTELLIGENCE OFFICERS
CUSTOMS INVESTIGATORS

PREPARED BY

Northgate

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CUSTOMS INVESTIGATORS**

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EXECUTIVE SUMMARY

The Northgate Group was retained in July 2005 by the Customs and Excise Union Douanes Accise (CEUDA) to conduct a study of whether the risks inherent in the duties of Border Services Officers, Regional Intelligence Officers and Customs Investigators would justify the issuance of sidearms. The Northgate Study was centered on extensive interviews of front-line Officers in all Regions of the country, and included intensive review of related and third party materials. From this Study, 31 recommendations are presented in an effort to enhance Officer safety and improve border security.

Criticism of ModuSpec Reports

A motivating factor for CEUDA in having Northgate conduct a study was their displeasure with Job Hazard Analysis studies (JHAs) conducted by a Calgary based risk management firm called ModuSpec. Hired by the Canada Customs and Revenue Agency (the predecessor agency to Canadian Border Services Agency, CBSA), ModuSpec performed two JHA's: one for Customs Officers and Superintendents and another for Regional Intelligence Officers and Customs Investigators. Criticisms from CEUDA and the Senate Committee on National Security and Defence have predominately been aimed at ModuSpec's two versions of the Final Report in the JHA for Customs Officers and Superintendents. Because of these criticisms directed at the ModuSpec JHAs, the Northgate Study specifically analyzed every available report issued by the company. As a result of analysis detailed in Chapter 3, Northgate has concluded that:

1. allegations from CEUDA and the Senate Committee on National Security and Defence that the original ModuSpec Final Report, or "Working Copy", was altered with CCRA knowledge and/or collusion concerning the need for an armed presence are fully supported by Northgate's research;
2. ModuSpec was either denied access to or ignored internal CCRA reports which recommended in favour of arming Officers in defined circumstances;
3. ModuSpec's conclusions against arming Officers are not supported by its own research; and
4. CBSA continues to rely on the inaccurate ModuSpec report to justify its refusal to provide sidearms to Officers.

Although there are a myriad of faults with the ModuSpec reports, the most prevalent is that their conclusions do not support their own research. Specifically, for Customs Officers (now referred to as Border Services Officers) ModuSpec identifies 32 tasks performed by these Officers. Of those 32 tasks, ModuSpec identified 18 (56%) as having the potential risk and hazards of being shot, stabbed, or physically assaulted. For Regional Intelligence Officers (RIOs) and Customs Investigators (CIs) a similar identification is made by ModuSpec in that 10 of 15 identified tasks (66%) have the risk of being shot, stabbed or physically assaulted. As the majority of duties identified have the risk of being killed, Northgate questions how ModuSpec can conclude that sidearms are not warranted for these Officers. This analysis, among others, brings serious

questions about the reliability of the ModuSpec studies, including CBSA's reliance on them for not arming its Officers.

The Northgate Study

Compared to the ModuSpec JHAs, the Northgate Study was intended to not only equal but to exceed the breadth of employee and site interviews conducted by ModuSpec. Although Northgate attempted to obtain CBSA permission to conduct the Study through interviewing Officers on-site, and examining facilities, CBSA denied all these requests. Furthermore, CBSA refused to be interviewed for the Study, and went so far as to warn its Officers of their Section 107 Confidentiality requirements under the *Customs Act*. These warnings specifically instructed Officers to not be interviewed in their uniform or on-site, nor to allow Northgate researchers on-site. Despite such warnings and threats, the Northgate Study successfully interviewed approximately twice as many Officers as the ModuSpec study. 383 Officers, including Superintendents, voluntarily presented themselves for interviews to have their voices heard. In addition to interviewing a larger population and with no cooperation from CBSA senior management, Northgate was able to interview Officers from 56 work locations and inspect, to varying degrees, 40 sites across the country. Some of these site inspections were done with local management authorization.

The Northgate Study specifically included the entire spectrum of Ports of Entry including both remote and major land crossings, airports, seaports, and remote work-alone sites. The Study stretched from Prince Rupert, BC to Halifax, NS and a multitude of sites in between. The Northgate interviews included all relevant positions, including Superintendents, in all Regions of the country encompassing the entire spectrum of age and job experience. The full demographic breakdown of the Study is contained in Chapter 4.

The Officer interviews focused on demographic data, training, staffing levels, duties performed, equipment and facilities, safety concerns, police response, and the need for firearms.

Of the 383 Officers interviewed, 86% answered "yes" when asked if their position has inherent hazards and risks of injury that warrant the issuance of sidearms. An additional 12% answered "in some circumstances", while only 2% of Officers interviewed answered "no".

The evidence from the front lines on the sidearms issue is overwhelming and is supported by Northgate's own data collection and analysis reflected throughout the Report. Northgate's recommendation on this matter is that:

All Border Services Officers involved or potentially involved in interdiction, inspection or enforcement interaction with the public, as described herein, should be armed (Recommendation #18)

Additionally, based on similar analysis, Northgate further recommends that

Regional Intelligence Officers and Customs Investigators should be armed.
(Recommendation #19)

During the course of the Study, Northgate also uncovered three separate internal government reports, two from the CCRA Intelligence Directorate and one from Audit Canada, which recommended *in favour* of arming Officers or having an armed presence at Ports of Entry (POE). To Northgate's knowledge, these reports have never been made public or acknowledged by CBSA. That fact, and the content of these reports, is clearly significant and relevant for future decisions in this area.

Inherent High Risk Environment (Officer and Public Safety)

The number and frequency of Officers engaged in risk of injury situations are riddled throughout this Report. From assaults, to intimidation, to being taken hostage, these Officers are faced with a daily reality – the risk to their lives and to the Canadian public is an everyday fact exacerbated by the unpredictability of human behaviour.

Unpredictable travellers are presenting themselves for inspection in an intoxicated (and therefore unpredictable) state, with warrants active for their arrest, with firearms, drugs and other contraband on their person or in their vehicle, and on a less frequent basis are fugitives from justice. Again, this Report provides ample accounts of such life-threatening incidents. The Northgate Study confirmed what front-line Officers, CEUDA and others have been expressing for years; what transpires at the POE, or what doesn't, is not simply a matter of Officer safety. Rather, the border is a point of examination, interdiction and enforcement and what "gets through" creates a public safety and security risk for Canadians.

CBSA policy mandates that Officers, when faced with a dangerous person, allow the suspect entry and immediately call the police. This "Withdraw Policy" permits unhindered entry into Canada of persons who are dangerous or are deliberately seeking to avoid interception. This CBSA policy simply passes the responsibility of apprehending such dangerous persons to the RCMP or another responding police agency whose response times, on the whole, are incredibly inadequate. Officers interviewed, however, do not fault their respective responding police agencies. Officers stated those agencies are understaffed and are frequently tasked with patrolling vast areas. The likelihood of there being an immediate police capacity to deal with the entry of hostile, armed, and dangerous persons is, to say the least, remote.

Northgate shares the view that this is a policy that jeopardizes both Officer and public safety and that should be immediately revoked. Accordingly, Northgate has made recommendations for an armed border patrol (Recommendation #7) and that Officers not allow Armed and Dangerous persons into the country (Recommendation #9).

As an example of Officer and public safety concerns, the Study describes, in Chapter 4, the commercial off-site warehouse in Windsor, Ontario. Trucks identified as needing further inspection are directed to a warehouse 3.4 kilometres from the Bridge on the "honour system". CBSA has made modest efforts at curtailing the number of trucks that do not report to the warehouse under this "honour system" by instituting patrols of Huron Church Road. These patrols are staffed with Border Services Officers whose task is to accost drivers whose trucks are parked on the side of the road, and to inquire as to their delay in reporting to the warehouse. By approaching a parked truck on the side of the road, Officers are at serious risk of interrupting a drug/contraband transaction. Such transactions are indeed occurring, as verified by statements from RIOs in Windsor who have been told by their informants that every sort of contraband imaginable is being dropped off, purchased, sold, and delivered within sight of the Bridge.

Quite apart from Officer safety, allowing such a deficient security process is a significant risk to Canadian public safety. The Auditor General critically reported on this defect at Windsor in 2001, and Northgate's on-site inspections confirm that it has not improved.

Specific Duties

Border Services Officers are engaged in a significant spectrum of duties that includes primary line inspection of traffic and commercial vehicles, secondary examinations of travellers and vehicles, inspection of pedestrian, bus and train travellers, air traffic clearance, off-site air and marine CANPASS clearance, passenger ferry clearance, marine enforcement including ship rummaging, cruise ship clearance and commercial cargo inspection. These Officers are conducting duties that increase the risk to their safety, including interviewing persons, examining documents, searching persons and vehicles, arresting subjects, encountering and using force to overcome resistance and lodging persons in cells. RIOs and CIs can be involved in similar POE duties, and also conduct off port surveillance, deal with informants, control deliveries, perform searches and arrests, and participate in Joint Force Operations where they alone and unarmed.

The Northgate Survey indicated that far from the days of being tax collection officials, Officers now spend 56% of their day on law enforcement/interdiction of goods and people/security of the Canadian Border, 30% of their time conducting tax collection duties, and 14% of their day performing administrative duties. Specific units, such as Flexible Response Teams (FRTs) and dog handlers, spend 90-100% of their time conducting enforcement activities. Such data would suggest that Officers are routinely performing a significant enforcement function across the country.

As a result of these law enforcement duties, 82% of respondents to the Survey have experienced a potential or actual risk of injury situation. An even higher percentage was reported for those at work-alone sites (94%) and 42 of 53 RIO/CIs have experienced an actual or potential risk of injury situation (79%).

CBSA's own statistics regarding guns, drugs and currency seizures reflects the increasing enforcement focus at POE and the corresponding risk to Officers. Since 2000, there have been 121,998 seizures of contraband. Of that, 1,413 were seizures of \$100,000 or more, while 324 of them were of more than \$1,000,000. Some specific examples include: in 2003, Officers in the Atlantic Region seized \$210,640,000 worth of Hashish; and in 2003 Officers in Quebec seized \$94,395,000 worth of Ecstasy.

Northgate did not specifically ask about the rate of firearms being confiscated, yet 99 Officers stated the discovery and confiscation of weapons is an increasing concern to Officer safety. This is hardly surprising as the Canada Border Services Agency reported the seizure of 5,446 firearms at the Canadian-U.S. border between 2000 and 2004. Coupled with seizing guns and drugs, Officers encounter unpredictable behaviour from travellers, including impaired drivers, mentally disturbed individuals, fugitives, and organized crime members; all while unarmed.

Regional Intelligence Officers and Customs Investigators

Regional Intelligence Officers (RIO) and Customs Investigators (CI) are tasked with some of the most dangerous duties within CBSA: surveillance, developing/handling informants, arrests, conducting search warrants, transporting detainees, and serving on Joint Force Operations and Integrated Border Enforcement Team (IBET). RIOs and CIs

duties are often done with no armed police presence directly available. Their only field task involving direct armed assistance is during the serving of search warrants. Investigating large drug conspiracies involves these Officers being in contact with violent persons who will not think twice about killing a CBSA Officer. In fact, the Study revealed that in 2005, two RIOs in Windsor, in separate instances, have had suspected attempts made on their lives. Moreover, the Northgate Study confirmed that CBSA is conducting performance evaluations of RIOs with the expectation for this year to increase their enforcement activities; specifically to “cultivate informants and conduct more surveillance.”

RIOs and CIs are the least equipped group within the Agency. While the majority of Border Services Officers are issued bulletproof vests, batons, and O.C. Spray (issued during Use of Force Training), only 15% of RIOs and CIs interviewed have been equally equipped. RIOs and CIs are not only performing some of the most dangerous tasks of any law enforcement agency, they are doing so with little defence. Although there appears to be a trend towards enveloping these Officers into the Use of Force training, it must become a priority for CBSA.

Understaffing

The Study also revealed that approximately 90% of Officers interviewed considered their POE to be understaffed with ramifications not only for their personal safety but for their capacity to carry out their duties and ensure public safety and security. The lack of proper staffing results in less enforcement. Officers were also concerned about CBSA’s reliance on students, who are given a few weeks of training and are performing almost every task of a full-time Officer. Although the student program has its benefits, it is to the detriment of Officer and public safety as students are not, and should not be, tasked with enforcement duties.

Work-Alone Sites

On the same basis, there was near universal condemnation of CBSA’s continuing practices of maintaining work-alone sites, whose locations are remote. The unpredictable nature of human behaviour does not preclude one port of entry from being less dangerous than the next. The Officer safety concerns at work-alone sites were an oft-discussed downfall of CBSA’s staffing policies, even by Officers who worked at the larger POE.

Police Response

An alarming average police response time of over 20 minutes was reported by 57.3% of responding Officers, with the situation being noted as especially poor in Quebec and remote locations. Worse, even in urgent situations, 67% of responding Officers stated the police response time is inadequate, and 95% of Officers stated that poor response time in urgent situations has either not changed or has worsened in the last two years. Officers were clear that what is required is an armed capacity, not a response dependant on circumstances beyond the control of those that need the armed presence. This insufficiency and incapacity of the police response was supported by the recent Auditor General’s Report on RCMP contract policing noted in Chapter 2 of this Report.

Reliance on Armed Backup from U.S. Customs and Border Patrol

With no Officer backup and a police agency response time often gauged in hours, Officers at remote locations revealed that in several instances their emergency backup has been from American Customs and Border Patrol (CBP) Officers. Northgate has

learned that at four such locations, the first call on the emergency communications system is to U.S. authorities. Moreover, 43 Officers interviewed stated they have been involved in at least one incident wherein an armed U.S. Officer provided backup assistance.

Airports

At large international airports, a police agency is present at the main terminal. However, the police response times are not immediate. These agencies are also responsible for providing an armed presence within the offices of U.S. Customs, which can limit their response time. They are not required to provide the same ever-present armed backup to CBSA Officers. With recorded incidents of poor screening by foreign countries, Officers have encountered serious risk of injury situations. Additionally, all Officers at airports, including remote airports, are responsible for clearing passengers and cargo on private aircraft, which is not pre-screened in the country of departure. These private aircraft are cleared at off-site facilities, often kilometres away from the main terminal and the police response. Moreover, the layout of the luggage carousels allows passengers being referred for a secondary inspection to have access to their weapons (usually hunters) and ammunition prior to reporting to the secondary area.

Deficient Safety Equipment

Officers from all parts of the country described basic and serious flaws with the various equipment and systems issued to them including unfitted and/or expired bulletproof vests, unreliable radio and communications systems and archaic information systems, including the omission of wanted terrorists on the lookout system. Most troubling was the number of armed and dangerous persons in the CBSA Lookout database. Although Northgate had hoped to obtain this data from CBSA, due to CBSA's lack of cooperation, no such information was provided. However, an ATIP response to CEUDA revealed that of 204,050 Criminal Code warrants on CPIC (as of November 4, 2005), 33,742 are flagged as Violent or Armed and Dangerous.

Furthermore, in August 2005, CEUDA confirmed that the CBSA Lookout system did not include:

1. persons listed as Wanted and Armed and Dangerous on the FBI Terrorist Website (including persons with Canadian links)
2. persons listed as Wanted on Arrest Warrants and Armed and Dangerous on the Ontario Repeat Offender Parole Enforcement (ROPE) Unit website
3. persons wanted on *Immigration and Refugee Protection Act* (IRPA) Arrest Warrants as War Criminals who were also listed as Armed and Dangerous

The deficiencies in the Armed and Dangerous Lookout system have obvious ramifications for Officer safety, and have been raised by Officers during recent work refusals. This fact is actually referenced in an internal CBSA communication dated September 11, 2005. It indicates that, notwithstanding the information above, the CBSA Lookout system has 162 entries, and the memo is a direction to *reduce* that number by applying certain criteria. According to CBSA, to remain in the system, the information must pertain to a person that is considered to be "highly likely" to cross the border and is "in fact" armed and dangerous. In those rare circumstances, the Officers would be

directed not to refer the person to secondary but instead to let them enter Canada followed by a phone call to a hopefully near-by police agency.

Adding such criteria as required will clearly reduce the number of entries in an already scant Lookout system. While one would think that the purpose of such a system is to provide warning information (intelligence) to an unsuspecting Officer, Officers believed this policy is formulated to prevent work refusals or provide CBSA with advanced notice of potential work refusals.

There was also significant concern regarding the absence of basic site security which is heightened by increasing seizures of drugs and currency (confirmed by CBSA to be valued in the millions of dollars). Recent events have confirmed trends of escalating violence in the illegal drug business and Chapter 4 provides specific examples of these concerns.

Marine Units

Deficiency of appropriate equipment was perhaps best characterized by the fact that most Marine Enforcement Units do not have a boat. The Marine Enforcement Unit at Halifax, with responsibility for Canada's major Atlantic seaport, does not have a boat. Their patrol of the waterways is done from the shore in cars. This is contrary to Officer and public safety and needs to be remedied as an immediate priority.

In Vancouver, there are four marine units responsible for 76 marine locations. These four units share a 15-year old, 17' inflatable boat with a fiberglass hull. As is sometimes the case, while one marine unit uses the boat another unit gets a ride from the Coast Guard. The Coast Guard, tasked with their own duties, leaves the Officers on a ship at anchor and returns upon Officer request. With no means of transportation off the ship, these marine unit Officers must search crew quarters, confiscate drugs and weapons, and investigate crew with possible terrorist ties. The Officers wonder how they are to defend themselves from a hostile crew with no sidearms and how they are to adhere to the "Withdraw Policy" with no means of transportation off the ship.

Other locations, such as Sault St. Marie, do not even have a marine unit, leaving the waterways virtually un-patrolled. With little patrol being conducted, smuggling of guns, drugs, and people is occurring, as this Study verified.

Correlating Law Enforcement Information/Research

In reaching the many conclusions in this Report, Northgate was specifically mindful of the wealth of information from law enforcement agencies regarding the frequency and nature of criminal activity at ports of entry (POE). As well, Northgate reviewed pertinent empirical data in relation to peace officer duties and fatalities, and carefully compared them to the duties performed by Officers. The analysis provides ample evidence that Officers interviewed are seriously at risk of being assaulted or killed.

The Study also references another Government of Canada law enforcement agency whose officers are armed. Fisheries Officers do not have as much daily contact with potentially violent persons as Officers in this Study, nor are they required or empowered to enforce the *Criminal Code*. Yet, their agency reflects the following "Risks to Health":

"There is daily exposure to the potential for stabbing or the discharge of firearms by clients and poachers, at and in the general direction of the Officer when

he/she is engaged in enforcement activities. This exposure could lead to grievous bodily harm or death and as such, an Officer is required to wear body armour while conducting enforcement activities.

“There is a risk to the Officer's health when he/she is in contact with angry, aggressive and violent individuals on a regular basis while effecting arrests and performing enforcement activities. This can occur several times per week and sometimes several times per day. Officers often encounter people under the influence of alcohol or drugs who frequently exhibit unpredictable behaviour that can increase the risk to the Officer's safety.” (Source: [http://www.dfo-mpo.gc.ca/communic/fish_man/office/Fishery_Officer_e.htm#\(16\)%20Risk%20to%20Health](http://www.dfo-mpo.gc.ca/communic/fish_man/office/Fishery_Officer_e.htm#(16)%20Risk%20to%20Health))

Clearly, Officers in this Study face at least the same risks to their health as Fisheries Officers.

Government Policy on Arming

In Chapter 5, Northgate reviewed the Government of Canada policy regarding future arming of federal law enforcement officers. After comparative analysis of the special circumstances mandated for such arming by the federal government and the data gathered during this Study, Northgate is confident that the federal criteria for arming is indeed satisfied for the Officers in question. Finally, Northgate conducted an intensive statutory review (Chapter 1) and has concluded that no legal obstacles exist for Officers to be armed. In fact, a strong argument, supported by the evidence gathered in the Study, can be made that such arming is a requirement to alleviate danger pursuant to Part II of the *Canada Labour Code*.

Other Issues of Concern

Although outside the specific mandate of the Study, Northgate was alerted to a number of specific circumstances that directly impact on public safety and security. Although these issues could not be researched properly, Northgate believes it would be morally unconscionable to omit these 18 observations. In Chapter 6, these issues are discussed in full with a recommendation that CEUDA seek the investigation of these issues by an independent, appropriately empowered entity to ensure their resolution.

Conclusion

The Northgate Study was completed without the co-operation from the CBSA. Notwithstanding this, nearly 400 Officers took the time to have their voices heard. To Northgate's knowledge, this is the most comprehensive, detailed survey of front-line Officers within the Agency on this subject. As reiterated throughout this report, there is only one conclusion that can be reached when this Report is wholly considered: for the protection of the Officers and the Canadian public, Officers must be armed.

SUMMARY OF RECOMMENDATIONS

The Recommendations laid out in this Report are as follows:

1. CBSA should review the content and method of delivery of its mediation/tactical communication training provided at Rigaud to ensure it maximizes practicality and effectiveness for front-line Officers whose duties include designated Officer enforcement authority.
2. CBSA should implement a post-Rigaud graduation interview with respect to gaining insight into the effectiveness of the training provided at that facility.
3. Subject to an overriding duty to accommodate, a national standard for refresher course re-certification not longer than every two years should be implemented as a mandatory condition of employment for all designated Officers including a requirement that all Officers pass an objective performance level before being re-certified.
4. CEUDA should seek an independent examination of CBSA practices since 2002 with respect to refresher courses for Use of Force training.
5. Local Use of Force practice sessions should be implemented at individual POE, allowing Officers to hone their skills on at least a bi-annual basis.
6. Provision of Use of Force training to all RIOs and CIs should be an immediate priority for the CBSA.
7. An armed border patrol as part of the CBSA is required to enhance public safety by improving the capacity to apprehend deliberate port runners and conduct patrols of the vast unprotected areas between land border crossings in Canada.
8. Notwithstanding the recommendation on the arming issue, the escort and patrol units of the Windsor secondary warehouse should be armed or provided with an armed presence during operation.
9. Border Services Officers should not be allowing entry to known Armed and Dangerous persons. The Armed and Dangerous and Hostile Traveller Policies should be replaced by policies that combine Officer and public safety priorities.
10. CBSA should review staffing at all POE to ensure adequate and properly trained staff members are available to safely deal with enforcement incidents, including having more than one Officer available in any referral situation.
11. The practice of using students to perform duties of full time Officers should be immediately discontinued and replaced by a student program wherein students are assigned administrative duties and would function as additions but not replacements to enforcement activities.

12. CBSA should immediately institute a policy wherein all POE must be staffed with a minimum of two (2) non-student Officers.
13. CBSA should review the duties and caseloads assigned to RIOs and CIs and determine if appropriate staffing levels exist at each office.
14. CBSA should dramatically and immediately increase the number of boats available to marine units across the country.
15. The Canadian government should create an armed Border Patrol responsible for policing the many waterways along the Canadian border, as well as the vast land mass that exists between ports of entry.
16. CBSA should ensure a new policing attendance arrangement at Walpole Island POE is negotiated.
17. Traveller access to firearms at airports should not be permitted prior to secondary examination by Border Services Officers.
18. All Border Services Officers involved or potentially involved in interdiction, inspection or enforcement interaction with the public, as described herein, should be armed.
19. Regional Intelligence Officers and Customs Investigators should be armed.
20. An investigation is required regarding the quality of batteries, radios and antennas used by Border Services Officers/POE to determine the causal factor into the poor communication capabilities of POE. Up-to-date technology regarding radio communication will assist Officers in performing their duties, as well as enhance their safety.
21. CBSA should investigate the adequacy of the PASS panic button system.
22. RIOs and CIs should have the most up-to-date communication systems made available to effectively allow communication with other Officers, as well as with local and federal police services. For rural areas, the use of satellite phones should be instituted if other technology is not reliable enough in these outlying areas.
23. The CBSA should ensure all Officers who have involvement or potential involvement, in interdiction, inspection, or enforcement have fitted, unexpired bulletproof vests.
24. CBSA should investigate site security at POE to ensure Officer and public safety.
25. Standard Operating Procedures must be developed by CBSA to properly handle the Officer and public safety concerns existent during and after large contraband seizures, especially guns, drugs, and currency.
26. CBSA, in conjunction with CEUDA, should conduct a national review of the Facilities and Equipment issues noted above and develop nationally applicable mandatory standards for all ports of entry or categories of ports of entry.

27. Notwithstanding the above recommendation, CBSA, in conjunction with CEUDA, should immediately enhance the Lookout Policy so as to maximize information available to Officers at both primary and secondary inspection with a new Lookout system to include, at a minimum:
 1. all persons for whom an arrest warrant exists (Canada/U.S./Interpol) who are noted as being considered armed and dangerous
 2. all persons who have been deported or ordered deported from Canada on security or criminality grounds
 3. all Interpol criminal inadmissible related information
 4. all Canadian, U.S. or Interpol information regarding wanted or suspected terrorists
 5. all Missing Children information (Canada/U.S./Interpol)
28. The computer databases within CBSA should be consolidated to provide Officers with one computer database that is complete and technologically advanced.
29. Access to CPIC should be raised to level 1.
30. RIO and CI vehicles should be equipped with all the appropriate safety and emergency equipment.
31. Ensuring an armed CBSA Officer presence at remote ports of entry should be an immediate priority as a matter of Officer safety and national sovereignty.

INTRODUCTION

“Though the events of September 11, 2001, served as a catalyst in relation to our understanding of the need for a safe and secure border, our response has addressed a range of challenges that in fact had emerged earlier and will continue to evolve in the future. Terrorist threats, illegal migration, organized crime, and the introduction of previously unknown diseases, such as SARS and the avian flu, all pose serious threats to our way of life. The CBSA’s challenge is to protect Canadians while at the same time facilitating the flow of lawful people and trade, and it brings together the components necessary to meet this important goal.” (The Hon. Anne McLellan testifying before the House Sub Committee on National Security, February 1, 2005)

“Being in the public safety and security business means our job is never done. ... rest assured that we are constantly looking at ways to improve because one can never do too much to protect our society.” (The Hon. Anne McLellan testifying before the Senate Committee on National Security and Defence on *Bill C-26* (An Act to Establish the Canadian Border Services Agency, October 31, 2005))

As the Minister’s remarks confirm, the biggest constant at Canada’s ports of entry and border crossings in the past decade has been change itself. From a place where for a hundred years and more, revenues were extracted and goods and people entered Canada, ports of entry to our country have become places that simultaneously focus on interdiction of persons and goods that pose a risk, and facilitation of entry for those that do not. The changes made are clearly part of an ongoing and deliberate evolution of what needs to happen at ports of entry in Canada.

Since the early 1990s, law enforcement has been warning of the growing presence of cross border organized crime activity that is routinely involved in the illicit movement of guns, drugs, currency, people and other contraband in and out of Canada. The events of 9/11, and what we now appreciate to be its antecedents, make clear that terrorists respect no international boundaries as they move about to accomplish their goals. The border and every port of entry is quite literally an opportunity to detect such illegal and harmful activity and interrupt it *before* it enters Canada to jeopardize public safety. The 9/11 attacks also sharpened the realization that a collective North American perimeter interest existed and that security deficiencies at points of entry to that perimeter affects everyone within it. The Canada-US Smart Border Accord (30 Point Plan) and the Security Prosperity Partnership (Canada-USA-Mexico) are agreements that reflect that new reality.

Furthermore, Canada is a nation whose economic welfare is defined by cross border and maritime container cargo trade. Unnecessarily long delays at border crossings and maritime ports of entry, however well intentioned in the name of security, are to be avoided wherever possible.

This is what lies behind the stated rationale of the newly created Canadian Border Services Agency, “High Risk Interdiction- Low Risk Facilitation”. It is a strategy that

makes economic sense and, when properly applied, public safety and security sense as well.

A port of entry, whether at a border crossing, a seaport or an airport, is a unique place. Persons seeking entry to Canada, or seeking admission of goods to Canada, must present themselves or the goods to a public law enforcement official for inspection and consideration under various Canadian statutes. Unlike policing where law enforcement interaction is almost always reactive, public interaction with law enforcement officers at ports of entry is guaranteed. It is, in fact, precisely what their job is...every single day and every single shift.

This essential fact, coupled with the changing circumstances noted by the Minister, has led to significant changes in the authority and responsibilities of what are now known as Border Services Officers and the other specialized officers within their Agency that support them. In 2000, for the first time, officers assigned to work at the various ports of entry were assigned enforcement responsibility for matters under the *Criminal Code* of Canada. In light of this, and in clear recognition of the change in the work circumstances contemplated by the new authority and responsibility, officers were partially trained and equipped, to work in a potential use of force environment.

There is no question that not everyone within the organization embraced the change from what has always been a tax collection-focused agency. Notwithstanding this, Use of Force and Officer Powers training has been provided to the overwhelming majority of the existent staff, as well as all newly hired officers. With the appropriate political will present, the agency has proven itself capable of change. It is also important to note that there have been no reported incidents of officers abusing the new protective tools that have been issued to them.

Perhaps the greatest change of all occurred when the federal government boldly re-organized itself in 2003 with the creation of a Canadian Border Services Agency within a new Ministry of Public Security and Emergency Preparedness. This modernization brought together the various distinct components of government that had for decades worked beside but apart from one another. By joining the newly empowered Customs Officers to Immigration intelligence, screening and enforcement, the Government of Canada has signalled a clear recognition of the importance and indeed priority of enforcement at Canada's ports of entry.

This decision comes at a time when law enforcement has itself moved to a greater reliance on intelligence-based actions, especially insofar as organized crime and security issues are concerned. Such an approach is exactly complimentary to the facilitation of low risk traffic and underscores the importance of ensuring front line officers at Canada's ports of entry have the most timely, relevant and usable information available to them as they do their jobs on behalf of Canadians. Information is quite literally a tool that protects officers doing a potentially dangerous job and protects Canadians by making sure danger is detected and interdicted when first encountered.

The Customs and Excise Union Douanes Accise (CEUDA) has been a strong advocate for a greater recognition of the realities at Canada's ports of entry. Their initiatives include efforts to secure officer enforcement powers under the *Criminal Code* and efforts to ensure their members received proper protective equipment to deal with their new and appropriate duties. As part of their efforts, in 2002, CEUDA members raised the issue of

the need for sidearms for officers mainly because of their newly entitled ability and obligation to enforce laws on behalf of Canadians at all designated ports of entry. CEUDA's concerns were addressed pursuant to a procedure created by Part II of the *Canada Labour Code*. The result of CEUDA members concerns was the commission of a Job Hazard Analysis (JHA). The CCRA selected a risk management company called ModuSpec to complete the JHA.

The ModuSpec Report, which is reviewed in detail in Chapter 3 of this Report, has regrettably become an important part of the debate surrounding the need for, and legal entitlement to, sidearms for Border Services Officers. As confirmed by the Senate Committee on National Security and Defence, the Final Report was altered to specifically delete a recommendation regarding the need for an armed presence at select ports of entry in B.C., Ontario and Quebec. Chapter 3 of this Report provides additional and significant criticisms to the ModuSpec reports and, thus, makes them even less reliable. Worse, the current CBSA management continues to rely on the ModuSpec Report as justification for their position that the sidearm issue has already been resolved. This reliance on an obviously specious source has even extended to advice given by CBSA to the Minister responsible for border management. Border security is a difficult enough issue without Ministers having to rely on false information.

CEUDA learned of an alteration and falsification of the ModuSpec Final Report shortly after it was released (without notice of the changes being made) through a "brown envelope" from persons within CBSA. After a year of trying to get CBSA to revisit the subject properly, CEUDA decided to conduct its own review so as to ensure front-line officers had a voice on this issue and that Government was provided with an accurate and unaltered analysis into this important subject.

The Northgate Group (detailed in Appendix 1) was selected by CEUDA to undertake an analysis of whether the positions of Border Services Officer (BSO), Customs Investigator (CI), and Regional Intelligence Officer (RIO) have inherent risks that warrant the issuing of firearms. As Chapter 4 details, this involved the interview of 383 front-line officers in every variety of port of entry in every part of Canada. Unfortunately, CBSA refused to cooperate with the Northgate Study and went so far as to send an email reminding/warning officer's of their s. 107 confidentiality requirements, which prohibits the disclosure of unauthorized information. Unlike the controlled ModuSpec "study", Northgate personnel were also refused access to workplaces although we are pleased to note that thanks to the integrity and courage of front line officers and individual Superintendents, nearly 40 ports of entry were toured and operations observed in varying degree.

Ironically, the decision by CBSA to *not* participate led to off-site interviews of CBSA officers who attended and spoke at length in candid and insightful terms. The study included approximately twice as many officers at twice as many sites as the ModuSpec Report. It also provided an opportunity for Northgate to seek and obtain highly relevant internal documents that illustrate and confirm what the front-line officers relayed in their interviews.

The Northgate Report captured important information from front-line officers including a highly detailed description of the duties officers perform, which we suspect will surprise Canadians as to their breadth and nature of interaction with persons that create potential and actual risk. The Report also directly probes the issues of police response and officer

safety in the current circumstances at ports of entry. The results are clear and compelling.

The Northgate Report also provides the legal context in which Border Services Officers (BSO) operate including that which impacts directly on the question of their being armed. It also provides extensive information regarding a wealth of third party information on this subject.

Although the Northgate Study focused on sidearms, officers provided a wealth of information on a variety of related subjects pertaining to officer *and* public safety. One of the under-appreciated realities of what occurs - or doesn't - at our ports of entry is that it more often than not *directly* affects public safety. A policy that tells officers to retreat from persons they believe to be armed and dangerous and permit them into Canada with a phone call to the distant police jeopardizes the safety of all Canadians.

Because Northgate was deliberately denied access to relevant CBSA materials and information, researchers were unable to answer several very disturbing public safety and institutional integrity issues raised by officers during the survey. Northgate believes these matters to be so serious as to merit special inclusion in the Report which is done in Chapter 6 with recommendations for further action.

This Report is dedicated to the women and men that protect our borders and ports of entry every single day. Their public dedication and personal courage are truly inspirational, particularly their determination to be interviewed for this Report and ensure that the voices from the front lines are heard. This Report is a testament to their efforts and dedication.

CHAPTER 1

The Legal Context of Arming Border Service Officers, Regional Intelligence Officers and Customs Investigators

1.1 Introduction

In assessing the need for sidearms to be issued to Border Services Officers (BSO), Regional Intelligence Officers (RIO) and Customs Investigators (CI) (hereafter described simply as “Officers”), it is important to consider the existence of any legal context in which that decision should take place. Northgate has reviewed the appropriate statutes and regulations in addition to several leading cases and rulings made pursuant to the *Canada Labour Code* (Sections 1.2 and 1.3). Northgate has also reviewed the Job Descriptions for the various positions in the context of the legal duties performed by Officers (Section 1.4). Also, this Study highlights a number of relevant statutory provisions that have potential application to the information received during the Study (Section 1.6); some are quoted here so there is no misunderstanding of the legal framework surrounding the described actions either undertaken or tolerated by CBSA. Finally, this Chapter briefly refers to a series of other public safety and legal issues which Northgate discovered and felt obliged to include (Section 1.6). These are discussed more fully in Chapter 6 of this Report.

1.2 Statutory Authority to Carry Sidearms and Officer Duties

There is nothing in law which would prevent Officers from being armed should that decision be made. In fact, both the *Criminal Code* and the *Public Agents Firearms Regulations*, enacted pursuant to the *Firearms Act*, specifically contemplate and authorize the arming of Officers given their status and duties they perform. All that would be required for this to lawfully occur would be a notification from CBSA, which constitutes a qualifying public service agency pursuant to Section 1 of the Regulation, to the Firearms Registrar, that firearms were being issued to Officers in accordance with their duties as peace officers, which qualifies them as “public agents” under the Regulation.

Should such a decision be made, Section 4 of the same *Public Agents Firearms Regulations* imposes a duty on the CBSA to “...ensure that each public agent who acts under its authority, or on its behalf, and who stores, transports, handles or uses firearms in the course of his or her duties, receives training appropriate to his or her particular duties before storing, transporting, handling or using them.” As Chapter 4 demonstrates, this legal requirement is precisely what Officers themselves recommend before any issuance of firearms.

1.2.1 “Peace Officer” Status

Officers have historically been defined in law as “peace officers” pursuant to Section 2 of the *Criminal Code* for the purpose of performing any duty in their administration of the *Customs Act* or the *Excise Act*. The scope of these duties was expanded even further in

1999 with the passage of *Bill C-18* which, as discussed below, endowed them with the “powers and responsibilities” of peace officers for the purpose of enforcing the *Criminal Code*. Finally, *Bill C-26*, which formally created the Canadian Border Services Agency (CBSA), reconfirms the peace officer and firearms entitled status for Officers through a consequential amendment to the *Criminal Code*.

In summary, there is no lawful impediment for the CBSA to issue sidearms to Officers who are exercising peace officer duties. In the past six years, Parliament has had two separate occasions to alter that status, and has confirmed it in both instances.

1.2.2 Enforcement Responsibilities

It is no exaggeration to say that CBSA Officers have direct administration and enforcement responsibilities for more federal statutes than any other enforcement agency in Canada, including the RCMP. CBSA estimates that its Officers are responsible for the administration and enforcement of in excess of 90 statutes. These include everything from the *Customs Act*, the *Excise Act*, the *Seeds Act*, the *Meat Inspection Act*, and the *Plant Protection Act*, to the *Proceeds of Crime and Terrorism Financing Act* and the *Criminal Code* itself. The breadth of administration and enforcement is clearly extensive.

The foundation statute for Officers is, of course, the *Customs Act*, wherein the specific obligations of travellers and importers are expressed. The same statute also articulates the duties and powers of Officers in enforcing the Act and related statutes. It is important to appreciate from the outset that Canadian law compels all persons seeking entry to Canada or seeking to bring goods into Canada to present themselves and the goods for inspection before doing so. The law also permits, in defined circumstances, the examination of persons and goods leaving Canada, which is a subject of increasing importance in the context of multi-lateral (and particularly Canada-US bilateral) co-operation against organized crime and terrorism.

The border and the Officers that work there are a deliberate line of interception, examination and in some instances, interdiction. While much is made of the intent of facilitating the movement of goods and people into Canada, the modifier of “legitimate” is often added to that description. Were interception, examination and interdiction not the overriding concern, people and goods could simply be allowed to enter Canada without inspection. The fact that Canada has chosen to inspect people and goods crossing its border clearly recognizes that it is in the public interest to conduct such enforcement actions.

These interdiction and enforcement roles were significantly augmented in 1999 with the passage of *Bill C-18*, resulting in empowering specially designated Officers to enforce the *Criminal Code*. The statute created Part VI.1 of the *Customs Act*, which endowed Officers with the same powers of arrest as police officers enforcing the criminal law. The Act also authorized Officers to exercise a specific police officer power by administering breath sample demands and detaining and delivering suspected impaired drivers for breath tests.

The conscious decision to expand Officer “powers and obligations” was made in response to the perception that there was public benefit in doing so. The interception, examination and interdiction environment of the border or port of entry created an

opportunity to literally apprehend persons found committing crimes (or avoiding apprehension) and thereby significantly enhance public safety *inside* Canada. Once again, the public importance and priority of those functions is expressed by the CBSA in a *recruiting* advertisement which states:

“Help keep inadmissible goods and people from entering Canada... help find missing children... protect Canada from illegal drugs and firearms... contribute to a safe food supply and to the protection of our environment... enhance Canada's social and economic growth...”

“Canada Border Service Agency (CBSA) employees are committed people with a big job. They work at hundreds of locations across Canada to help keep restricted substances and prohibited goods and materials from entering Canada. CBSA employees contribute to safer homes and streets and a healthier environment.” (Source: www.cbsa-afsc.gc.ca)

The powers currently granted to Officers under the *Customs Act* are very broad. They include: questioning individuals; warrant-less search of persons, vehicles, belongings, and places on or off Customs facilities in defined circumstances; executing search and arrest warrants; seizure and detention of goods; arrest, detention and transportation of individuals.

It should be noted that Section 163.5(4) of the *Customs Act*, which was created by *Bill C-18*, specifically prohibits using *Customs Act* powers to conduct *Criminal Code* (or other criminal) investigations:

“163.5(4) A designated officer may not use any power conferred on the officer for the enforcement of this Act for the sole purpose of looking for evidence of a criminal offence under any other Act of Parliament.”

Additionally, Officers acting in accordance with their statutory duties are covered by the *Criminal Code* Use of Force provisions (ss. 25-7) that provide both protections and obligations.

CBSA information indicates that the training and designation of Officers as required under the *Criminal Code* is virtually completed (with exceptions for RIOs and CIs which Northgate has reported as requiring correction), and all Officers now graduating have that competency. Northgate's Officer interviews and an examination of CBSA materials have not produced anything that suggests a concern with respect to Officers abusing either their *Criminal Code* authority or the protective tools issued to them as a result of receiving such authority.

1.2.2 Bill C-26 and other Federal Statutes

Nowhere is this priority of enforcement made more clear than in the new statute (*Bill C-26*) creating the CBSA.

“Section 5(1) The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, which meet all requirements under the program legislation, by

- a) *supporting the administration or enforcement, or both, as the case may be, of the program legislation.”*

1.2.3 Working With Immigration Officials

Until the creation of the CBSA, Officers worked onsite with Immigration officials, although in inappropriately disconnected circumstances. This amalgamation of functions is very much a work in progress, but it is a significant step towards improving the interdiction capacity at ports of entry in Canada. The current situation continues the practice of Customs Officers working at primary inspection stations with limited (and in some cases none) immigration information, which is of extremely limited relevance in determining the nature of the individual being questioned.

This is explored more fully in Chapter 4 and the insightful observations of respondents to the Northgate survey underscores the recognition that interception of persons seeking entry to Canada is an important public security issue. It is a function authorized by the *Customs Act*, the *Immigration and Refugee Protection Act* and *Bill C-26*. It is also a function that contemplates the possibility of interdiction and enforcement action involving persons whose legal basis of inadmissibility is recognized by the *Customs Act* (Part I – Division 4) as involving criminality, security, terrorism and a variety of other behaviours which all involve potential harm to Officers performing their statutory duties.

In summary, Officers at ports of entry are authorized to and are exercising their full statutory interdiction and enforcement authority, under the *Criminal Code*. Unlike police officers who are called onto the premises to receive persons who have been arrested by Officers pursuant to the exercise of this authority, they do so without sidearms. The Northgate Study revealed no legal reason, limitation or restriction for that to be so.

1.3 Part II of the *Canada Labour Code* and Related Cases

While it is clear that there is no statutory restriction against Officers being issued sidearms, there is nothing in the statutes examined to date that specifically compels CBSA to issue sidearms to Officers performing their duties. As federal employees, however, Officers are entitled to the protection of Part II of the *Canada Labour Code*, which does impose safety related obligations on the CBSA.

During the course of the Officer interviews, Northgate was presented with voluminous materials from previous (and ongoing) work refusals based on a variety of circumstances that were directly relevant to the matters under consideration. These included staffing levels, denial of safety relevant information, inadequate training and the failure to provide sidearms to Officers. There were approximately ten work refusals launched during the course of the Northgate Study, and all were initially ruled to be circumstances of “no danger” by the Health and Safety Officer appointed under the *Canada Labour Code*. Northgate’s understanding is that these cases, or at least some of them, have been appealed and thus the legal determination of whether “danger” exists has yet to be finally determined.

As such, there is no need for this Study to delve inordinately into a legal analysis of the *Canada Labour Code*. It is appropriate, however, to mention a few factual circumstances that came to light during the course of the Study that could have important bearing on the factual submissions made by CBSA on these cases, and on the ultimate determination of whether “danger”, as defined by the *Labour Code*, exists or not.

As the recent Federal Court of Appeal ruling in *Martin and PSAC v. A.G. Canada [2005] FCA 156* noted, the definition of danger includes a “... *potential hazard or condition or any current or future activity that could reasonably be expected to cause injury...*” In that case, the Court also ruled it was entirely appropriate to infer from past and present circumstances and experiences as to what is reasonably expected to occur in the future. As well, the Court made clear that because a certain risk occurs as a regular part of the job, the employer is not thereby relieved of the obligation to reduce the risk of injury by providing appropriate protective equipment as required by Section 122.2 of the *Canada Labour Code*. The *Martin* case pertained to the request by a federal law enforcement officer (Parks Warden) for a sidearm. Given the obligatory traveller interaction and increased enforcement focus, federal law enforcement officers at ports of entry would seem to have as compelling a factual case.

With these provisions and case in mind, the rationale for the work refusal undertaken by Officers in Niagara Falls in August of 2005 would seem to be extremely important. In that case, Officers were alerted to the potential arrival of an armed and violent U.S. criminal fugitive named Greene (an incident further examined in Chapter 4). The Niagara Regional Police (NRP) arrived on scene with multiple officers deployed with sidearms and carrying rifles. In anticipation of the arrival of the criminal fugitive, they took up the positions normally occupied by Officers, but were fully armed while doing so, with tactically placed armed backup. After waiting several hours for the individual to arrive, the police withdrew to a location back from the border, still armed. It was at this point that the unarmed Officers commenced the process that led to the work refusal.

The police are CBSA’s agent of choice to deal with a situation such as what occurred that day in Niagara Falls. By responding and deploying as they did, the NRP defined what the appropriate standard of protection should be in these circumstances. Further, unless the CBSA can *guarantee* that every person of like characteristic as the fugitive Greene will be known in advance so as to permit the summoning and arrival of an armed police presence, the potential “hazard or condition” is ever present for Officers at ports of entry. This is confirmed by CBSA’s own data that show that unannounced armed criminal fugitives have been intercepted on an ongoing basis for years. Adding to this are the literally thousands of instances of undeclared loaded firearms being detected and seized at the border.

The potential “hazard or condition”, including the reality and frequency of its spontaneous detection is undeniable. The response to it when known in advance has been defined. The equipment required to mitigate it when it appears unannounced would seem to be clear as well. This issue is raised here because it may well be that the law itself will ultimately direct what policy has forbidden.

1.4 Position Descriptions

Northgate has reviewed the current CBSA position descriptions for Border Services Officers (BSO), Regional Intelligence Officers (RIO) and Customs Investigators (CI). All of them involve clear descriptions of duties and circumstances that involve “...*potential hazard or condition or any current or future activity that could reasonably be expected to cause injury*” as noted in the definition of “danger” in Section 122 of the *Canada Labour Code*.

The RIO position explicitly states that physical injury might result from dealing with hostile individuals.

The Customs Investigator position indicates that dealing with irate and physically threatening persons is a regular task.

The BSO position indicates interdiction of high risk individuals, described subsequently as "...dangerous to the public who may have been involved in violent crimes or terrorist activities..." as a "Key Activity" and specifies restraining and disarming violent individuals as an expected duty. It also specifically identifies duties involving lives being "endangered" and that "...a failure to respond to dangerous situations may cause harm or injury to others." It also describes assaults by suspect persons and injury from performance of duty as a health risk.

The CBSA descriptions of the positions under review appear to clearly envisage exactly the kind of "danger" contemplated by Part II of the *Canada Labour Code* and at least some of the exceptional circumstances set forth by the Government of Canada (see Chapter 2) to justify the issuance of sidearms.

1.5 Conclusion

There is no legal restriction on Officers being issued sidearms. Furthermore, there is strong evidence that suggests that Officers may be legally entitled to sidearms as protective equipment pursuant to the *Canada Labour Code*.

1.6 Other Legal Issues

During the course of the Officer interviews, Northgate encountered a number of Officer and public safety issues that are believed to require further investigation and resolution. Those dealing with matters involving public safety, although referenced here, are more fully explored in Chapter 6. The common theme to all of these issues, however, is that there is a legal backdrop to their existence, which is why they are included here.

1.6.1 Employer Obligation to Provide Accurate Information

In reviewing the "No Danger" rulings to date, Northgate was also made aware of materials supplied by CBSA to Health and Safety Officers under the *Customs Act* to justify a "no danger" conclusion. Among these submissions are assertions that:

1. all Officers are required to pass refresher courses in the Use of Force training at specified intervals;
2. police response times are adequate;
3. threat information Lookout systems are sufficient; and
4. that a previous job hazard analysis recommended against Officers being issued sidearms.

Section 143 and 143.1 of the *Canada Labour Code* state:

"Section 143. No person shall obstruct or hinder, or make a false or misleading statement either orally or in writing to an appeals officer or a health and safety officer engaged in carrying out their duties under this Part.

“Section 143.1 No person shall prevent an employee from providing information to an appeals officer or a health and safety officer engaged in carrying out their duties under this Part.”

The material gathered by Northgate and reported in subsequent Chapters of this Report suggests that inaccurate information has been supplied by CBSA to Health and Safety Officers.

During the course of the Study, some Officers raised the question of whether the “Withdrawal Policy” (detailed in Chapter 4) constituted a potential breach of a duty that might render them liable for criminal prosecution should harm or death to another person be caused by a person released into Canada. One Officer went so far as to write to Regional management expressing his concerns and seeking a legal opinion.

While that scenario is unlikely, given the instruction to an employee and intervening causation it does raise a point that merits mention. Parliament recently amended the *Criminal Code* by articulating a specific circumstance in relation to the definition of “duty” as an element of the offence of criminal negligence causing death or bodily harm. The new section of the Code states:

217.1 Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

Failing to provide or suppressing relevant information or knowingly supplying incomplete or inaccurate information to a process capable of directing provision of protective equipment to workers may well constitute failing to take such now, legally mandated, “reasonable steps”. Although the same ultimate causation issue would be present, CBSA managers should recognize that Parliament has expressly included such matters within the definition of criminal negligence.

1.6.2 Facility Operator Interference

During the course of Officer interviews in Ft. Erie, Niagara Falls and Windsor, specific information regarding facility operator interventions to expedite traffic came to light. It is worth noting that Section 153.1 of the *Customs Act* creates a summary conviction offence as follows:

“Section 153.1 No person shall, physically or otherwise, do or attempt to do any of the following:

- (a) interfere with or molest an officer doing anything that the officer is authorized to do under this Act; or*
- (b) hinder or prevent an officer from doing anything that the officer is authorized to do under this Act.”*

Since interdiction and enforcement are clearly part of the duties which Officers are authorized to perform, any attempt to cause Officers to cease those actions to facilitate traffic flow and increase revenues for bridge operators would seem to be potentially captured by this section.

1.6.3 Criminal Code Enforcement Issues

Officers from all Regions of the country reported a number of CBSA policies or practices they encounter in the attempted performance of their duties that needlessly jeopardize public safety. There were no explanations provided as to why such practices were mandated, other than a general sense of a deliberate non-enforcement managerial attitude. The issues specifically include:

1. failure to execute many criminal arrest warrants and the full range of powers pursuant to Part XVI of the *Criminal Code*, resulting in the release of criminally wanted persons into Canada and potential liability for crimes committed thereafter by such released fugitives; and
2. refusal to permit trained breathalyzer technicians to operate on-site breathalyzers, resulting in dismissal of *Criminal Code* prosecutions under Section 253(b) of the *Criminal Code*.

1.6.4 Criminal Inadmissibility Issues

Officers from all Regions of the country (to varying degrees) reported that persons found committing offences regarding small amounts of drugs, undeclared firearms or non-reporting of currency were frequently still admitted into Canada once the seizures had been made. This is unlawful pursuant to *the Immigration and Refugee Protection Act (IRPA)* and *Customs Act*:

The IRPA is clear as to inadmissibility:

“Section 36(2). A foreign national is inadmissible on grounds of criminality for

- (d) committing, on entering Canada, an offence under an Act of Parliament prescribed by regulations.

IRPA Regulations specify:

“Section 19. For the purposes of paragraph 36(2)(d) of the Act, indictable offences under the following Acts of Parliament are prescribed:

- (a) the *Criminal Code*;
- (b) the *Immigration and Refugee Protection Act*;
- (c) the *Firearms Act*;
- (d) the *Customs Act*; and
- (e) the *Controlled Drugs and Substances Act*”

The *Customs Act* reflects the following:

“153. No person shall

- (a) make, or participate in, assent to or acquiesce in the making of false or deceptive statements in an answer made orally or in writing pursuant to this Act or the regulations;

- (a.1) make, or participate in, assent to or acquiesce in the making of false or deceptive statements in an application for an advance ruling under section 43.1 or a certificate referred to in section 97.1;
- (b) to avoid compliance with this Act or the regulations.

“159. Every person commits an offence who smuggles or attempts to smuggle into Canada, whether clandestinely or not, any goods subject to duties, or any goods the importation of which is prohibited, controlled or regulated by or pursuant to this or any other Act of Parliament.”

One senior Immigration Officer that asked to be interviewed suggested that the problem in this area is that a person removed under these circumstances can re-present themselves one hour later and no longer be considered as criminally inadmissible. His suggestion, which Northgate endorses, is to permit Officers to issue a time specific (three months) removal order in the circumstances described above, which would forbid re-entry prior to its expiration.

CHAPTER 2

The Policy Context Regarding Border Security and Sidearms

2.1 Introduction

Activities at Canadian Ports of Entry (POE) have been the subject of increased public policy debate over the past decade. As public expectations at POE change, this properly results in a closer examination of the required duties of Officers and the potential risks involved in their performance. As such, Northgate chose to include a survey of that public and private sector commentary so as to ensure an appropriate policy context to the sidearms analysis.

This Chapter will review relevant Parliamentary Reports, most notably the various examinations of border and port of entry security undertaken by the Senate Committee on National Security and Defence over the past five years. The Senate Committee has been the source of the most detailed and comprehensive analysis of Canadian security issues generally and POE security including arming Officers specifically. This is followed by a review of the various formal Government of Canada Border Security related policies and agreements implemented since September 11th 2001 and relevant private sector analysis as well. This Chapter provides a special focus on relevant law enforcement information pertaining to border and POE activities and professional law enforcement based Officer safety reviews based on the nature of duties performed.

Finally, and most critically, the Chapter will provide what Northgate believes is hitherto unreported internal Government of Canada reports dealing specifically with the issue of arming Officers. These materials were obtained by Northgate during its Study and all of them are from previous Access to Information requests made by various CEUDA members.

2.2 Parliamentary Reports and Proceedings Relevant to Border Security

2.2.1 Ministers' Remarks

Various Ministers have from time to time spoken publicly about the changing nature of duties of Officers at POE including, most recently, Minister McLellan during various Parliamentary appearances on *Bill C-26*.

“Though the events of September 11, 2001, served as a catalyst in relation to our understanding of the need for a safe and secure border, our response has addressed a range of challenges that in fact had emerged earlier and will continue to evolve in the future. Terrorist threats, illegal migration, organized crime, and the introduction of previously unknown diseases, such as SARS and the avian flu, all pose serious threats to our way of life. The CBSA's challenge is to protect Canadians while at the same time facilitating the flow of lawful people and trade, and it brings together the components necessary to meet this important goal.” (House Sub Committee on National Security, February 1, 2005)

The Minister's remarks on operational matters at the border are also worth repeating for subsequent comparison with the detailed Northgate interviews of Officers detailed in Chapter 4. Suffice to say, the Officers on the front lines have a very different perspective on how things work.

"Furthermore, the integrated border enforcement teams, or IBETs, led by the RCMP, unite law enforcement, border, and intelligence personnel from Canada and the United States, and are strategically placed to detect, deter, and apprehend individuals involved in cross-border crime. The model is built on the premise of partnership and on sharing information more effectively to stay one step ahead of criminals and terrorists." (ibid)

"The National Risk Assessment Center ensures the timely distribution of this information to field officers, who are ready to act quickly and decisively to apprehend and stop the entry of terrorists, high-risk people, illegal contraband, drugs, and weapons into Canada." (ibid)

Months later, the Minister used the occasion of her appearance before the Senate on *Bill C-26* to provide the most precise indication of the need for an armed presence at the border. Note that this important statement was made in the context of a Bill which fundamentally revises the Government's approach to activity at the border through a clearly enhanced enforcement priority.

"We are aware of the interest of this committee and others in terms of the increase of police presence at the borders, or some form of armed presence at the borders, or at least key border crossings that represent the vast majority of activity at our borders. In fact, we have taken this up and at this point the CBSA and the RCMP -- I have met with Mr. Jolicoeur and Commissioner Zaccardelli -- are in the process of determining how best to ensure that at least at key identified major border crossings we have an enhanced armed presence. Whether this happens in the context of our integrated border enforcement teams, which already exist in 15 locations, or whether it happens in some other forum, we are conscious of the concern that has been expressed by you, by the union representatives, for example, in terms of the desire to see an enhanced presence, armed, dare I say, at the border. Consequently, I am hopeful that we will be able to indicate the way forward in this regard in the coming months."
(Senate Committee on National Security and Defence- October 31, 2005)

Previous Ministers have made statements regarding the change of duties for Officers at the border when earlier changes such as providing *Criminal Code* enforcement powers through *Bill C-18* were proposed. Among the most prescient and relevant to the subject of this Report are the remarks of November 18, 1997 from CCRA Minister Herb Dhaliwal, and his Parliamentary Secretary Sue Barnes, herself a former Customs Student Officer.

Ms Barnes' remarks, although aimed at *Criminal Code* powers, are descriptive of the intended change which has now become reality.

"Using this legislation we propose to provide customs officers with a first response capability at the border, allowing them to detain and arrest individuals who are suspected of having committed offences or who are in the process of

committing offences under the Criminal Code...A first response capability means Canadians can expect more effective and efficient enforcement of our criminal laws and customs officers can fulfill their protection role at the border. A first response capability will strengthen an already strong partnership with the law enforcement community... Customs officers can and will make a difference, a view also shared by the police community. For example, Windsor police Deputy Chief Michael Dagley said of this bill: "It is a real plus because it means we are not out looking for the individual and they are in custody quicker".
(Source: remarks of November 18, 1997 from Sue Barnes.)

Later that day, Minister Dhaliwal continued to express the recognition of the enforcement priority although with an unintended but telling error about how such powers would be exercised in the future.

"Bill C-18 is important for the protection of Canadians and Canada. It closes an enforcement gap which restricts our officers from acting to control criminal activities such as impaired driving, child abduction and the possession of stolen goods at the border. The bill also gives officers the authority to detain individuals who are the subject of outstanding arrest warrants. In this regard Bill C-18 is vital to our government's efforts to increase the safety of Canadians. ..Even before Confederation our customs officers were our first line of defence at the border. In 1997 this is still a key part of their mandate. However, like any modern organization, customs must change to reflect the realities of a more transient world, a world where crime has no borders. That is why customs officers have always worked with the RCMP and other domestic and international law enforcement agencies to keep our communities and our streets safe. We know that our position at the border gives us a unique advantage to identify and intercept criminals. We want to take advantage of this unique position. Make no mistake, our customs officers do come face to face with crime at the border. We have the numbers to prove it. In the past 16 months our officers have seized over \$850 million worth of drugs, almost \$2 million worth of contraband alcohol and tobacco products, and more than 2,600 illegal imports of firearms. Day in and day out our customs officers do a magnificent job. I am proud of the fact that Canada has one of the finest customs administrations in the world. However, we want to give them the tools to do better." (Source: Minister Dhaliwal remarks, November 18, 1997)

The Minister went on to refer to a specific case that had shocked Canadians and launched a national victims of crime movement which, as this Chapter subsequently details, produced a public safety Petition signed by 2.5 million Canadians and a policy reform agenda that included an armed presence at Canada's border crossings.

"The fact that they cannot take appropriate action places all Canadians at risk. I refer to a case involving Jonathon Yeo. Mr. Yeo was refused entry to the United States because he was out on bail for a criminal offence. As a Canadian citizen he was allowed to return to Canada because the officers did not have the authority to detain him. Mr. Yeo went on to abduct and murder two young women before taking his own life. Bill C-18 will provide our customs officers with the authority to detain and arrest individuals who are suspected of committing Criminal Code offences or other offences until local authorities arrive. Officers' hands will no longer be tied when dealing with criminals."

Jonathon Yeo was a serial sex offender who was charged in 1991 with a firearms related confinement and rape charge. Yeo was released on bail and on August 9, 1991, in violation of his bail terms, he attempted to enter the United States through Niagara Falls. Armed U.S. authorities determined that Yeo was on bail and denied him entry. They also noted that he was in possession of a loaded handgun and a suicide note. They alerted Canadian Customs Officers who permitted him unobstructed re-entry due to the lack of arrest power and their not being armed. Yeo subsequently abducted, raped and murdered two young women before killing himself.

Contrary to Minister Dhaliwal's well-intentioned prediction seven years ago, were the circumstances of Yeo's case to repeat themselves today, CBSA policy would instruct officers to permit his unobstructed entry as before. This "Armed and Dangerous" Policy, discussed in detail in Chapter 4, appears to be in place to support the decision not to arm Officers. As such, it continues the potential public harm which was supposed to be eliminated years ago.

2.2.2 The Senate Committee on National Security and Defence

Without doubt, the most prolific Parliamentary body on national and border security issues has been the Senate Standing Committee on National Security and Defence. The Committee has issued multiple reports touching collectively and individually on airport, seaport and land border crossings. The Reports are cumulative in nature and provide an effective "progress report" on issues previously. They also display an unusual candour especially in exposing government non-responses, inaction and inaccuracies. Northgate reviewed the following Senate Committee Reports for this Study.

A. The Myth of Security at Canada's Airports (January 2003)

In that particular report, Inspector Sam Landry, Officer in Charge of the Toronto Airport Detachment, Royal Canadian Mounted Police was quoted as saying:

"Criminal organizations have penetrated many legitimate businesses throughout Canada to further their criminal enterprises. This trend is no different at Toronto's Pearson airport. The ability to move contraband undetected through the airport is essential to the success of their criminal activities . . . The primary concern to all of us is the criminal activity we have identified at Toronto airport that is linked to criminal organizations such as traditional organized crime, Eastern European-based organized crime, Asian-based organized crime and outlaw motorcycle gangs. We have also uncovered cells of individuals involved in illegal activity who are working with their counterparts in other countries." (p. 59)

The Committee recommended:

"1.2 The Canada Customs and Revenue Agency and Immigration Canada should, by June 30, 2003, offer substantive evidence to the Committee that they have addressed the Auditor General's recommendations to improve training that will help airport personnel identify persons "likely to engage in criminal activities or endanger the safety of Canadians." They should also demonstrate that they have made arrangements to gain access to police databanks that would assist in

such identification, and have provided their employees with the training and technology required to take advantage of these databanks.”

B. Canada's Coastlines: The Longest Under-Defended Borders in the World (October 2003)

“Never has a combined physical and economic threat to the Canadian homeland been more palpable, but rarely have Canadians been more sanguine about their well-being.... We must defend our coastlines with more than a handful of RCMP officers.” (p. 149)

The Committee recommended:

“2.5 The Royal Canadian Mounted Police (RCMP) be designated as the lead police force at all Canadian air and sea ports with adequate funding to combat security breaches caused by the presence of organized crime at those ports.

“4.2. The Committee reiterates its recommendation that a public inquiry be struck under the Inquiries Act to look into the vulnerabilities to crime and terrorism at Canada’s ports.”

C. Canadian Security Guide Book 2005 Edition- An Update of Security Problems in Search of Solutions (December 2004)

In this Report the Committee reviewed previously identified security issues and acknowledged the need for an enhanced enforcement focus at POE including land border crossings. It declined to recommend arming of Officers but specifically welcomed receiving any new evidence on the subject. CEUDA assembled the further evidence requested and presented it in a subsequent submission to the Committee on April 7, 2005. The latest Senate Report, reviewed below, reflects those submissions.

D. Borderline Insecure - Canada’s Land Border Crossings are Key to Canada’s Security and Prosperity. (June 2005)

“Border crossings offer a nation its best chance to take a look at who and what is coming in. Border crossings provide border inspectors a chance to go eye-to-eye with those individuals intent on causing harm to Canadian society. It isn’t a perfect opportunity – in most cases the time to appraise a traveler won’t last more than 30 seconds. But it does allow trained officers to scrutinize the approximately 71 million people who cross the Canada-U.S. border every year. The opportunity to scrutinize people efficiently, intelligently and fairly can be squandered if proper training, resources and systems are not in place. They should be there.” (p. 6)

“Border security works for Canadians. There are elements of U.S. society that Canadians wish to keep at bay – for example, the American gun culture. The borders have served as a useful tool here: the Canada Border Services Agency seized 5,446 firearms at the Canadian-U.S. border between 2000 and 2004.” (p. 8)

“Across much of Canada our first line of defence is only one person deep.” (p. 21)

“A significant part of the role played by inspectors involves searching for drugs, guns and illegal entrants, many of whom will have been involved in criminal activity. Dealing with people like this on a regular basis, and trying to defend Canadians from whatever malfeasance they may be up to, is a risky way to make a living...(p. 27)

“Reports of violent incidents at land border crossings are relatively infrequent. This, the Committee believes, is due in part to the fact that CBSA lacks a credible system for reporting and cataloguing these types of incidents. Between August 2000 and October 2002, the most recent period for which statistics were available, 63 critical incidents reports were filed, involving threats or assaults to officers.” (p. 27)

“Unless the federal government is prepared to provide an around-the-clock on-site armed police presence at each and every border crossing at which Canadian border personnel are stationed, border officers should be equipped with firearms and trained in their proper use. Canadian police officers are armed because they are responsible for security on our streets. If there is not going to be a permanent police presence at Canadian border crossings, border inspectors should be armed because they are responsible for security at those crossings. Arming inspectors would give them better protection, act as a deterrent to aggressive and illegal behaviour at our borders, and continue the evolution toward putting a new emphasis on security at crossings.” (p. 31)

The Committee made several focused recommendations relevant to the issues canvassed in the Northgate Study including:

“4. The Canada Border Services Agency deploy only inspectors fully-trained to the level of indeterminate employees to perform primary duties on inspection lines.

“5. The number of personnel employed by the Canada Border Services Agency be sufficient to provide security commensurate with increased security threat associated with the increased traffic and threat at Canada-U.S. land border crossings in recent years.

“6. The Canada Border Services Agency ensure that at least half of all shifts at land border crossings be staffed by at least two persons by Dec. 31, 2006; and that all shifts at all land border crossings be staffed by at least two persons by Dec. 31, 2007.

“11. The Canada Border Services Agency make mandatory the timely reporting and cataloguing of critical incidents faced by personnel.

“12. The Canada Border Services Agency include a tally of those incidents in the Agency’s annual report to Parliament.

“13. The federal government arm border officers if it is not prepared to station and maintain an RCMP presence at all border crossings.

*“14. If the government does go ahead with arming border officers, it create a firearm qualification and recertification program that meets or exceeds the Firearms Course Training Standards of the Royal Canadian Mounted Police.”
(pp. 69-70)*

2.2.3 The Auditor General

A third public source of relevant border and POE security commentary is the Auditor General of Canada. In Chapter 8 of her 2001 Report, the Auditor General comments critically on two matters raised by Northgate in this Report and discussed herein; the Border Management Plan (Chapter 6) and the Windsor Bridge Commercial Clearance facilities (Chapter 4)

In March 2004, the Auditor General conducted a detailed review of the federal government’s anti-terrorism efforts since 9/11. The Report, *National Security in Canada — The 2001 Anti-Terrorism Initiative*, was highly critical of the Government in a variety of areas and is widely believed to have been, in part, responsible for several policy changes including the subsequently released National Security Policy discussed below. The following are a series of extracts which demonstrate the increased appreciation for a security and enforcement focus at the border in a post 9/11 Canada. Relevant extracts from this Report include:

“3.6 We found gaps and inconsistencies in the watch lists used to screen visa applicants, refugee claimants, and travellers seeking to enter Canada. There is no overall quality control of this vital function, which is spread over several departments and agencies. No one monitors delays in the entry or the quality of the data on watch lists.

“3.78 Problems in this area contribute to other deficiencies noted. Elsewhere in this chapter we discuss problems that could be defined as a lack of interoperability or of information sharing:

“Watch lists require the timely sharing and transfer of information between those who collect the information and the Customs officers on the front-line who use it in protecting Canada’s borders. Information on lost and stolen passports needs to be available to officials on the front line. The increased reliance on intelligence requires a more effective and efficient means of sharing information among intelligence agencies.

“3.114 In our initial audit work we found significantly fewer terrorist lookouts in the Service’s tracking system than in Immigration’s database, so we did a detailed comparison of the two lists. We found that Immigration’s records were in such disarray that we were unable to complete a full reconciliation during the course of our audit. We found

*terrorist lookouts missing,
extensive duplication of records within Immigration’s database,*

classification errors that could result in inappropriate handling of individuals entering Canada, and names listed that should have been removed from Immigration's database

“3.125 Border watch lists do not contain the list of lost and stolen Canadian passports. In April 2003, the Passport Office instituted a policy that once a passport is reported lost or stolen, it is permanently deactivated. However, the information system used on the primary inspection line cannot distinguish between active and deactivated passports.

“3.131 On 24 September 2003, the RCMP database contained about 162,000 outstanding Canada-wide arrest warrants for serious criminal offences (not including immigration warrants). There is no system that transfers information on outstanding warrants to the border watch lists; although Immigration and Customs manually check names, this is not done at the primary inspection line. This means that the automatic computer checks at the primary inspection lines and computer checks made against passenger lists in advance of international flights cannot flag persons wanted under Canada-wide warrants. Customs may enter lookouts on fugitives manually when specific information is provided by police or found during periodic scans of most-wanted lists on the Internet.

“3.132 After we completed our audit, Customs informed us that it would be implementing a system that incorporates warrants contained in the RCMP database into information provided to officers on the primary inspection line. This will be provided only at airports as land ports of entry focus on licence plates rather than the names of individuals.

“3.133 Recommendation. The RCMP, the Canadian Security Intelligence Service, the Canada Border Services Agency, and the Passport Office should improve their management and co-ordination of watch-listing efforts that collectively contribute to Canada's national security.

“Canada Border Services Agency's response. CBSA agrees to the recommendation and will continue to work with our partners to improve the management and co-ordination of watch-lists.”

(Source: <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/20040303ce.html>)

As this Report details, that is clearly still a “work in progress”.

Finally, in November 2005, the Auditor General released a Report entitled “RCMP - Contract Policing” which demonstrated significant personnel deficiencies in all contracting Provinces resulting in delayed response and diminished capacity. Additionally, the Report revealed deficiencies in RCMP re-training and recertification issues which are relevant to any decision regarding arming Officers. (Paragraphs 1.40-1.42)

Clearly, the RCMP is currently understaffed and incapable of providing the kind of armed police presence contemplated by various public entities who have commented on the subject.

2.3 Government of Canada Border Security Related Policy Documents

As noted above, prior to September 11th, 2001, the Government of Canada had clearly begun the evolution at POE to a more public security or enforcement based focus. The terrorist attacks on the United States accelerated that process and remains a driving force for activities at POE. The following Canadian policies or agreements were all entered into post 9/11 and are illustrative of current and future priorities at POE relevant to enforcement and the consequential need for an armed Officer presence.

In the immediate aftermath of 9/11 when America locked down her borders, both governments realized co-operative measures were required to enhance security in a way that did not compromise cross border and maritime cargo container trade. This general but critical concept of high risk interdiction and low risk facilitation has governed Canada-US cross border security and trade since and appears destined to be the defining feature of relations between the two countries for the foreseeable future. The various examples cited below affirm that increased priority of security and enforcement and in some cases the specific need for an armed presence at POE to accomplish it.

2.3.1 The Smart Border Accord (30 Point Plan- December 2001)

The Smart Border Accord illustrates this commitment. Several specific paragraphs are excerpted as examples.

“(1) Biometric Identifiers

Jointly develop on an urgent basis common biometric identifiers in documentation such as permanent resident cards, NEXUS, and other travel documents to ensure greater security.

“(4) Refugee/Asylum Processing

Review refugee/asylum practices and procedures to ensure that applicants are thoroughly screened for security risks and take necessary steps to share information on refugee and asylum claimants.

“(16) Joint Facilities

Establish criteria, under current legislation and regulations, for the creation of small, remote joint border facilities. Examine the legal and operational issues associated with the establishment of international zones and joint facilities, including armed protection or the arming of law enforcement officers in such zones and facilities.

“(23) Integrated Border and Marine Enforcement Teams

Expand IBET/IMET to other areas of the border and enhance communication and coordination.

“(24) Joint Enforcement Coordination

Works toward ensuring comprehensive and permanent coordination of law enforcement, anti-terrorism efforts and information sharing, such as by strengthening the Cross-Border Crime Forum and reinvigorating Project Northstar.

“(25) Integrated Intelligence

Establish joint teams to analyze and disseminate information and intelligence, and produce threat and intelligence assessments. Initiate discussions regarding a Canadian presence on the U.S. Foreign Terrorist Tracking Task Force.”

2.3.2 “Securing an Open Society“- Canada’s National Security Policy (April 2004)

After criticism from the Auditor General, the Senate Committee on National Security and Defence and the Ontario Government, the newly installed Martin Government released Canada’s first National Security Policy (NSP) in April 2004. This followed the much welcomed creation of a co-ordinated Public Security Ministry and an enforcement focused amalgamation of POE related functions into the Canadian Border Services Agency. The NSP is a combination of high level intent and detailed operational commitments. All of the security and enforcement functions at POE are included within the Report and as these two extracts from Chapter 7 (Border Security) reveal, there can be no doubt that high risk interdiction enforcement is a priority.

“Management of our borders is in keeping with the need to facilitate trade and travel, while preventing high-risk travellers and cargo from entering Canada through air, land, and marine ports.” (p.41)

“The Canada Border Services Agency created the National Risk Assessment Centre to improve information sharing about high-risk individuals and cargo with the United States. This is increasing the capacity of the two countries to detect and stop high-risk travelers and cargo destined for either country.” (p.44)

2.3.3 The Canada-U.S. Mexico Security Prosperity Partnership (March 2005)

Canada and the United States formalized the post 9/11 security and trade relationship in November 2004 by entering into a Security Prosperity Partnership (SPP). This agreement was extended to include Mexico in March 2005 and work on implementing its twin goals of enhanced security and facilitated trade is ongoing. These extracts illustrate that POE are focal points for both efforts.

“Shared Watchlists and Integrated Traveler Screening Procedures. The United States, Canada and Mexico have agreed to strengthen information sharing related to terrorists and criminals. Effective information exchange among North American countries is essential to strengthening our capability to prevent acts of terror within and outside North America.” (Source: DHS Fact Sheet, March 23, 2005)

"Keeping North America safe and secure means taking steps to protect North America from external threats, preventing and responding to threats within North America and further streamlining the secure movement of low-risk traffic across our shared borders," said Minister McLellan. "I am pleased to report that we are making significant progress on these fronts. The proposals today will go a long way toward protecting North America, while maintaining each country's sovereignty."(Industry Canada June 27, 2005)

2.4 Third Party Reports Relevant to Border Security Issues

The federal Government or its institutions are not the only commentators on the issue of the need for an enhanced public security and enforcement focus at POE and the requirement of an armed presence to accomplish that. Northgate reviewed a variety of materials from such third party groups and now provides the following examples to illustrate the point.

2.4.1 Inquest Into the Case of Jonathon Yeo

Earlier in this Chapter, the case of Jonathon Yeo was referenced. Following Yeo's suicide, the Ontario Coroner's Office undertook an Inquest into the issues surrounding the Yeo case including specifically how he had gained unobstructed re-admittance to Canada while armed and in breach of his bail conditions. On April 13, 1992, the Coroner's jury made a series of systemic recommendations including #107 which stated:

"There must be armed personnel at all border crossings for the protection of the public and the safety of our country. We recommend a permanent police service or customs officers who are proficient in arms." (Yeo inquest 1992-Jury recommendation 107)

2.4.2 SafetyNet Conference (1994)

CAVEAT was a national victims of crime organization founded by the mother of Nina deVilliers, one of Yeo's victims. In 1994, CAVEAT issued a series of recommendations from its Border Security Committee the most precise of which (Recommendation 7) reads:

"Border protection officers be granted full peace officer status and that they be fully trained and fully armed where possible." (1994 SafetyNet Report- Border Security Committee Report p.3)

It should be noted that the Committee membership included a former Solicitor General of Canada, a police chief from a border city, a Member of Parliament, the President of CEUDA, one of Canada's leading Immigration lawyers and a senior member of the RCMP.

2.4.3 Environics Research Polling Data (January 2002)

A poll of some 2000+ Canadians was conducted by Environics for the Public Service Alliance of Canada on a variety of subjects. The poll, conducted between December 17, 2001 and January 6, 2002, specifically asked of respondents:

"Currently Canadian customs officers are not armed. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree that customs officers screening goods and people at marine and land border points of entry between Canada and the U.S. should be armed?"

The poll professes an accuracy rate of within plus or minus 2.2% nineteen times out of twenty. The polling breakdown can be viewed in Appendix V but its results can be summarized as:

Strongly Agree	33%
Somewhat agree	27%
Somewhat Disagree	15%
Strongly Disagree	22%
Don't Know	3%

This 60% agreement with arming is generally consistent throughout the country and by various other demographic factors.

2.4.4 The Coalition for Secure and Trade Efficient Borders (2001-2005)

Northgate was familiar with the various Reports issued by the Coalition and the important influence it exercises in no small part because of its constituent membership and expertise. As the website for the Coalition notes:

"The Coalition for Secure and Trade-Efficient Borders was formed by over 55 Canadian business associations and individual companies to help the federal government, through dialogue and cooperation with Canadian business, successfully deal with border and security issues. Its purpose is three-fold:

- *To recommend measures to facilitate the passage of low-risk goods and people across Canada's borders;*
- *To recommend ways to strengthen Canadian security, immigration and border management; and*
- *To increase cooperation between Canada and the U.S. and other allies to prevent the entry of terrorists, illegal immigrants, contraband and illegal goods into our countries.*

"The Coalition for Secure and Trade-Efficient Borders is one of the largest business coalitions formed in Canadian history, and represents the vast majority of business activity in Canada. Its members are from all sectors, including manufacturing, services, exporting, importing, technology, transportation, retail, tourism, hospitality, energy and agri-business, and represent businesses of all sizes." (Source: Coalition for Secure and Trade Efficient Borders, website)

The Coalition has issued four reports since 2001 outlining approaches and recommendations focused on high risk interdiction and low risk facilitation strategies. One of their reports, *Rethinking Our Borders: A Plan for Action*, made the following recommendation under the section "Border Management":

"Canadian governments ensure a police presence (national, provincial or municipal) at border crossings and vehicle facilities around the border". (p.6)

Northgate's research in this area demonstrates relevant third party recognition of both the need for a security and enforcement focus, including a low risk determination component, at POE with an armed presence as a part of that effort.

2.5 Law Enforcement Related Materials Relevant to Border Security

Northgate was interested in any law enforcement materials that specifically pertained to law enforcement activities, and thus Officer duties and risks at POE. Additionally,

Northgate monitored relevant law enforcement related developments during the course of the Study which are reported in this section of this Chapter.

2.5.1 Criminal Intelligence Services Canada (CISC) (Annual Reports 2003-2005)

CISC is Canada's national organization of police, intelligence and enforcement agencies. It issues Annual Reports which are valuable documents to identify emerging and ongoing criminal trends within Canada or which affect Canada. CISC has been warning of the growth of organized crime activity at Canada's seaports for several years and the 2005 Report contains a special focus on organized crime and the marine, air and land border POE, which is quoted as follows:

“Overview of Criminal Activity at Marine Ports, Airports and Land Border Areas

Marine ports are exploited by organized crime to move contraband, particularly illicit drugs, into Canada. Although historically the concern has been focused on the country's three largest container ports of Vancouver, Montreal and Halifax due to the vast quantities of commercial cargos they handle, all Canadian marine ports that receive international traffic are potentially vulnerable to exploitation by organized crime. Thus, all forms of marine movement including commercial and fishing vessels, cruise ships, ferries and private vessels may be utilized.

“In spite of a number of law enforcement successes over the past three years, certain organized crime groups have been able to maintain either a direct or indirect presence in the country's three largest ports. Their presence is assured by individuals, working for them directly or simply providing services as members of other groups, who have jobs giving them access to the cargo.

“...All Canadian airports receiving international flights are at potential risk of being exploited by organized crime in the movement of illegal goods and migrants. In particular, Canada's three largest international airports in Montreal, Toronto and Vancouver are exploited to various degrees due to the large numbers of individual travelers, and quantities of commercial cargo they receive daily from numerous countries, many which are potential sources or transit points in the illegal movement of contraband and migrants. Similar to a small city, these large airports occupy a large physical space with numerous companies engaged in various functions that collectively employ thousands of individuals, some of whom are potentially vulnerable to criminal exploitation.

“Illegal migrants are encountered at international airports attempting to enter Canada, some with fraudulent documents, and often assisted by organized crime groups, particularly Asian organized crime groups located in Canada and abroad. In some instances, these illegal migrants are linked to subsequent smuggling attempts into the United States. In terms of illicit drugs, law enforcement most frequently encounters heroin, cocaine and ecstasy at the international airports. Other types of contraband discovered at Canada's airports include non-declared jewelry and counterfeit goods.

“Individuals, frequently associated to organized crime, attempt to bring illicit drugs into Canada through a variety of concealment methods such as false-sided suitcases, concealed on or in the person, or concealed within commercial cargo.

Furthermore, illicit drugs are sometimes concealed on the aircraft or within unlisted luggage. This smuggling method involves a conspiracy of airport employees at both the flight's point of origin and destination for the placement and subsequent retrieval of the illicit drugs.

"Most organized crime groups are involved in the exploitation of the land border either directly by its own members, or indirectly as the recipients of contraband smuggled in by independent operators and/or brokers operating either on contract or on a freelance basis. Contraband, undeclared currency and illegal migrants move illegally in both directions along the Canada-U.S. border. This cargo is either concealed within the large volume of personal and commercial traffic that moves daily through designated ports of entry, or is surreptitiously moved across the vast border areas between these legal entry points. In this latter movement, smugglers use a wide variety of means such as: individuals walking across the border with backpacks; all-terrain vehicles; snowmobiles; aircraft; pickup trucks and small boats. In some instances, the unique geographical location of certain Aboriginal reserves that either straddle or are near the border is exploited to facilitate this illegal movement.

"...The border is essentially Canada's first line of defence against many of the criminal activities perpetrated by organized crime. Thus, enforcement successes at the border directly assists the entire Canadian law enforcement community in its fight against organized crime, and impact on the ability of organized crime to be criminally effective and profitable." (Source:

http://www.cisc.gc.ca/annual_reports/annualreport2005/cross_border_movement_2005_e.htm)

2.5.2 The International Association of Airport and Seaport Police (IAASP)

The IAASP is an internationally renowned organization comprised of policing agencies at the world's airports and seaports. Since the disbandment of the Canada Ports Police in the late 90's, the IAASP has been an outspoken law enforcement voice warning about the vulnerability to organized crime at Canada's seaports. The IAASP has been a frequent witness to this effect before various Parliamentary Committees and its submissions in this regard can be gleaned from a perusal of its website at www.iaasp.com. Northgate has selected one brief representative comment from the IAASP to indicate its concurrence with others on this subject.

"The IAASP is disturbed about the presence of organized crime in Canadian ports and the widespread attention it has attracted in recent years. There are now also indicators of terrorist links and we have voiced our concerns about this to the government and media." (Blue Line Magazine, November 2005, p. 30)

2.5.3 Relevant Law Enforcement Developments

Northgate has taken note of three specific law enforcement related developments relevant to the issue of the need for sidearms to be issued to Officers which occurred during the course of the Survey.

A. Arming of Front-line Australian Customs Officers

On November 22, 2005, Australia's Minister for Justice and Customs, Senator Chris Ellison announced that as a major boost to border security the Australian Government

will arm additional frontline Customs officers. According to news accounts, the rationale for the move included the changing environment in which Customs investigated border related crimes required the measure to bolster security at Australia's borders.

Senator Ellison was quoted as follows:

"Customs officers carry out border security functions at wharves and remote locations, execute search warrants and board and search vessels in an increasingly hostile environment. The Australian Customs Service is more than ever charged with the task of securing our borders from the threat of terrorism and transnational crime. Customs officers must be equipped to handle whatever situations arise during normal operations and when illegal activities are detected." (Australian Customs Service Announcement- November 28 2005)

B. Creation of an Armed Vancouver Transit Police

On December 5, 2005, the Government of British Columbia announced that its newly constituted Greater Vancouver Regional Transit Authority Police would be armed in recognition of its Criminal Code law enforcement duties. (CBC News, December 5, 2005)

C. Endorsement of Arming CBSA Officers by the Canadian Professional Police Association (CPPA)

On September 30th, 2005, CPPA President Tony Cannavino addressed the CEUDA Annual General Meeting in Ottawa and advised that the CPPA Executive Board had voted unanimously in support of the position of arming Officers at the border. This position from the national organization representing Canada's front-line police officers is a clear distinction from the opposition to arming Officers expressed by the Commissioner of the RCMP.

Each of these three distinct developments provides an important insight into the motivation for the action taken. Collectively they are a relevant demonstration of what others in law enforcement view as required at a specialized enforcement location.

2.5.4 Fisheries Officers

During the course of the Study, Northgate was advised that federal Fisheries Officers were armed. As both Fisheries Officers and the Officers examined in the Northgate Study are employed by the Government of Canada, a comparison of duties is relevant, as is a comparison of the recognized and/or perceived risks.

Fisheries Officers are required "[t]o enforce the Fisheries Act and other related Acts and Regulations." Unlike CBSA Officers, they are **not** required or empowered to enforce the Criminal Code.

According to the Government of Canada, for Fisheries Officers:

"There is daily exposure to the potential for stabbing or the discharge of firearms by clients and poachers, at and in the general direction of the Officer when he/she is engaged in enforcement activities. This exposure could lead to grievous bodily harm or death and as such, an Officer is required to wear body armour while conducting enforcement activities."

“There is a risk to the Officer's health when he/she is in contact with angry, aggressive and violent individuals on a regular basis while effecting arrests and performing enforcement activities. This can occur several times per week and sometimes several times per day. Officers often encounter people under the influence of alcohol or drugs who frequently exhibit unpredictable behaviour that can increase the risk to the Officer's safety.

“Significant stress where there is a threat to personal injury and safety where an Officer is required to use force to defend himself/herself or his or her colleagues or to bring a resistant individual under control. This could require the application of deadly force. These types of situations are considered extremely dangerous and pose a significant risk to physical and mental health.

“Engaging in covert operations where an Officer is required to work closely with violators in order to gain their confidence can cause significant stress and threat of grievous bodily injury or death and if the Officer's true identity becomes known, it could place him/her at risk.” (Source: [http://www.dfo-mpo.gc.ca/communic/fish_man/office/Fishery_Officer_e.htm#\(16\)%20Risk%20to%20Health](http://www.dfo-mpo.gc.ca/communic/fish_man/office/Fishery_Officer_e.htm#(16)%20Risk%20to%20Health))

In other words, Fisheries Officers *may* encounter persons who are angry, aggressive, violent, or intoxicated and violating the various Fisheries related statutes Officers enforce. These conditions are acknowledged as being such as to create the potential of grievous bodily harm or death to Officers while conducting enforcement activities. CBSA Officers, on the other hand, by definition of what happens at POE, **will** encounter persons who undeniable evidence shows are angry, aggressive, violent, or intoxicated and violating laws at least as serious as the *Fisheries Act*. This is not to diminish the threat posed by illegal fishers but illegal gun, drug, currency and people smugglers are surely no less a threat especially given the increased penalties and the *Criminal Code* mandate of CBSA Officers. This is extraordinarily compelling evidence to justify the issuance of sidearms to CBSA enforcement and intelligence Officers.

2.6 Law Enforcement Studies Relevant to Sidearms

In reviewing the Use of Force in Law Enforcement Research, there is little empirical research available on risk and harm experienced by Canadian law enforcement officers. This was also the conclusion of the Justice Institute of British Columbia, who were tasked with a similar risk analysis study for the Vancouver Transportation Authority Police Service (herein referred to as VTAPS Report); who recently became an armed police service. It appears that the most comprehensive detail is found in the FBI's Uniformed Crime Reports (UCR) which, like the VTPAS Report, is referenced as supporting evidence regarding empirical findings on officer assaults and felonious death.

Northgate concurs with the VTAPS Report that “evidence from the United States should not be discounted simply because of its source. Canadian police “use of force” experts all agree that trends demonstrated by the U.S. research are consistent with the Canadian experiences. What is different between the two countries is the frequency with which tragic events occur.”

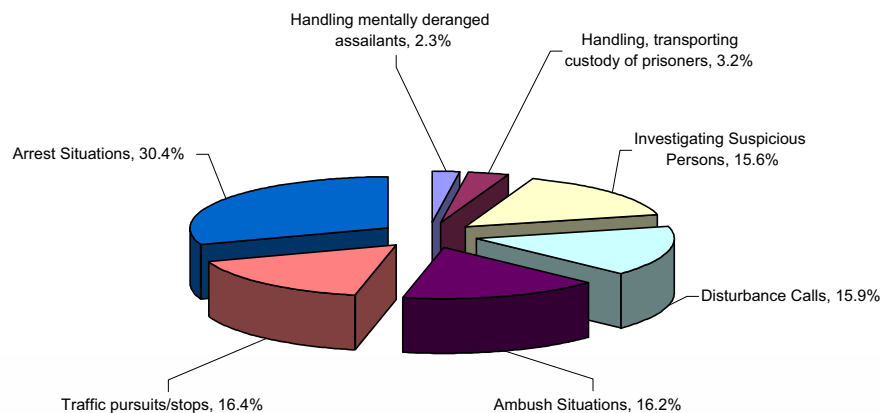
2.6.1 Research on Law Enforcement Officers Killed and Assaulted

There are comparable statistics between the U.S. and Canada for officer's killed in the line of duty. The FBI report, *Law Enforcement Officers Killed and Assaulted, 2003*, reflects an average of 67 officers killed per year in the line of duty between 1984 and 2002. There were 155 Canadian law enforcement officers killed in that same 19 year period, with an average of 8 officers per year. The U.S. has roughly ten times the number of law enforcement officers (approximately 55,000 in Canada and 560,000 in United States). The rate of officers killed in the line of duty is similar and therefore comparative conclusions from the U.S. data regarding police assaults and deaths can be drawn.

In the FBI's report on *Law Enforcement Officer's Killed and Assaulted, 2003*, the statistics reflect some similar duties performed by CBSA Officers. From 1994 – 2003, there were 616 officers feloniously (criminally) killed. This report breaks down those murders into "Circumstances at Scene of Incident". This chart, shown in Figure 1 below, reflects 16.4% and 30.4% of the deaths occurred during "Traffic Pursuits/Stops" and "Arrest Situations", respectively. These two categories represent almost 50% of all felonious/criminal murders of police officers while they also represent a percentage of the job duties performed by Border Services Officers.

The similarities between a traffic stop and the duties performed by officers at the Primary Inspection Line (PIL) and secondary are clearly evident: both a police officer and a BSO approach a stopped vehicle, ask for personal identification, investigate suspicious answers/observations, and often search the car or the persons in the vehicle. Moreover, since the induction of Officer Powers in 2000, BSOs are conducting criminal arrests; therefore their duties are again similar to the FBI statistical category of "Arrest Situations".

Figure 1: Percent of 616 Officers Felonious Killed in the Line of Duty, 1994-2003, Circumstances at Scene of Incident



Although other comparative analyses can be made regarding the duties enumerated in Figure 1, "Traffic Pursuit/Stops" and "Arrest Situations" provide the most convincing and undeniable proof that Border Services Officers face the same risks as officers of any police service.

Because Border Services Officers are not involved in Traffic Pursuits, Northgate examined the specifics of the 101 officers killed in the category “Traffic Pursuits/Stops”. Of the 101 officers killed in this category, Table 1 provides the breakdown, which reflects similar actions performed by Border Services Officers every single day.

Table 1:
Law enforcement Officers Feloniously Killed in Traffic Pursuits/Stops, Activity at Scene of Incident, 1994-2003
Source: Law Enforcement Officer’s Killed and Assaulted, 2003, FBI, U.S. Department of Justice.

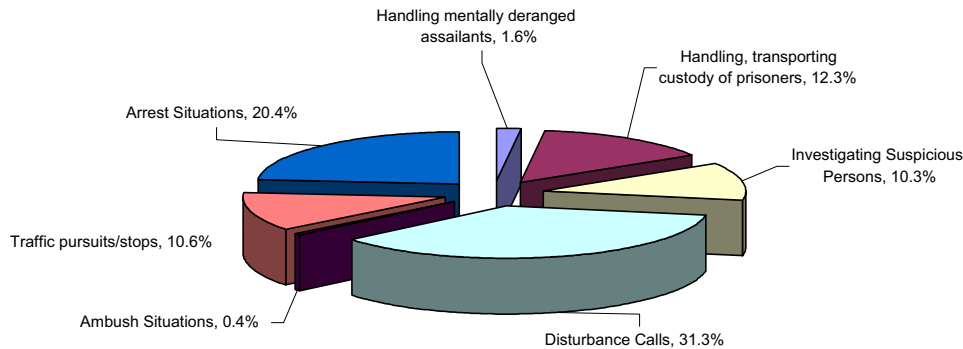
Activity	Total
Approaching Offender(s)	30
Returning to police unit	2
Interviewing offender(s) in police unit	2
Interviewing offender(s) at offender's vehicle	8
Searching offender(s)	1
Searching offender(s) vehicle	1
Making arrest/handcuffing	10
Engaging in foot pursuits	7
Engaging in vehicle pursuit	2
Other	35
Activity not reported	3
Total	101

The similar duties associated with Border Services Officers are “Approaching Offender”, “Interviewing Offender at Vehicle”, Searching Offender”, “Searching Offender Vehicle”, “Making arrest”, and “Engaging in Foot Pursuits”. Although foot pursuits are not well recorded within CBSA, a policy memorandum obtained by Northgate referencing the authorization of foot pursuits is discussed. If the 38 incidents classified as “Other” or “Activity Not Reported” are negated, Border Services Officers perform exactly the same duties as 90.5% of the above data, or 57 of 63 incidents.

Regarding Figure 1 and Regional Intelligence Officers and Customs Investigators, their duties are comparable in the areas of “Arrest Situations”, “Investigating Suspicious Persons” “Ambush Situations” and “Handling, Transporting, Custody of Prisoners” (limited to Customs Investigators). These categories represent 65.4% of the 616 officers killed in Figure 1. RIOs and CIs conduct arrests and perform investigations, while CIs alone are responsible for the transportation of prisoners. It is the risk in both job types that can result in an ambush situation, especially during surveillance, developing or handling informants, and the delivery of controlled substances.

Figure 2 provides similar statistics from the same FBI report or Assaults on Police Officers. Again, the comparative job duties are existent in “Arrest Situations” (20.4% of assaults) and “Traffic Pursuits/Stops” (10.6% of assaults). These two categories represent 177,120 of the 571,358 assaults recorded by the study.

Figure 2: Percent of 571,358 Officers Assaulted, 1994-2003, Circumstances at Scene of Incident



For RIOs and CIs, the percentage of duties equated to Figure 2 (Arrest Situations, Ambush Situations, Investigating Suspicious Persons, and Handling Transporting Prisoners) represents 43.4% of the data, or almost 250,000 assault incidents.

The FBI UCR further provides enormous amounts of data on various issues regarding the deaths and assaults of officers. One of the more relevant statistics is the data provided on weapons used to murder police officers. Of the 616 felonious/criminal murders of police officers, 8.3% (51) were killed with their own weapon. Although there are other issues that would impact on an officer having his/her sidearm taken away (training, testing, physical requirements), the data suggests it rarely occurs.

2.6.2 Research on Law Enforcement Officer's Using Force

In addition to research on officers killed and assaulted in the line of duty, the U.S. Department of Justice and other entities have compiled statistics on the use of force used by police officers. In examining the use of force used by U.S. police officers from 1995-2000, the International Association of Chiefs of Police (IACP) issued a report reflecting the circumstances at the scene of the incident when officers used force. The categories are similar to the categories in the above described FBI report. And again, CBSA officer duties can be equated and correlated to these statistics. The 2001 IACP report reflects 117,604 incidents where use of force was used by an officer. Of those incidents (see Table 2), at least five categories represent similar duties being performed by Border Services Officers: "Arrest Warrant", "Drunk In Public", "Effecting Arrest", "Field Arrest", and "Traffic Stop". These five categories represent 97% of the 117,604 incidence of use of force by officers. The most prevalent of the five categories is a field arrest (109,825). As stated earlier, with their newly mandated authority to arrest under the *Criminal Code*, Border Services Officers are performing arrests; something specifically verified during the Northgate Study.

Table 2 :
Police Use of Force By Event Circumstance, 1995 – 2000
Source: International Association of Chiefs of Police, Police Use of Force in America 2001

Circumstance	Firearm	Physical	Chemical	Electronic	Impact	Other	Totals
Arrest Warrant	19	412	158	0	16	16	621
Disturbance	65	1,177	627	3	36	19	1,927
Domestic	18	655	326	1	16	11	1,027
Drunk in Public	2	541	201	0	7	7	758
Effecting Arrest	47	1,020	413	2	70	131	1,636
Field Arrest	6,053	97,028	6,008	8	709	19	109,825
Investigation	33	342	154	3	12	14	558
Prisoner Transport	1	77	31	1	6	6	122
Traffic Stop	37	713	281	1	31	20	1,083
Totals	6,275	101,965	8,199	19	903	243	117,604
Mean	697	11329	911	2	100	27	

For RIOs and CIs Northgate can correlate their job duties into seven of the nine categories: the five previously mentioned, as well as “Investigation” and “Prisoner Transport” (restricted to Customs Investigators). Although RIOs and CIs have the added benefit of an armed police presence while conducting arrests and serving search warrants, the risk to their personal safety remains. Moreover, these officers perform many risks of injury tasks without the aid of an armed police presence, as discussed later in this Report.

Additionally the empirical data available suggests such incidents of death, assault and use of force occurs in great numbers when officers are dealing with suspects with prior criminal conduct, mental health disorders, and those under the influence of alcohol and/or controlled substances. Border Services Officers, RIOs and CIs have frequent contact with these types of individuals, as discovered during this Study.

The research reflects that when officers are engaged in certain job duties the rate of officer injury, death and use of force is higher than when performing other duties. It is the high risk job duties of police officers that can be appropriately equated to the job duties performed by Border Services Officers, RIOs and CIs. After reviewing job descriptions and the above empirical research, Northgate was equipped with ample knowledge to investigate officers’ performance of their duties and correlate that to empirical data regarding risk.

2.7 Internal Government of Canada Materials relevant to Sidearms for Officers

2.7.1 The Current Position of Government of Canada and CBSA Regarding Sidearms for Federal Law Enforcement Officers

In November 2003, the Government of Canada released a formalized policy entitled *The Issuance of Firearms to Federal Law Enforcement Officers*. It applied only to the *future* issuance of firearms to federal law enforcement officers for law enforcement purposes. The basic Policy is that firearms will not be issued to federal law enforcement officers for law enforcement purposes other than in exceptional circumstances which will be determined on a case by case basis by Cabinet. For exceptional circumstances to be found to exist there must be a demonstration by the Agency or Department that:

1. There has been a substantial change in the department/agency's mandate or its operating environment, resulting in an increase in the risk of grievous bodily harm or death facing its law enforcement officers;
2. There is clear and cogent evidence that its law enforcement officers are facing a realistic risk of grievous bodily harm or death in fulfilling their duties;
3. It has considered all other possible means to protect law enforcement officers from the danger of grievous bodily harm or death in fulfilling their duties (e.g. self-defense training, issuance of protective vests, issuance of other defensive weapons such as batons and pepper spray);
4. It has determined that it would not be feasible, desirable or practical to alter the law enforcement duties to reduce the risk to an acceptable level;
5. It has determined that it would not be feasible, desirable or practical for police to perform the identified enforcement duties; and
6. On the basis of a balanced risk assessment, the issuance of firearms is the only way to achieve a net gain for the safety of law enforcement officers or the public.

Absent a direction made pursuant to the *Canada Labour Code*, it appears that meeting these criteria will be required for Officers to be issued sidearms. These criteria will be considered at the conclusion of this Report aided by the information and evidence gathered during the Northgate Study.

2.7.2 The CBSA Position

Assistant Commissioner Denis Lefebvre distributed a notice to Customs Officers of the above noted policy on November 19, 2003, the day after it was issued by the Government. It stated that the policy "...confirms the recommendations of the *Job Hazards Analysis* and affirms our commitment to provide customs officers with protective tools, including vests, pepper spray and batons in order to enhance their safety on the job."

Although the position of the Government has traditionally been that no armed presence was required at ports of entry and land border crossings, there appears to have been a recent shift in this position. On October 31, 2005, while appearing on *Bill C-26* before the Senate Committee on National Security and Defence, Minister McLellan surprised the Senators by announcing that key identified major border crossings will have an armed presence. This is clearly a significant development although no further information or progress has been reported since the Minister's announcement.

2.7.3 Internal Government of Canada Reports Obtained by Northgate

During the course of the officer interviews, Northgate was informed of the existence of internal CCRA, CBSA and other related internal government documents that were obtained pursuant to various *Access to Information and Privacy Act* (ATIP) requests. They reveal the existence of ongoing internal advice recommending *in favour* of the issuance of sidearms in some circumstances. The relevant documents include:

1. Synopsis of August 1983 Internal Affairs Division (Customs) report entitled "*A Preliminary Study into the Implications of Arming Customs Officers*". Prepared following a high profile attack on a Customs Inspector in Windsor in February 1983, the Report recommended against arming officers because of perceived consequential increased risk, discipline problems as a result of the existence of a collective agreement, anticipated pay increase demands from the Union, administrative difficulties, public reaction, and cost. It recommended instead deployment of flashlights and closed circuit TV the latter of which remains unfulfilled.
2. Synopsis of February 1993 Special Enforcement Operations-Enforcement Directorate (Customs) report entitled "*The Arming of Customs Enforcement Officials: An Assessment*". The Report concluded that (even then), certain operational duties required deadly force protection, police response was not cost effective and that officers in joint force operations were at high risk. The Report recommended giving officers at remote locations and those with incident history access to firearms, as well as supplying firearms to RIOs, Dog Handlers and enforcement officers and requiring those issued with firearms to carry them at all times.
3. Synopsis of April 1993 (same author as above) Report entitled "*Enhancement of Officer Safety Through Expanded Training and Equipment Issuance*". This Report identified day to day risk for almost all Customs Officers, increased risk where there is proximity to large violent US cities, and inherent risk to varying degrees similar to other law enforcement (police) officers. Its recommendations included issuing "lethal weapons" for Officers assigned to joint force or other "dangerous" projects.
4. CISD Report of February 1999 regarding *Compliance Tools in the Customs Environment*. This Report appears to be written in contemplation of the assignment of *Criminal Code* powers under *Bill C-18*. It contains data for the preceding two year period which indicate anticipated arrests in the area of 7,000 per year with 1,350 handgun seizures and an expectation of a "...dramatic increase" when *Bill C-18* was proclaimed. In describing the need for enhanced training and tools, the Report reveals that "...the Department has adopted the

position that firearms will not, under any circumstances, (emphasis added) be provided to Customs Officers..." Faced with this, it then recommends the tools Officers are equipped with today.

5. A June 1999 *Consulting and Audit Canada Risk Assessment Draft Report* prepared for Citizenship and Immigration Canada. The Report, albeit with a drastically smaller interview pool, notes inadequate police response to land border crossings and "*It would be desirable for such an armed presence to be located at all land border across Canada.*" It recommends (#18) , "*Consideration be given to having an armed presence, whether RCMP officer or other duly appointed officer, at key land border crossings.*"
6. A pre ModuSpec Report prepared by CCRA that rejects arming of Officers based on: their duties being mainly administrative and regulatory, a small percentage of travelers being arrested annually (still in excess of 5,500 annually), few reported incidents of violence, and RCMP support for non-arming.
7. A pre ModuSpec completion (2002) Briefing Note from CCRA Commissioner Rob Wright to Minister Caplan that explains that despite supposedly agreeing to conduct the Job Hazard Analysis regarding the need for sidearms:

"...it remains our position that Customs Officers do not require firearms to carry out their duties safely and effectively." Mr. Wright goes on to advise that a Deputy Ministers Committee (of which he is the Co Chair) which was tasked with providing objective advice to Cabinet "*...will recommend against the further arming of federal peace officers except in extraordinary circumstances.*"

The same Note references possible changes to the *Canada Labour Code* to ensure the policy is "*...implemented without interference.*"

Clearly, there have been internal Government reports that have recommended issuing sidearms to Officers. The fact that these were unknown to CEUDA or the public and unquoted in the ModuSpec Report calls for an explanation. Northgate is also aware of an unresolved complaint that the internal Reports referenced above which recommend arming of officers were withheld by the CCRA from ModuSpec. This is obviously an extremely serious allegation which, if accurate, potentially undermines the credibility of the ModuSpec report. Northgate's review of the various work refusal materials submitted by the CBSA also does not disclose any mention of these reports. Resolution of this matter is beyond Northgate's ability but its importance to the issue is such that it merits further investigation by an independent authority.

CHAPTER 3

A Review of the ModuSpec Job Hazard Analysis (JHA) Studies: January 2003 (Customs Officers and Superintendents) and May 2004 (Regional Intelligence Officers and Customs Investigators)

3.1 Background

At the heart of CEUDA's desire for this Report is their continuing dissatisfaction with a previously commissioned report. The factual background to this initial Report is not in dispute. In May 2001, following the passage of Bill C-18 and the extension of *Criminal Code* authority to Customs Officers, a number of *Canada Labour Code* complaints were filed by CEUDA members. The Officers asserted that the widening of their arrest powers under the *Criminal Code* changed the danger implicit in their job, and required their employer to issue sidearms as appropriate protective tools.

The complaints were reviewed by the appropriate Health and Safety Officer who, on May 29, 2001, requested the CCRA to voluntarily conduct a job hazard analysis of the Customs Inspector and Superintendent duties. The company ultimately selected by the CCRA was ModuSpec, a risk management company headquartered in Calgary. This Chapter details the course and content of the ultimate ModuSpec Final Report. It is necessary to examine why there is dissatisfaction with the ModuSpec Report on the part of CEUDA and others.

From documents obtained, it is clear that ModuSpec's original "draft" Final Report, or "Working Copy", was submitted to the CCRA and not to the joint union-management Occupational Health and Safety Committee. That original draft called for an armed police (not Customs) presence at six large border crossings throughout Canada, namely the Windsor Tunnel, Windsor Bridge, Peace Bridge, Bluewater Bridge, Douglas/Pacific Highway, and Lacolle. Presumably, as a result of discussions between ModuSpec and unspecified persons at the CCRA, the armed presence recommendation was removed and replaced with a recommendation against arming Customs Officers. The fact of that change was not conveyed to CEUDA prior to the release of the Final Report in February of 2003.

CEUDA learned of the alteration a matter of weeks later, through a "brown envelope" receipt of the "Working Copy" recommendations. According to a CEUDA media release dated March 26, 2003, a ModuSpec representative confirmed the presentation of the draft Report to the CCRA and the subsequent change after consultation exclusively with the CCRA. This version of events was supported through questioning of CBSA and ModuSpec officials by the Senate Committee on National Security and Defence as documented in their June 2005 Report. Following an assertion by CBSA President Alain Jolicoeur that he was "...unaware of any request to change the Report" (p. 30),

and an invitation to the Committee to question ModuSpec, the Committee was told by a ModuSpec official that:

“It is ModuSpec’s practice to provide clients with draft Reports for review and comment prior to issuing a final Report. Typically, the client will contribute comments, additions, deletions and other edits to the draft Report that they want included in the final Report. This practice would have been applied to the draft Report that was submitted to the National Health and Safety Policy Committee.”
(Source: *Borderline Insecure*, Senate Committee on National Security and Defence, p. 31)

CEUDA is adamant that they were never apprised of the original recommendations, and this has never been asserted, to Northgate’s knowledge, by the CBSA.

In a subsequent complaint, CEUDA members have also alleged that ModuSpec was deliberately not provided all relevant materials by the CCRA, and that the CCRA ordered the destruction of information, known as the Kingman Report, which provided detail on risk related incidents. Two CEUDA members, John King and Emerson Waugh, who were part of the original complaint that prompted the ModuSpec Report, successfully obtained a ruling from the Public Service Staff Relations Board on January 13, 2005 that the destruction ordered by the CCRA was without any legal justification.

The fact of this change being made by the CCRA is further supported by other materials and internal CCRA documentation obtained by Northgate. These include a 1999 CCRA internal “SECRET” document obtained by CEUDA through Access to Information, entitled “*A Discussion Paper on the Need for and Appropriateness of Compliance Tools in the Customs Environment*,” prepared by the Contraband and Intelligence Services Directorate. This Paper appears to be written in contemplation of the assignment of *Criminal Code* powers under Bill C-18. It contains data for the preceding two year period, which indicate anticipated arrests in the range of 7,000 per year with 1,350 handgun seizures and an expectation of a “...*dramatic increase*” when Bill C-18 was announced. In describing the need for enhanced training and tools, the Report reveals that “.....*the Department has adopted the position that firearms will not, under any circumstances, be provided to Customs Officers...*” It then recommends the tools with which Officers are equipped today.

Northgate also obtained from CEUDA members an internal CCRA memorandum dated June 18, 2001, entitled “Briefing to CMC”. It describes the initial complaints made by Mr. King and the May 29, 2001 meeting with CEUDA, CCRA and Human Resources and Skills Development Canada (HRSDC) at which CCRA agreed to conduct the job hazard analysis regarding the need for sidearms. The memorandum includes the following paragraph, which helps explain why the scope of the ModuSpec Report subsequently moved away from a specific firearms focus and towards a more general occupational and safety hazard analysis.

*“At the meeting it was clear to Staff Relations (CCRA) that the proposal for the job hazard analysis was to be limited to those health and safety issues that would warrant the arming consideration; however, **subsequent** [emphasis added] discussions with the Health and Safety Officer indicate that all duties, all modes and all health and safety issues be taken into consideration during the job hazard analysis.”*

Moreover, Northgate obtained an undated copy of a memorandum written after the launch of the ModuSpec study, but before its completion, by CCRA Commissioner Rob Wright to then Minister Elinor Caplan. In it, Mr. Wright notes:

“Notwithstanding our agreement to conduct the Job Hazard Analysis, based on our analysis to date, it remains our position that Customs Officers do not require firearms to carry out their duties safely and effectively.”

Mr. Wright then advises the Minister that a Deputy Ministerial Committee that he co-chaired would, in the future, be recommending against further arming of federal enforcement officers. This almost certainly refers to what is the now the Government of Canada policy on the same subject, not issued until November 2003.

Northgate’s purpose in laying out these facts is not to reach conclusions regarding motive or misconduct. Northgate simply wanted to confirm the fact that the ModuSpec Report currently relied upon by CBSA to refute the need for firearms at the border was altered in a material regard. Of that there can be no doubt. The reliance on this Report by the CBSA and health and safety investigators from HRSDC as a primary reason for why firearms are unnecessary for Customs Officers is clearly unsustainable. It is Northgate’s hope that the information provided in this Report relating to the ModuSpec Reports, as well as the wealth of front-line information, may serve to facilitate better informed health and safety decisions should those prove necessary.

3.2 Analysis of ModuSpec Reports

Northgate reviewed and analyzed all Reports for the Job Hazard Analysis (JHA) for Customs Officers and Superintendents (herein referred to as JHA-Customs Officer) as well as a subsequent ModuSpec JHA for Regional Intelligence Officers (RIO) and Customs Investigators (CI) (herein referred to as JHA-RIO/CI). In JHA-RIO/CI, it is noteworthy to quote that Report’s recommendation:

“We do not recommend providing RIO’s and Investigators with firearms. This is based on the lack of evidence to support such a move such as injuries sustained, documented near-misses and accident/incident Reports. Like CI’s, the CBSA has a clear policy of withdrawal from any situation where the individual feels their well-being is at risk. This includes high speed surveillance pursuits. Additionally it was determined that both RIO’s and Investigators spend considerable amount of their time performing their duties in an office environment on average any where between 75% and 90%. The amount of “field time” is case dependent.”
(Source: *ModuSpec Final Report, Regional Intelligence Officers and Customs Investigators*, p. 11)

To properly assess both JHAs, Northgate researched the beginnings of the Report and analyzed the instructions given to ModuSpec, the numerous Reports it wrote for the study, the methodology, and the recommendations it made afterwards.

First, ModuSpec was hired to do a comprehensive study in three sections:

1. Phase I - Documentation Review;
2. Phase II - Site Interviews; and
3. Phase III - The Final Report

Second, the scope of both ModuSpec's JHAs were threefold:

1. Conduct a detailed analysis to determine the potential health and safety risks and hazards associated with the positions;
2. Conduct an assessment of the measures already taken by the CCRA to address the risks and hazards; and
3. Develop a proposal suggesting preliminary corrective actions that should be taken to deal with issues not appropriately addressed.

This was the first error in both JHAs, but not an error on the part of ModuSpec. The origin of the complaint was the increased risk in the Customs Officer position, and that the risk mandated the issuance of a sidearm. Conversely, ModuSpec was hired to do an occupational health and safety analysis, which culminated in investigating and analyzing issues such as slipping on the ice and the health concerns related to vehicle exhaust fumes, as well as the issue of sidearms. Although an investigation of exhaust fumes and slipping on the ice is relevant, it is not a specific answer to the original complaint. The error comes on the part of CCRA, which took a complaint about not being armed and turned it into a study aimed at issues far from the crux of the original complaint. The resulting error was a study that did not provide much detailed collection of data and analysis on the firearms issue. As noted above, Northgate is aware that this widening of the scope of ModuSpec's JHA was a directive from CCRA and not a part of any proposal by ModuSpec.

3.2.1 Phase I – Documentation Review

A. JHA-Customs Officer

In its initial phase, ModuSpec reviewed a myriad of CBSA documents; a list of reviewed documents comprises seven (7) pages in Appendix I of their Phase I Report. After reviewing these documents, ModuSpec identified 32 tasks performed by Customs Officers. For each of those 32 tasks, ModuSpec identified the corresponding "Potential Risk and Hazards" and the related "Current Safeguards" available to Customs Officers.

Of the 32 tasks identified, ModuSpec references 18 as having the potential risk and hazards of: *"Armed criminal or client or irate client – gun shot or knife stabbing or physical resistance resulting in broken bones, cuts, strains, bruising"*. (See Table 3)

Table 3: 18 of 32 Tasks in ModuSpec’s Phase I Report (Customs Officers/Superintendents) with the identifying potential risk and hazards of: “Armed criminal or client or irate client – gun shot or knife stabbing or physical resistance resulting in broken bones, cuts, strains, bruising”.	
Task #1: Primary Inspection – Traveller’s Land Border	Task #13: Secondary Search Room (airport) *
Task #2: Secondary Inspection – Traveller’s Land Border **	Task #20: Marine Vessel Inspection **
Task #3: Train and Bus Inspection: Traveller’s Land Border **	Task #21: Primary Inspection – Inland **
Task #6: Primary Inspection: Commercial Land Border	Task #25: Dog Handling – Primary Inspection **
Task #7: Secondary Inspection: Commercial Land Border**	Task #26: Dog Handling – Secondary Inspection **
Task #9: Private Aircraft Inspection *	Task #27: Dog Handling – Marine Vessel **
Task #10: Point Inspection – Airports *	Task #29: Dog Handling – Special Assignment with Other Agency
Task #11: Rover Inspection – Airports *	Task #30: Detaining or Placing an Individual Under Arrest * (notation by Moduspec that not all work sites have police officers on site)
Task #12: Secondary Inspection – Traveller’s Airport *	Task #32: Transporting Negotiables (to transport negotiables such as cash from the work location to a bank or similar institution)

* Includes safeguard of Police presence on site, which are specific to airports

** Includes safeguard of Officer backup

[Source: *Phase I Documentation Review, Customs Officers and Superintendents*, ModuSpec, pp. 9-44]

For each of those 18 tasks, the “Current Safeguard” was identified as:

- Baton
- Protective Vest
- Telephone
- Lockable booth door
- O.C. Spray
- Emergency Alarm
- Protective footwear
- Handcuffs
- 2 way radio
- Interviewing distance

In Northgate’s opinion, three additional tasks were misclassified and should have been classified as having the same potential risk and hazards as the initial 18 mentioned above. Those three tasks are:

- Task #17: Rummaging marine vessels
- Task #18: Marine container inspection
- Task #22: Rail tank car inspection

These three tasks can easily include stowaways or illegal aliens attempting to gain entry into Canada. The threat of arrest by a Customs Officer can lead to the same risk and hazards of a gunshot or knife wound. Therefore, 21 of 32 (66%) tasks performed by Customs Officers, as identified by ModuSpec, have the potential of the Officer being shot, stabbed, or physically assaulted.

By dissecting the ModuSpec data even further, the bulk of Customs Officers, those at land border crossings, only perform tasks that are classified by ModuSpec as having the risk of being shot, stabbed or physically assaulted. Specifically, they spend the majority of their day performing:

- Task #1: Primary Inspection – Traveller’s Land Border;
- Task #2: Secondary Inspection – Traveller’s Land Border;
- Task #3: Train and Bus Inspection: Traveller’s Land Border;
- Task #5: General Office Administrative Duties;
- Task #6: Primary Inspection: Commercial Land Border; and
- Task #7: Secondary Inspection: Commercial Land Border.

Five of these six tasks are identified by ModuSpec as having the risk of being shot, stabbed, or physically assaulted (Tasks #1, 2, 3, 6 and 7).

After identifying these tasks performed by Customs Officers, ModuSpec recommended corrective actions, preliminary in nature, which could be modified after Phase II of their study. Although they identify 18 of 32 tasks (56%) as having the possibility of a shooting or stabbing, ModuSpec made no preliminary recommended corrective action. While Northgate does not advocate suggesting arming of Officers after a documentation review, it is puzzling that in ModuSpec’s Phase I Report no mention is made to the identification of 18 of 32 tasks having the risk of being shot or stabbed. Instead, ModuSpec’s very first “Observation and Conclusion” is that

“CCRA appears to be very resourceful in providing Customs Inspectors and Superintendents with fit-for-purpose personal protective equipment.”
 [Source: Phase I Documentation Review, Customs Officers and Superintendents, ModuSpec, p. 45]

B. JHA – RIO/CI

In JHA-RIO/CI, ModuSpec also listed tasks performed by RIOs and CIs. Of the 15 tasks identified, Table 4 reflects 10 that have been identified by ModuSpec’s research team as having the risk and hazards of:

“Dangerous target or associate – gun shot or knife stabbing or physical resistance resulting in personal injury”.

Table 4: 10 of 15 Tasks in ModuSpec’s Phase I Report (RIOs/CIs) with the identifying potential risk and hazards of: “<i>Dangerous target or associate – gun shot or knife stabbing or physical resistance resulting in personal injury</i>”.	
Task #1: Static Surveillance (applies to RIO and CI)	Task #10: Executing a Search Warrant/Conducting Search ***
Task #2: Mobile and Foot Surveillance	Task #12(a): Serving Summons/Subpoena – Public Businesses (RIO only)
Task #3: Interacting with Informants****	Task #12(b): Serving Summons/Subpoena (CI only)
Task #5: Placing an Individual Under Arrest *	Task #13: Controlled Delivery – Escorting a High Risk Shipment (RIO only)
Task #6: Conducting a Suspect Search *	Task #14: Buy (Contraband) and Bust
Task #9: Joint Forces Operation **	

- * Includes safeguards of handcuffs, frisk, and second Officer assist
- ** Includes safeguards of other agency backup, Memorandum of Understanding (MOU) between agencies, and handcuffs
- *** Includes safeguard of search team backup
- **** Includes safeguard of two officers present in non-public areas
(Source: *Phase I Documentation Review, Regional Intelligence Officers and Customs Investigators*, ModuSpec, pp. 8-25)

For each of those 10 tasks the “Current Safeguards” are:

- Mobile phone
- 2 way radio
- Officer Back-up
- Operational Plan

In Northgate’s opinion, one additional task was misclassified and should have been classified as having the same potential risk and hazards as the initial 10 mentioned above:

Task #4: Interviewing/Interrogating

Interviewing and interrogating is done at ports of entry, but it is also done in the community, where the risk of being shot, stabbed or physically assaulted is also present. Therefore, 11 of 15 tasks (73%) have the risk and hazard of being shot, stabbed or physically assaulted.

In their “Observations and Conclusions” section, ModuSpec, again, does not make mention of the majority of tasks having the potential to cause death or serious physical injury. Their only relatable observation is:

“[t]here appears to be no existing Personal Protective Equipment Policy and guidelines for the Regional Intelligence Officer and Customs Investigator positions.”

(Source: *Phase I Documentation Review, Regional Intelligence Officers and Customs Investigators*, ModuSpec, p. 26)

ModuSpec’s preliminary recommendation is to develop such a policy and guidelines.

3.2.2 Phase II – Site Inspections

A. JHA – Customs Officer

The Phase II Report makes little mention of the issue of sidearms. In the final Report, it is important to mention the existence of a survey of Officers that ask: “Should designated Officers be armed?” ModuSpec’s population sample was approximately 200 Officers, wherein 75% are reported to have answered “no”. Interestingly, this 75% number was initially reported merely as “a majority” (In JHA-RIO/CI, there is no mention of a similar survey conducted). Although ModuSpec professes this survey to be unscientific, it was expected that Phase II, “Site Visits/Interviews”, would include a Report mentioning the survey and the details of it. However, there is no mention of a survey done and no mention of the 75% majority. There is only one section in the entire Phase II Report that specifically mentions the sidearm issue, Item #11 in Table 2, which enumerates 10 statements from Officers regarding firearms. Of the 10 comments, Northgate believes eight would classify as being in favour of some sort of an armed presence. They are most certainly not statements made previously or subsequent to answering “no” to a question about the need for sidearms and/or an armed presence. The ten Officer comments in item #11 of Moduspec’s Phase II Report are listed in Table 5.

Table 5: Excerpts from Moduspec, Item #11, Table 2, Phase II Report for Customs Officers and Superintendents	
Classified by Northgate as favorable to sidearms and/or an armed presence	Classified by Northgate as unfavorable or ambivalent to sidearms and/or an armed presence
1. The public seems to have more respect for authorities who carry firearms. 2. We should be armed like U.S. Customs – we deal with the same people. 3. We are now dealing with terrorists. 4. If they are not going to give us guns, we should at least have a Taser – they look just like a real gun. 5. A guy has confronted me with a gun. 6. We don’t have to use the gun – it just sends a message. 7. When we enter a ship, we don’t know what is going to be there. We should have guns to protect us.	9. I don’t think we need guns – the best way is to talk to the person. 10. If they are going to give us guns they better conduct psychological testing of some Officers before they issue them.

- | | |
|--|--|
| 8. As a dog handler working with other agencies (who carry guns), I still feel that there may be someone hiding when I search a building, even though the all clear was given. | |
|--|--|

(Source: *Phase II – Site Interviews, Customs Officers and Superintendents*, ModuSpec, p. 6)

If during their site inspections ModuSpec interviewed 150 of 200 Officers who responded negatively to the need for sidearms, where is the discussion of this data in the site inspection Report (Phase II)? Where are the comments from Officers reflecting such opinions? Where is the demographic data showing where these 150 Officers work, their years of experience, methodology of questionnaire, etc. There is no mention in this Report, or the Final Report, of any of this data. Northgate can only analyze the data presented, and for this Phase II Report, the only data present are the above 10 statements, of which 80% can be classified as being in favour of some sort of armed presence. 80% of ModuSpec's data in Phase II reflects a "yes" answer, while the Final Report reflects 75% of Officers answering "no" to the question of firearms. Clearly, the data included does not support the conclusion drawn.

Moreover, considering the Phase I Report identifies 18 of 32 tasks as including the risk of being shot or stabbed, where is the discussion and data that Officer opinion and the duties observed do not support the risk of being shot or stabbed? While it is known that the official Phase III Final Report does not recommend firearms for Customs Officers, the data in the Phase I and Phase II Reports would support a direct opposite recommendation. It would support the recommendation that is known to exist in the "Working Copy" of the Phase III Final Report, which recommends an armed presence at six locations.

B. JHA – RIO/CI

Northgate attempted to obtain a copy of a Phase II report for RIOs and CIs but the report does not seem to exist or is unavailable. Through CEUDA, Northgate was informed that CBSA officials are unsure if a Phase II Report for RIOs and CIs exists.

3.2.3 Further Issues

In the Final Report for JHA-Customs Officer, ModuSpec states:

"Customs Services has developed a philosophy that the safety, health and well being of their employees are of primary concern. We have conducted an independent evaluation to determine amongst other things if there is a requirement for the provision of firearms. After assessing the risk, we have determined that there is no need to issue firearms to uniformed Customs Officers...With that said however, we suggest that all uniformed Customs Officers (indeterminate, determinate and students) who meet the public should be provided with protective vests, O.C. spray and batons." (p. 56)

As previously discussed, ModuSpec's data does not support their conclusion. Instead, the data appears to support the arming of Officers.

In JHA-RIO/CI, as quoted earlier in this Chapter, ModuSpec states there is a lack of evidence to support arming, such as documentation of injuries sustained, near misses and accident/incident reports. This statement shows little insight on the part of ModuSpec as recorded incidents of near death experiences are not necessary to identifying risk in a law enforcement position. A real risk in any law enforcement position is the threat of unpredictable human behaviour. Such unpredictability means that near misses or actual gunshot wounds may not occur on a frequent basis. It is not reasonable to expect the Ottawa Police Service to stop carrying their weapons because the last time they had an officer killed by a suspect was almost 30 years ago.

Bulletproof Vests

Additionally, it is puzzling, from a law enforcement perspective, to recommend that a bulletproof vest (not a protective vest as ModuSpec calls it) is necessary, yet firearms are not. If a bulletproof vest is recommended, it must be recommended and required for a reason. It is meant to stop bullets being fired directly at an Officer.

If this ModuSpec philosophy continues to be followed, that incident rates must be high to warrant certain safeguards, then why are bulletproof vests not only recommended by ModuSpec but issued by CBSA as standard equipment? There is not a high enough incident rate of Officers being shot at to warrant the vests. The answer is simple: the risk of unpredictable human behaviour is always a danger. The bulletproof vests are necessary as the danger of being shot or stabbed is real. Furthermore, how can ModuSpec see the necessity of a bulletproof vest, yet lack the insight to recommend arming Officers or provide an armed presence at the borders? Bulletproof vests stop bullets; bullets fired at Officers by violent persons. If a vest is necessary, a firearm must also be necessary unless there is clear and convincing evidence to the contrary. In the two JHAs conducted by ModuSpec, there is no such contrary evidence. According to its own data, analysis should have led ModuSpec to the recommendation that arming Officers or providing an armed presence is necessary.

The ModuSpec Researchers

The puzzling analyses of ModuSpec led Northgate to question the background of the ModuSpec research team. The company's website reflects their expertise to be in the oil and gas industry, as evidenced by the following:

“ModuSpec is acknowledged worldwide in numerous services and industries, such as oil- and gas-drilling rigs and vessels, petrochemical plants, pharmaceutical firms, manufacturing plants, transportation industries, mining facilities, power generation, food and beverage industries, etc. for its high-quality services conducted by professional staff.” (Source: ModuSpec website, *Working for Moduspec*, accessed December 26, 2005).

Because their website shows little law enforcement background, Northgate had questions regarding the research team(s) assigned to the JHAs. Generally, what was the background of the ModuSpec research team in both JHAs? And did they have the experience and corresponding capability to analyze data in a law enforcement environment? These questions and more were attempted to be answered by Northgate in August, 2005, when ModuSpec Operations Manager, Ian Denness, was contacted. Mr. Denness stated all members of the research team from the JHAs were no longer employed by the company, but he invited Northgate to submit questions in writing for the

Northgate Study. After sending a letter with attached questions and receiving no response from ModuSpec, a call was made to Mr. Denness on November 22, 2005, only to discover that Mr. Denness had ceased working for ModuSpec approximately three weeks prior. Inquiry was made with the current Operations Manager, Stephan Zuberec, but to date, a response has not been received.

Reliance on JHAs by CBSA

Moreover, these two JHAs do not support the use being made of them by CBSA and HRSDC investigators. The many problems in the ModuSpec Reports identified in this Chapter continue to reveal evidence in support of an altered JHA-Customs Officer Final Report. Additionally, they appear to be on the verge of exposing a governmental agency, CBSA, which puts its employees at risk knowing that serious physical injury or death is a real possibility in their daily duties. Because of the serious ramifications underlying these issues, Northgate recommends that an independent investigation into the circumstances and rationale for the alteration of the ModuSpec Final Report, and its continued use in spite of the knowledge of that fact, is warranted.

CHAPTER 4

The Northgate Study

4.1 Methodology

The Northgate Study was commissioned by CEUDA following the revelation that the ModuSpec Report had been altered. For CEUDA, an accurate, truly independent analysis of this issue was of particular importance inasmuch as the CBSA has continued to publicly cite the altered ModuSpec Report for its no sidearms policy despite public exposure of the alteration of the Report.

As a result of this history, it was necessary that the Northgate Study ensure that it covered at least the same breadth of office and site participation as ModuSpec. Northgate felt it imperative to go beyond this minimum requirement and to attempt a Study that included as many front-line Officers in as many Regions performing as many diverse tasks as possible. Northgate was also determined to issue a Final Report that presented its findings in a more open, focused and descriptive manner.

After reviewing the ModuSpec reports, making note of the methodological and analytical errors, interviewing interested parties, and reviewing documents, a list of criteria was developed to determine what locations to visit/inspect:

1. The Northgate Study was to be, in part, a comparative Study to that of ModuSpec, thus requiring inclusion of a majority of the same locations as ModuSpec;
2. Northgate deliberately chose to *increase* the number of sites included so as to become more comprehensive than the ModuSpec analysis. This was accomplished by increasing not only the number of sites, but also including a variety of sizes of Ports of Entry (POE) (large, medium, and small) and a variety of types of POE (remote, airport, land, ferry, and marine). The sites visited and Officers interviewed were also chosen to span the eight Regions within CBSA: Pacific, Prairies, Northern Ontario, Windsor/St. Clair, Niagara Falls/Ft. Erie, Greater Toronto Area, Quebec, and Atlantic.

CBSA Participation/Cooperation

In order to conduct onsite inspections and interviews or review documents as ModuSpec had, it was necessary to receive CBSA permission. CEUDA wrote to CBSA President Alain Jolicoeur requesting access to the work sites for Northgate. As a follow-up to their request, CEUDA informed Northgate of their subsequent meetings with the Deputy Prime Minister and Alain Jolicoeur regarding the proposed Study. After much delay on the part of the CBSA, on August 12, 2005 a letter was sent to CEUDA denying Northgate's access. Separate from CEUDA's letter and in an attempt to collect information from all relevant parties, Northgate sent an interview request to Alain Jolicoeur. Mr. Jolicoeur refused to be interviewed and provided Northgate with a copy of the denial letter previously sent to CEUDA on August 12, 2005, which states, in part:

“...The health and safety of CBSA employees is an important priority for the Agency and the federal government overall. We appreciate that it is also a priority with CEUDA and other unions representing our employees. As you know, the Federal Budget 2005 allocated \$139 million to implement the CBSA job hazard analysis (JHA) recommendations for front-line border services Officers. CBSA management is working to implement these recommendations as soon as possible.

“While we recognize your particular interest in a new Study specifically related to the arming of border services Officers, the independently-contracted JHA conducted by ModuSpec was a very thorough and comprehensive analysis which concluded that the “present tools provided to Customs Officers are adequate to enforce their responsibilities” and that “[c]arrying a firearm would not reduce the risks to [Customs Officers]”. Any suggestion that the report was “altered” beyond the normal process of comments and consultation that takes place during the conduct of such an evaluation is incorrect. I also note that your proposed Study would be based on a contract procured solely by CEUDA, outside of the government’s contracting regulations and with no prior involvement of CBSA management.

“Given our policy position on this issue, the implementation of the current JHA already underway, and our contracting concerns, it would therefore not be appropriate for CBSA to participate in your proposed Study or to allow Northgate representatives access to CBSA worksites...”

(See Appendix IV for a copy of the entire letter)

The refusal to participate or co-operate by CBSA did not change the criteria of performing a comparative but more comprehensive Study, nor did it change the location of intended site inclusion. It did, however, mean that Officer interviews could not be conducted onsite and that any site inspections would be informal.

Accordingly, the Northgate survey of Officers is the core component of the Study. It is supported by on-site visits and varying degrees of observations of Officers performing their duties. Additionally, although more difficult without CBSA co-operation, Northgate was able to compile the relevant CBSA policies, and, through discussions with Officers, acquire various materials which had been obtained through Access to Information requests. The Study is further augmented by a review of the voluminous public policy information with regard to what is occurring at Canadian Ports of Entry (POE). In this sense, the capacity of Officers to speak freely about what they do and what they see is incredibly important. Through this process, Northgate has been able to gather a comprehensive and detailed picture of the state of affairs at Canada’s ports of entry. As this Chapter details, that information provides the foundation for specific, informed recommendations pertaining to Officer and public safety and the need for the issuance of sidearms in support thereof. It also permits Northgate to raise important questions about safety and security deficiencies at the border which urgently need to be addressed.

4.1.1 Access to Sites

As discussed later in this Report, even with CBSA's instructions to management and Officers, Northgate was granted some access to the majority of sites visited. As the results section of this Report describes, Northgate associates had access to, and, in some cases, received tours at 40 locations across the country, compared to 21 visited by ModuSpec.

While conducting the Study at the various sites, Northgate witnessed BSOs performing a full range of duties. Had access to the sites been granted, Northgate was prepared to visit locations at prime hours, such as midnight shifts and weekends, as well as daytime hours. The goal was to observe the risk inherent in the Officer position at all times, but also to interview as many Officers as possible on a variety of shifts. It did not appear that CBSA's denial of access to the sites had any affect on Northgate's ability to gain access to the sites, inspect the facilities, observe Officers perform their duties, and record arrests being made.

Northgate associates were able to walk around some sites with and without accompaniment by BSOs. Northgate associates were able to walk around commercial and secondary areas observing the security of the site and its perimeter, as well as the interior office including cells, interview rooms and the commercial warehouse; rarely did a CBSA official ask why Northgate researchers were on the grounds. This provided enough access to complete the Study and it also provided ample evidence to supply recommendations on site security, which is discussed later in this Chapter.

4.1.2 Access to Officers

Again, the initial concern after CBSA denied access to the sites was that Northgate would not have a significant enough sampling of Officers. To assist in interviewing Officers, conference rooms were rented across the country. The interview location was advertised on the CEUDA website and Northgate made contact with Officers and management onsite to encourage their participation, regardless of their opinion of the arming issue.

Early on in the Study, Northgate associates were advised of an internal communication being sent via email to Officers in British Columbia, warning them of Section 107 confidentiality requirements of the *Customs Act*. A copy of this email, sent by the Regional Director, was obtained, which reflected the Section 107 warning, as well as an instruction that Officers were not permitted to be interviewed on the work site or in uniform. The majority of Officers interviewed for this Study stated they had received this exact same set of warnings from CBSA management.

Out of concern for disciplinary action being taken against Officers, Northgate ensured that all Officers were aware of this email. Each Officer was cognizant of the instruction CBSA was giving to its Officers.

By interviewing Officers at off-site locations, Northgate obtained data from Officers that might not have been obtained by visiting various sites at set dates, times, and shifts and conducting interviews at the POE. By renting conference rooms, researchers had the luxury of having private conversations with Officers. Superintendents, dog handlers, Officers employed on marine units, and Flexible Response Teams (FRT) were interviewed. Moreover, Northgate interviewed people from all age ranges, years of

experience, as well as those who worked predominately in commercial, traffic, airport, day and night shifts.

It is, however, the opinion of Northgate that CBSA's warnings to Officers about participation in the Study had an affect on the Study. The number of Officers interviewed would have been much higher had these warnings not been issued; nevertheless, the results (383 Officers interviewed – approximately double that of ModuSpec) speak for themselves.

4.1.3 Access to Internal Documents

As noted above, Northgate obtained all relevant CBSA policy documents required for this Study. It is unfortunate that CBSA did not cooperate with this Study, as their information and statements would have been helpful in answering the many questions raised in this Report. It is likely that this information will only come from an independently empowered investigation of CBSA such as is recommended in this Report. An unanticipated by-product of the offsite interviews was the accumulation of significant pertinent material which support the assertions made by front-line Officers.

4.1.4 Access to RIOs and Cis

The CBSA refusal to co-operate did not permit Northgate to observe RIOs or Cis as ModuSpec did. As detailed in this Chapter, significant input from those Officers was obtained, and, unlike ModuSpec, Northgate interviewers had the law enforcement background to ensure specific familiarity with their duties.

In conclusion, the CBSA denial had little effect on Northgate's ability to gain access to sites as required, interview Officers or access necessary materials. To the contrary, it appeared that some Officers were more determined to have their voice heard. It is, in part, their determination that resulted in the Study being a comprehensive and detailed empirical account of working conditions that sustain the recommendations that follow in this Report.

4.1.5 Sites Visited

Border Services Officers

In deciding which sites to visit Northgate relied on data collected reflecting the busiest ports of entry (U.S. Department of Homeland Security, 2002 Statistics), data on the CBSA website (e.g. border wait times), and interviews of Officers around the country to develop a comprehensive site list. Again, the goal was to develop a comparative Study to ModuSpec, but to also be more comprehensive and representative. As Table 6 reflects, the Study incorporated attempted visits to 50 sites, and varying degrees of actual site inspections and Officer observations at 40 sites.

(In Table 6, the sites visited/inspected by Northgate are represented in bold text.)

**Table 6:
Comparison of sites visited/inspected by ModuSpec and Northgate for Border Services Officers**

ModuSpec – Land Border	Northgate – Land Border
Douglas Pacific Highway	Douglas/Pacific Highway
Emerson Manitoba	Emerson, Manitoba
Gretna, Manitoba	Gretna, Manitoba
Cornwall, Ontario	Cornwall, Ontario
Landsdowne, Ontario	Landsdowne, Ontario
Ambassador Bridge, Ontario	Ambassador Bridge, Windsor, Ontario
Windsor Tunnel, Ontario	Windsor Tunnel, Ontario
Lacolle, Quebec, Rt. 15	Lacolle, Quebec Rt. 15
Lacolle, Quebec, Rt. 223	Lacolle, Rt. 223
	Lacolle, Rt. 221
	Bluewater Bridge, Sarnia, Ontario
	Highwater, Quebec
	Ft. Erie, Ontario (Peace Bridge)
	Queenstown-Lewistown Bridge, Ontario
	Niagara Falls, Ontario (Rainbow Bridge)
	Whirlpool Bridge, Niagara Falls, Ontario
	Roosville, British Columbia
	Windygates, Manitoba
	Coutts, Alberta
	Carway, Alberta
	St. Stephen, New Brunswick
	Milltown, New Brunswick

ModuSpec - Airport	Northgate - Airport
Vancouver Airport	Winnipeg International Airport
MacDonald Cartier Airport	Edmonton International Airport
Pearson International Airport	Pearson International Airport
Dorval International Airport	Dorval International Airport
Halifax International Airport	Prince Rupert Airport (BC)
	Quebec City, Quebec Airport

ModuSpec - Marine	Northgate - Marine/Ferry
Vancouver Marine	Quebec City, Quebec
Halifax Marine	Trois-Rivières, Quebec
Canada Cruise Ship Terminal (Vancouver)	Canada Cruise Ship Terminal (Vancouver)
	Richelieu River (Noyan, Quebec)
	Victoria, British Columbia
	Brockville, Ontario
	Rockport, Ontario

	3 marine locations in Prince Rupert, British Columbia
	Wolfe Island, Ontario
	Walpole Island, Ontario
	Sombra, Ontario
	St. Stephen, New Brunswick
	6 marine locations in Nova Scotia

ModuSpec - Rail	Northgate - Rail
None	Vancouver, British Columbia
	Lacolle, Quebec

ModuSpec - Other	Northgate - Other
Montreal Inland/ Côte-de-Liesse	None
International Mail Processing Centre	
Montreal Postal	
Marine Centre of Excellence	

Breaking down Table 6 even further reflects how comprehensive the Study was regarding sites visited. For ModuSpec, the 21 visits are categorized as nine (9) land border locations, five (5) airports, three (3) marine locations, and four (4) other facilities. For Northgate, Table 6 reflects visits to 50 locations: 22 land border locations, eight (8) airports, 18 marine locations, and two (2) rail locations. Of the 50 locations, Northgate inspected and toured 40 sites: 18 land border locations, 4 airports, 1 rail, and 17 marine locations.

It is also greatly significant to make mention that this site list is ONLY of those facilities Northgate visited or attempted to visit. It is not a list of the work locations of the 383 Officers interviewed. As discussed later in this Report, Northgate interviewed Officers from 56 work locations.

Work Alone Locations

Table 6 reflects all of the sites visited while Table 7 below reflects the sites visited that require Officers to work alone at least 50% of time on any one particular shift.

Table 7: Work Alone Sites Toured and Inspected During the Study	
Roosville, British Columbia	Rt. 221, Lacolle, Quebec
Gretna, Manitoba	Rt. 223, Lacolle, Quebec
Windygates, Manitoba	Highwater, Quebec
	Milltown, New Brunswick

Again, this represents only those sites of which tours were given, inspections of facilities made, and observations of Officers performing their duties were undertaken. As presented later in this Report, seven (7) facilities were inspected, but Northgate

interviewed Officers from a total of 19 work-alone sites. Officers from six of the above seven locations (excluding Gretna, MB) and 12 other work locations were interviewed.

Regional Intelligence Officers and Customs Investigators (RIOs and CIs)

ModuSpec conducted a separate Job Hazard Analysis of RIOs and CIs, while Northgate incorporated interviews of these Officers into one Study. A side-by-side comparison of Officer work locations for RIOs and CIs interviewed in both the ModuSpec and Northgate Study is provided in Table 8.

**Table 8:
Comparison of work locations of Officers interviewed by ModuSpec and Northgate for Regional Intelligence Officers and Customs Investigators**

ModuSpec	Northgate
Vancouver	Vancouver
Winnipeg	Winnipeg
Windsor	Windsor
Toronto	Toronto
Montreal	Montreal
Halifax	Halifax
Calgary	Sarnia
Ottawa	Douglas Pacific Highway
	Lacolle
	Quebec City
	Cornwall
	Prescott
	Fredericton
	Coutts
	Edmonton

As stated earlier, Northgate did not inspect RIOs or CIs perform their duties due to CBSA’s denial of access and, according to Officers interviewed, liability concerns RIOs and CIs had for the safety of the Northgate associates. However, Northgate is familiar with duties performed by RIOs and CIs as the researchers for this Study have law enforcement and legal experience in surveillance, developing/handling informants, controlled deliveries of drugs, working on Joint Force Operations, arresting suspects, and transporting detainees. Moreover, one associate has direct experience with RIOs and CIs on numerous Joint Force Operations. The law enforcement background of Northgate associates enabled this Study to appropriately and effectively examine the RIO and CI positions, as well as make recommendations without observing the Officers perform their duties.

4.1.6 The Questionnaire

Border Services Officers

As part of the initial phase of this Study, Northgate reviewed documents, spoke to Officers, and investigated the types of questions to which answers were needed. Northgate held lengthy discussions among the research team, CEUDA, Border Services Officers, and other professionals with relevant knowledge of the Customs function and

officer safety. Each question was carefully formatted and dissected to ensure the proper wording of each question. For Border Services Officers, six categories were the initial focus:

- Demographics
- Training
- Job Duties
- Police Response
- Safety
- Sidearms

After interviews were conducted in Cornwall, Ontario and British Columbia, it was determined that two additional categories and further questions had to be added:

Staffing: the number of Officers in Cornwall and British Columbia who made comments about the understaffing of their work location was significant enough to add Question #7.

Equipment and Facilities: information obtained in Cornwall and British Columbia also presented concerns regarding the adequacy of equipment being provided to Officers and the safety and security of the facilities themselves. To reflect these concerns, Question #9 was added, providing Officers with an open-ended question to list the security concerns they had for themselves regarding the equipment provided and the facilities.

In the following pages the results of the Study are delineated into the above eight categories. The questions associated with each of the eight categories are seen in Table 9. The questionnaires used are provided in Appendix III.

**Table 9:
Categories of Questions – Border Services Officers**

Demographics	Questions 1, 2, and 3
Training	Questions 4 and 5
Job Duties	Questions 6 and 8
Staffing	Question 7
Equipment and Facilities	Question 9
Police Response	Questions 12, 13, 14, 15, and 16
Safety	Questions 10, 11, 13, and 18
Sidearms	Questions 17 and 18

Regional Intelligence Officers and Customs Investigators

As the job duties of RIOs and CIs are significantly different than those of Border Services Officers, a separate questionnaire for those positions was developed. The categories remained the same, save that police response time is an issue limited to BSOs (See Table 10).

**Table 10:
Categories of Questions – Regional Intelligence Officers and Customs
Investigators**

Demographics	Questions 1, 2, and 3
Training	Questions 4 and 5
Job Duties	Question 7
Staffing	Question 6
Equipment and Facilities	Question 8
Safety	Questions 9, 10, 11, and 13
Sidearms	Questions 12 and 13

4.2 Results of the Study

In the following sections each of the eight categories of questions (seven for RIOs/CIs) are delineated. For each section, the following are provided where applicable:

1. An introduction to the section explaining the intent of the set of questions;
2. Data analysis compiled through Officer interviews;
3. Commentary from Officers;
4. Observations by Northgate;
5. Conclusions; and
6. Recommendations, which are laid out throughout this Report where corresponding commentary, data analysis, and observations are discussed.

4.2.1 Demographic Results (Questions 1 through 3)

Introduction

Questions 1-3 captured basic empirical data in order to identify the position, work experience and age of the respondent. This not only provides a demographic picture of who was responding to the survey, but also aids in assessing whether these objective factors play any role in the more analytical and subjective information sought later in the Study. The Study captured significant numbers of persons across various categories.

Data Analysis

Northgate associates toured 40 facilities across Canada and interviewed Officers from many locations other than the sites visited. Of the 383 Officers interviewed, there were 56 work locations represented, with some locations encompassing multiple work sites (e.g. Montreal Airport, Montreal Marine) [See Table 11]. Furthermore, the data provides evidence of well-rounded representation regarding age, length of service, and the eight Regions within CBSA (see Figures 5 through 9).

**Table 11:
Work Location of Officers Interviewed**

Pacific Region	
1	Osoyoos, British Columbia
2	Kelowna, British Columbia
3	Vancouver, British Columbia
4	Kingsgate, British Columbia
5	Roosville, British Columbia
6	Douglas/Pacific Highway, British Columbia
7	Victoria, British Columbia
8	Boundary Bay, British Columbia
9	Prince Rupert, British Columbia

Prairie Region	
10	Boissevain, Manitoba
11	Northgate, Saskatchewan
12	Winnipeg, Manitoba
13	Windygates, Manitoba
14	Snowflake, Manitoba
15	Emerson, Manitoba
16	Sprague, Manitoba
17	Winkler, Manitoba
18	Coutts, Alberta
19	Carway, Alberta
20	Edmonton, Alberta

Northern Ontario Region	
21	Wolfe Island, Ontario
22	Kingston, Ontario
23	Cornwall, Ontario
24	Sault St. Marie, Ontario
25	Prescott, Ontario
26	Pigeon River, Ontario
27	Wolfe Island, Ontario

Windsor/St. Clair Region	
28	Sarnia, Ontario
29	Walpole Island, Ontario
30	Windsor, Ontario
31	Sombra, Ontario

Niagara Falls/Ft. Erie Region

32	Niagara Falls, Ontario
33	Whirlpool Bridge, Ontario
34	Landsdowne, Ontario
35	Ft. Erie, Ontario

Toronto Region

36	Toronto, Ontario
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Quebec Region

37	Armstrong, Quebec
38	Highwater, Quebec
39	Montreal, Quebec
40	Quebec City, Quebec
41	Woburn, Quebec
42	Hemmingford, Quebec
43	St. Pamphile, Quebec
44	Trois-Rivières, Quebec
45	Rt. 15, Lacolle, Quebec
46	Rt. 221, Lacolle, Quebec
47	Rt. 223, Lacolle, Quebec

Atlantic Region

48	Woodstock, New Brunswick
49	Halifax, Nova Scotia
50	Centerville, New Brunswick
51	Milltown, New Brunswick
52	St. Stephen, New Brunswick
53	Fredericton, New Brunswick
54	Sydney, Nova Scotia
55	Yarmouth, Nova Scotia
56	Campobello Island, New Brunswick

Of the 383 Officers interviewed from these 56 work locations, Figure 3 provides a breakdown of those interviewed by position. Clearly, a significant number of BSOs were interviewed, and Northgate is able to draw conclusions based on this large population. Superintendents perform duties in the same environment as Border Services Officers, and their small numbers are therefore operationally marginal. According to data received from CEUDA, the 38 RIOs represent 20.4% of all RIOs across the country (population 186). For Customs Investigators, interviews were conducted of 13.5% of the 111 Officers employed in this position. Therefore, the number of Border Services Officers, Superintendents, RIOs and CIs is sufficient to draw conclusions from the data collected through interviews, observations, and documents.

**Figure 3: Number of Officers Interviewed by Job Position
(Population = 383)**

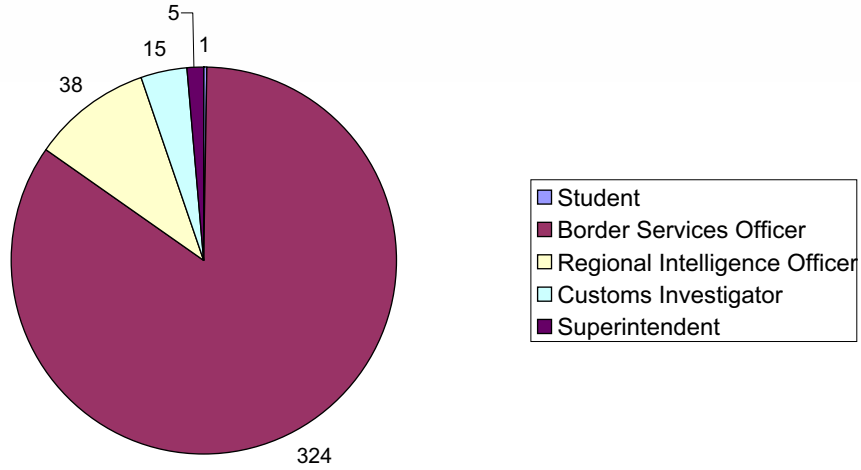
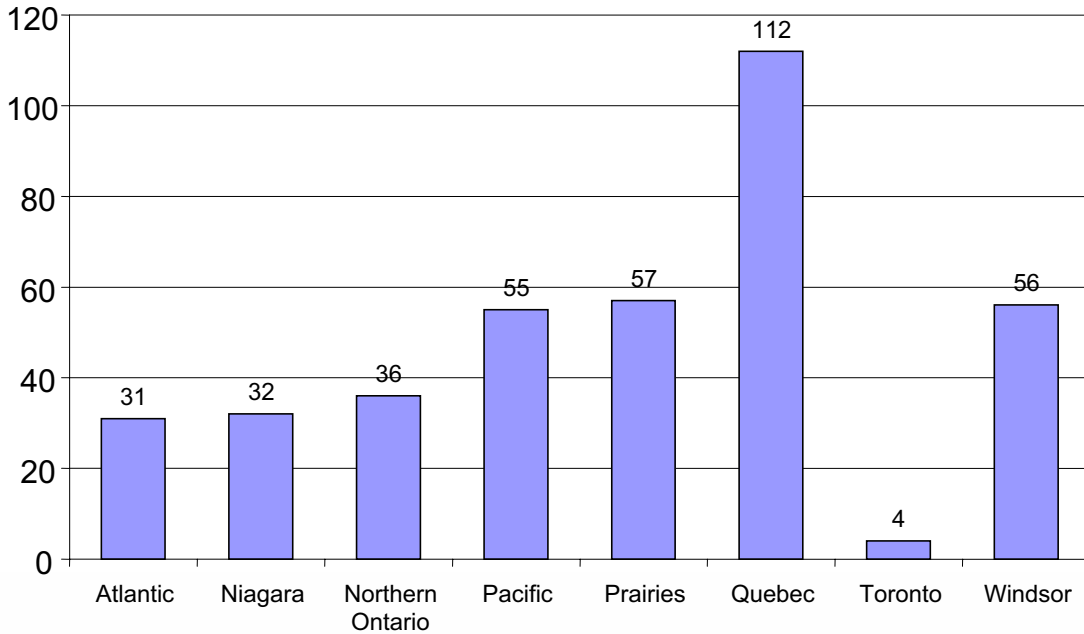


Figure 4: Total Respondents by Region



As evident by Figure 4, Northgate was successful in not only interviewing a great number of Officers, but also Officers in all eight Regions within CBSA. In Figure 5, the number of Officers interviewed at work-alone sites represents 45 Officers from 19 locations. Figures 6 through 9 represent further demographic data reflecting a good

representation of Officers across factors of length of service and age, as well as regional representations of age and length of service. Again, this data is sufficient to draw conclusions from the data collected through interviews, observations, and documents.

Figure 5: Officers Interviewed From Work Alone Locations by Region and Position

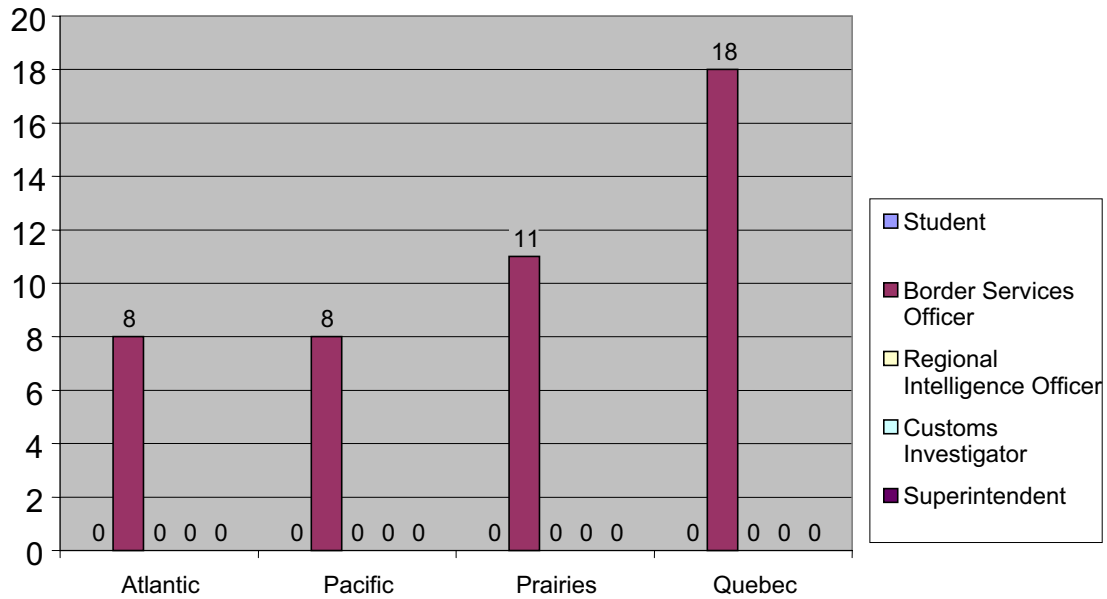


Figure 6: Length of Service

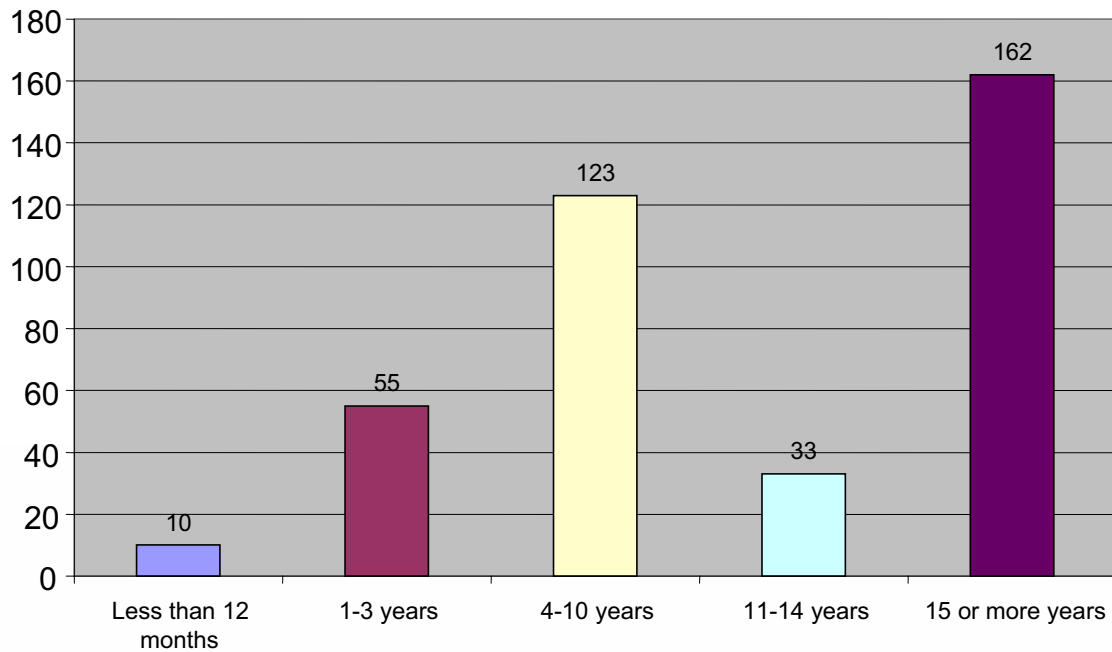


Figure 7: Length of Service by Region

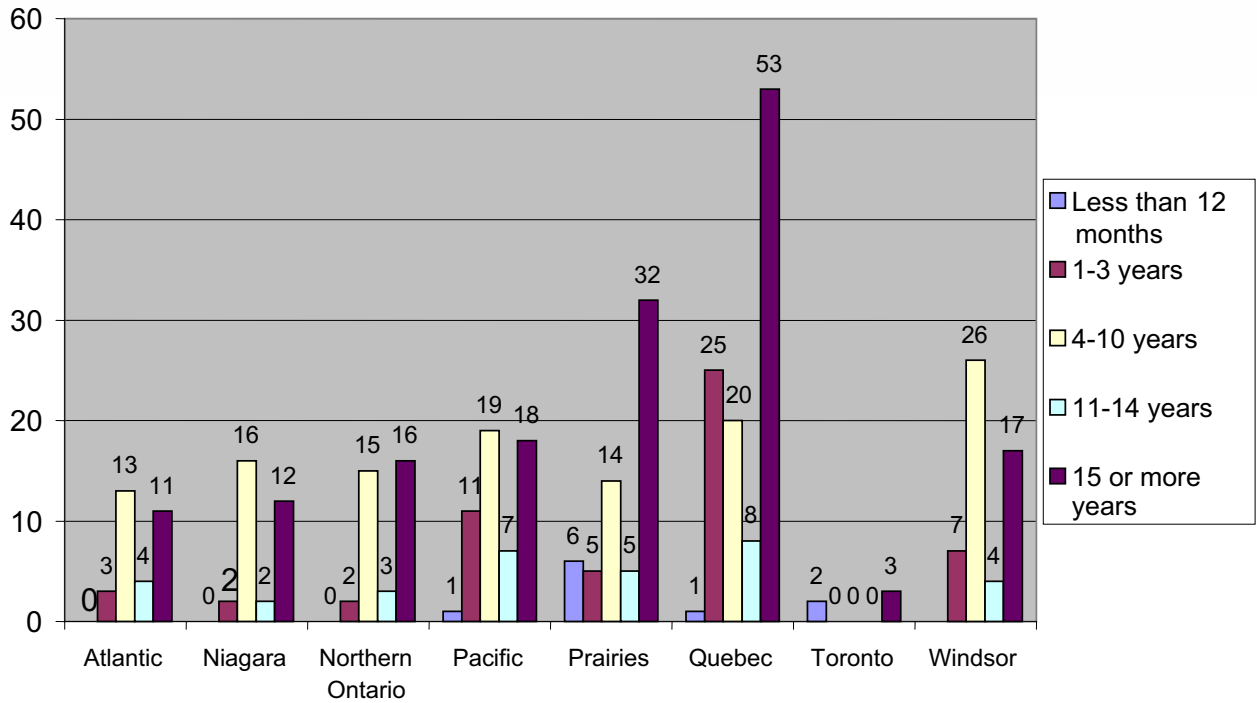


Figure 8: Age of Respondents

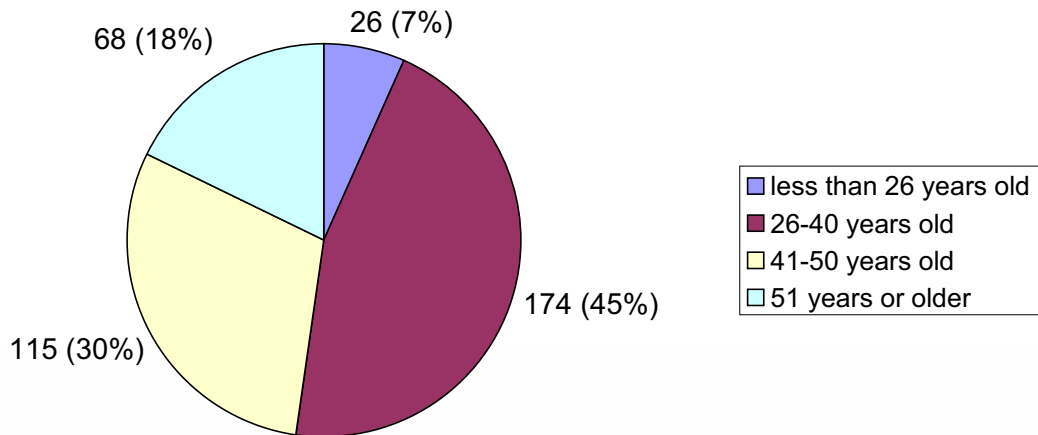
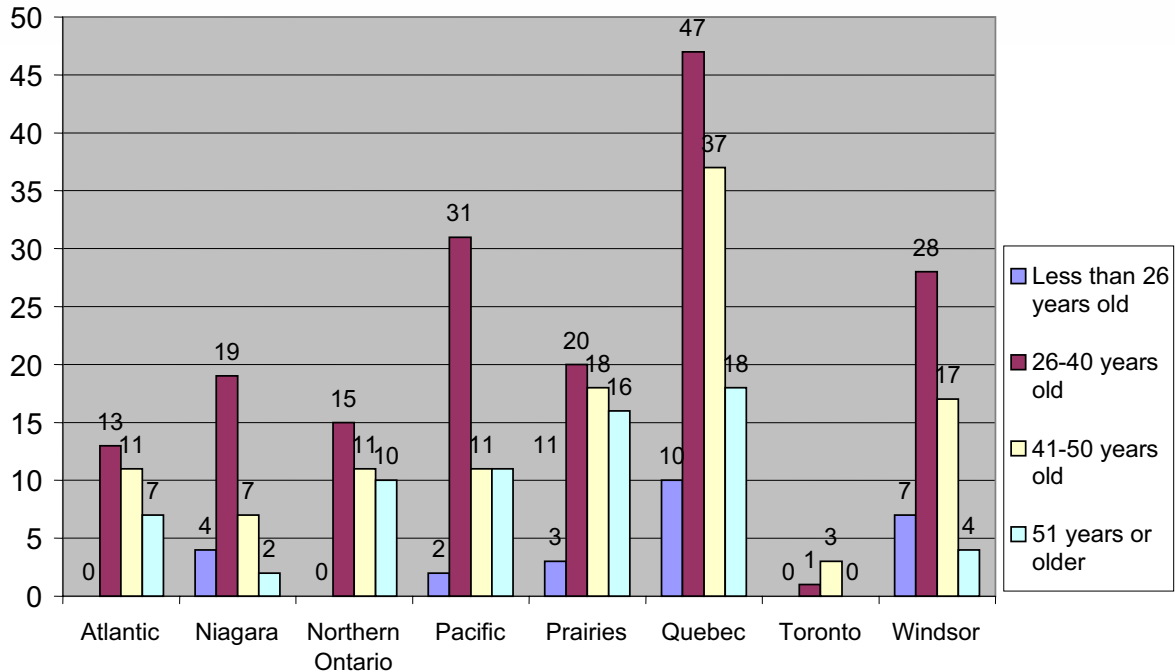


Figure 9: Respondent's Age by Region



4.2.2 Training (Questions 4 and 5)

Introduction

Questions 4 and 5 explore the nature of training received by respondents in public interaction and safety related areas. The focus of these questions was on initial training, in-service training, and policy directives provided by management. The fact that so many respondents did not receive any Use of Force training upon hiring is not a reflection of any deficiency on the part of the CBSA, or CCRA before it. Rather it is a simple reflection that at the time the respondents took their initial training, the duties and training commensurate with them were significantly different and less demanding than today.

A significant number of respondents volunteered information with respect to the impracticality and artificiality of mediation or tactical communication techniques taught at Rigaud. This widely held view would suggest that CBSA needs to revisit the course materials and methodology of presentation in this area, as well as the desirability of conducting a graduation interview of Officers to better assess what is viewed by the graduates as effective and what is not.

Information provided by respondents also suggests a variation in the time requirements for Use of Force refresher courses in different parts of the country. There was no rationale offered for the varying time spans between refresher courses. Officers also stated that the Use of Force training is not pass/fail. Although this question was not specifically asked, enough Officers provided such concerns to warrant its inclusion in

this Report. Because of the lack of co-operation by the CBSA, Northgate was unable to verify or refute this very serious allegation which should be further investigated.

Respondents were also clearly aware of the relevant policy directions from the CBSA with respect to port runners and dealing with armed and dangerous persons or persons who they believe pose a risk to them. There appears to be no consistent national policy or practice with respect to police agencies responding to such notification or any record-keeping in any way by CBSA of such incidents and their outcomes. Given the public importance of port runners, armed and dangerous and police response to these incidents, such reporting should be mandatory while the policies that cause them remain in effect. In order to gauge the extent of this potentially hazardous activity to Canadians, CBSA should also be required to report on the details of it as described herein for the preceding five years.

Officers from all parts of the country and from the entire spectrum of age and work experience expressed a fundamental recognition of the inconsistency between the CBSA directions and the public nature of the duties they perform on behalf of Canadians. Additionally, while the Northgate survey focused on Officer safety and sidearms issues, it also provided a unique opportunity for front-line Officers to express their insights into how CBSA policy and operations do or do not work. Permitting unhindered entry into Canada of persons who are dangerous or deliberately seeking to avoid interception is a policy that clearly has significant negative public consequences beyond the considerations of Officer safety. It is indeed noteworthy that so many Officers expressed their concerns on behalf of Canadians in this regard, in spite of the potential risk to themselves.

Data Analysis

The table provided in Question #4 sought insight into Officer safety training provided to all Officers interviewed. The questions centered on the various training topics: Training at Rigaud, Use of Force Training, and knowledge of internal policies on Port Runners and Armed and Dangerous/Hostile Travellers.

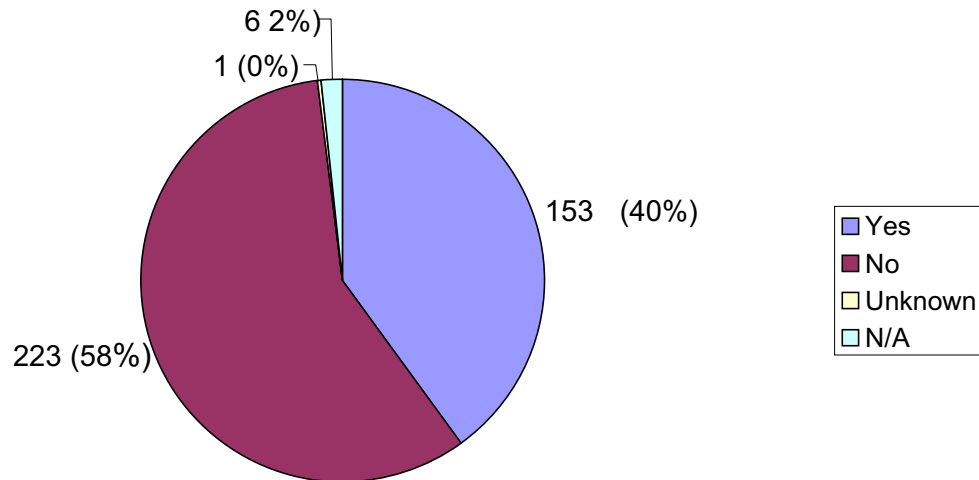
Rigaud: Tactical Communication

It was abundantly clear that Officers are very good at tactical communication. All Northgate interviewers witnessed/recorded numerous potential risk of injury situations with hostile or armed and dangerous travellers which did not result in an Officer injury, in large part due to the ability of the Officer to diffuse the situation. Several Officers expressed the view that it is only their ability to diffuse persons and sheer luck that has prevented the killing of an Officer in the line of duty.

Because of these skills, Northgate expected to also record an intricate training regimen focused on tactical communication. Surprisingly, Officers stated that at Rigaud there was either no such training on how to communicate tactically or a bare-bones CD-ROM self instruction "course" entitled "Dealing with Difficult Situations". Of the 383 Officers interviewed, only six (6) Officers had not been sent to Rigaud or received similar initial training. Of the remaining 377 Officers, 153 (40.6%) stated that they received tactical communication training at Rigaud in the form of the aforementioned CD-ROM. The remaining 223 (59.2%), did not recall any training at all. Although a CD-ROM is inadequate for training new Officers in the area of tactical communication, it is likely that

all Officers who graduated from Rigaud may have received the same CD-ROM training and simply not remembered what those who did viewed as insignificant.

Figure 10: Officers Who Stated Tactical Communication Training at Rigaud is Limited to a CD-ROM titled "Dealing with Difficult Situations"



In addition to a CD-ROM constituting inadequate training, those Officers who recalled the CD-ROM stated they would not classify the training as specifically related to tactical communication. The CD was aimed at an Officer's ability to handle an irate person who is paying duty or taxes. The CD-ROM never discusses tactical communication when arresting a suspect, communicating with impaired persons, or any other similar situation which Officers classified as a true tactical communication scenario.

Regarding training at Rigaud, the overwhelming majority of respondents commented on the non-enforcement focus of training. Northgate did not record any comments from new Rigaud graduates reflecting a change in the tactical communication training syllabus.

Recommendation:

1. CBSA should review the content and method of delivery of its mediation/tactical communication training provided at Rigaud to ensure it maximizes practicality and effectiveness for front-line Officers whose duties include designated Officer enforcement authority.
2. CBSA should implement a post-Rigaud graduation interview with respect to gaining insight into the effectiveness of the training provided at that facility.

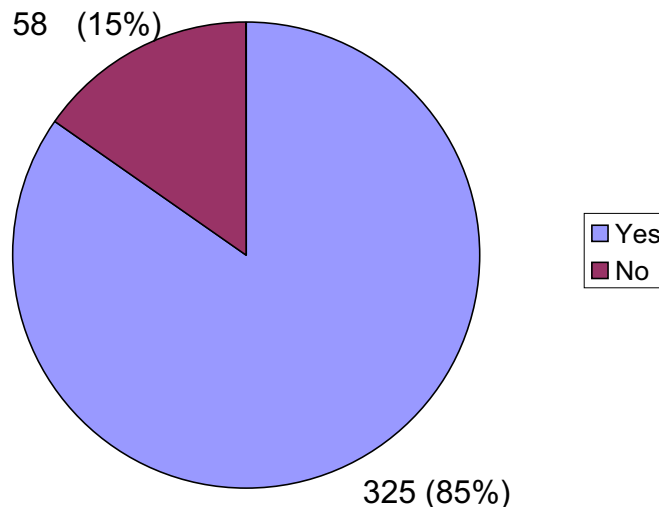
Use of Force and Officer Powers

For all Officers who become designated Officers, meaning they are permitted to carry O.C. Spray and baton, they must pass two classes: Officer Powers and Use of Force. Officer Powers is the classroom portion of the designation, while Use of Force is the hands-on defensive tactics portion. Although Northgate was unable to verify this from CBSA, it is believed that these training sessions are not being offered at Rigaud, but are completed locally among the Regions. Of the 377 Officers interviewed who had been to Rigaud, or a similar initial training, Use of Force was not provided.

Question #4 attempted to gauge the frequency of training on all levels of the continuum of force. The prevailing criminal justice view, with which Northgate concurs, is that skills learned in defensive tactics training must be practiced regularly. Failing to practice or be qualified on a regular basis diminishes the capacity of an Officer to revert to that training during an altercation with a suspect, and affects overall Officer safety.

Of the 383 Officers interviewed, 58 Officers (15%) have never received any Use of Force training. This number, however, is predominately RIOs and CIs, who represent 46 of the 58 Officers. If the RIOs and CIs are omitted, 97% of Officers have received at least the initial training in Use of Force/Officer Powers.

Figure 11: Officers Who Have Received the Initial Training on Use of Force



The data shows that 201 of the 330 Customs Officers interviewed (60%) had been through both the initial Use of Force Training and the refresher course. However, it was difficult to record the span of time between these courses due to poor Officer memory. Of those 201 Officers, only 105 Officers were confident in the years they had received both the initial and refresher Use of Force. Of those 105 Officers, the average span of time between the two training sessions was 3.14 years.

In addition to these statistics, less than 5% of Officers are currently engaged in practicing their Use of Force skills in a formal port specific practice exercise.

The internal CBSA policy on how frequently such training is to be given is unknown. Officers provided varying answers on what they believe the policy to be; from 18 months to three years to five years. Although there was no consistent answer to the frequency of the training, Northgate made some interesting observations when discussing Officer Powers/Use of Force training.

First, although not specifically asked if the Use of Force training was pass/fail, 37 Officers described the training as *not* being pass/fail. Those 37 Officers described examples of the lack of ability of some of their fellow Officers during Use of Force training, and how they should not have been designated but were.

Second, the researchers observed a significant number of “Designated Officer” cards. These cards are issued to Officers after completing Use of Force. For each card observed in the early stages of Use of Force training (2000-2001), the card had a five year expiration date. For every card observed issued as part of a refresher Use of Force training or a later initial training (2003-2005), there was no space on the card for an expiration date.

Northgate suspects that the lack of an expiration date is a sign that CBSA is not going to require regular in-service training to its Officers regarding Use of Force. If the policy is to provide such training every five years, Northgate strongly disagrees with the length of time between such vital training. It is recommended that Use of Force training, which should include tactical communication as a component, be provided not less than every two years. The ability of any law enforcement officer to handcuff a suspect, diffuse a situation verbally, and physically grapple with a subject are learned skills that without regular practice over time will diminish. With continuing practice, these skills will become second nature to Officers when they are faced with such hostile and aggressive persons. Moreover, it is recommended that POE develop local practice sessions on a bi-annual basis to allow Officers to practice their skills.

Recommendation:

3. Subject to an overriding duty to accommodate, a national standard for refresher course re-certification not longer than every two years should be implemented as a mandatory condition of employment for all designated Officers, including a requirement that all Officers pass an objective performance level before being re-certified.
4. CEUDA should seek an independent examination of CBSA practices since 2002 with respect to refresher courses for Use of Force training.
5. Local Use of Force practice sessions should be implemented at individual POE, allowing Officers to hone their skills on at least a bi-annual basis.

Use of Force: RIOs and CIs

Of the 38 RIOs interviewed, 8 Officers (21%) have received Use of Force training. Of the 15 CIs interviewed, none (0%) have been through Use of Force training. Yet there does appear to be efforts being made by CBSA regarding Use of Force training for RIOs and CIs. Seven (7) RIOs/CIs stated they are currently scheduled for Use of Force Training before January 2006.

15 of the 53 Officers (28%) stated they had been through some other form of self-defence training in the past. That training, however, was provided to them no later than 1999.

In light of the important and high risk duties performed by RIOs and CIs, it is disturbing that the majority of them have not been provided the appropriate Use of Force training. Although it is recognized that some Officers are currently scheduled for Use of Force training, RIOs and CIs perform some of the most dangerous tasks of any Officer within CBSA. They must be put through the training in an expedited fashion.

Recommendation:

6. Provision of Use of Force training to all RIOs and CIs should be an immediate priority for the CBSA.

4.2.3 Port Runners and Armed and Dangerous

Introduction

CBSA has issued specific policy instructions to Officers with respect to persons they encounter that either run the port without stopping or who are believed to be armed or dangerous or present an “*undue risk to their personal safety, the safety of another Officer or a member of the public.*” (CBSA Use of Force Policy and Procedures, July 30, 2004, p.5)

For port runners, Officers are instructed to permit entry to Canada, not to pursue off property but to attempt to retrieve as much information as possible and notify the police immediately. A similar withdraw policy, instructing the Officer to permit entry and notify police also exists for armed and dangerous or threatening individuals.

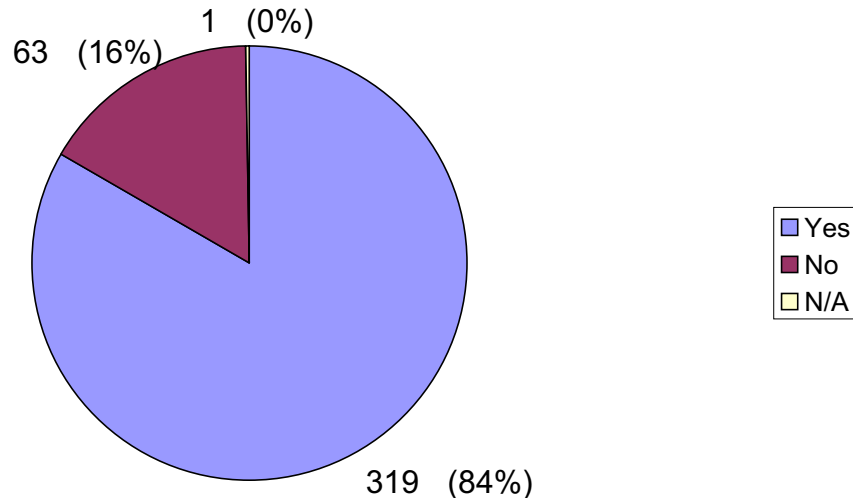
Question #4 was designed to determine what Officers knew of the policy, and where they received training regarding that policy. Officers answered those questions and provided significant additional information.

Port Runners

The term “port runner” is a term used by Officers to define travellers who do not stop at the border as required. These travellers either speed through the border in an obvious attempt at avoiding the scrutiny of Border Services Officers, or they are travellers who are ignorant of the law or the physical circumstances requiring them to stop for inspection. Although Officer safety issues are clearly present when travellers run the port, the issue of arming Officers is not relevant to this situation as discharging a firearm at a departing vehicle is not a strategy contemplated by anyone. Information collected

from Officers on this subject is, however, highly relevant to the safety of the Canadian public. There can be no doubt that persons who are allowed to run the port with little or no consequence may pose a serious public safety issue to Canadians, which must be a concern to the CBSA as part of their public safety mandate.

Figure 12: Officers Who Are Aware of CBSA Policy on Port Runners



It is clear from Officer statements that in the past, there has not been a policy on the recording of port runners or of how many were caught and returned. A few Officers interviewed stated a recent policy (initiated in the summer of 2005) now requires a port runner log for their particular port of entry. Although the data does not reflect a large number of Officers informing Northgate of such a log, CBSA should be applauded for making an effort at recording port runners.

Most port runners are reported to be persons making mistakes rather than deliberate attempts at avoidance, although the latter exists in significant numbers without adequate response. Officers were generally unaware of any formalized reporting system informing them of the responding police agency's success at apprehending/attempting to apprehend a port runner. The reporting by police agencies of such success/attempts varied from location to location.

Officers also reported several instances of port runners, subsequently arrested, who were armed and criminal fugitives. Officers cited the existence of intersecting road systems close to the POE once inside Canada, combined with the inability of police to respond in a timely fashion, as factors that permit the disappearance of port runners. Some POE have the ability to activate a siren when a traveller runs the port but, as is noted subsequently in this Chapter, ports are not equipped with pursuit vehicles, automated preventive gates or disabling road spikes.

Officers described varying numbers of port runners at their individual POE. At Cornwall, Ontario, Officers stated the port runners they receive are not ignorant travellers, but

persons deliberately avoiding the scrutiny of Officers. For the 16 Officers interviewed in Cornwall, 12 stated that port runners are an overwhelmingly problem for the POE. One Cornwall Officer stated the POE had 37 port runners from January 2005 through the date of the interview in August 2005. In the last four years, the same Officer estimated that approximately 100 port runners had gone through the POE, with an estimate of two being returned to the POE by the responding police agency (Akwasasne Mohawk Police).

Other Officers, such as those in Boissevain, Manitoba, stated their port runners are mostly ignorant travellers who travel through the Peace Gardens, a tourist attraction that sits on the border. According to Officers interviewed, travellers enter the Peace Gardens on the Canadian side and exit on the U.S. side, and subsequently run the port not knowing they had ever left Canada.

Many Officers also expressed frustration and strong disapproval at CBSA for not taking steps or permitting Officers to attempt prevention or pursuit of deliberate port runners where practically possible.

“What kind of a public agency actually prohibits its law enforcement personnel from trying to stop people from entering Canada illegally”? (Ontario)

“I was involved in a foot chase of a murder suspect with gun. I chased him off premise with my spray out. He ran into a crowd of civilians but was apprehended. Afterwards, I was told privately not to do that again unless I could guarantee that the suspect, public or myself (in that order) would not be injured because I wouldn't be covered if anyone was injured. I find that hard to believe or accept.” (Ontario)

As with some issues laid out in this Report, port runners are more of a public safety concern. While the port runner problem does not justify the arming of Officers, it clearly points to the need for an armed Border Patrol unit being deployed at or near POEs, with responsibilities for patrolling the vast land area between POEs and an enhanced apprehension of port runners.

Recommendation:

7. An armed border patrol as part of the CBSA is required to enhance public safety by improving the capacity to apprehend deliberate port runners and conduct patrols of the vast unprotected areas between land border crossings in Canada.

Port Runners: The Ambassador Bridge

One specific example of CBSA failure to prevent port running requires special mention. The Ambassador Bridge in Windsor, Ontario is the largest land border crossing in Canada with an estimated 10,000 trucks crossing the bridge every day. The secondary examination facility utilized by CBSA at the Bridge is not large enough to inspect more than five commercial vehicles at any one time. As a result, CBSA has implemented what has been described as “an honour system”, whereby trucks referred for secondary

examination, or those without appropriate documentation, are dispatched to a CBSA commercial warehouse approximately 3.4 kilometres from the Bridge. This scenario was observed by a Northgate associate while conducting a site inspection that included both the Bridge facility and the commercial warehouse.

When a truck is referred to this secondary inspection area the driver is given directions; however, there is no reliable, time sensitive system in place to ensure the driver has reported as directed. The COMS (Commercial Off-Site Monitoring System) is supposed to be used to record who is referred and who reports to the warehouse, but Officer interviews suggest that the realization of non-reporting can take weeks to emerge. Officers also report that the only consequence, when it is initiated, is the assessment of a \$400-\$500 fine issued to the trucking company. The laxity of this situation is well known to Officers, some of whom candidly acknowledge that the disinterest shown by CBSA has prompted them not to bother entering the data as required. As one Officer noted, *"Why should I enter the license plate, the warehouse will never know and I'm just wasting my time by doing it."* Regardless of their reasons for not doing so, these Officers must follow procedures by inputting data into COMS until such time as this gaping security defect is remedied.

Fifteen Officers interviewed in Windsor had first-hand knowledge of the secondary warehouse and COMS deficiencies. Northgate asked these 15 Officers how many trucks per day they would estimate do not report to the secondary warehouse. The answers varied between 1 per day and 60 per day. Northgate associates were also advised that in or around March 2005, the Flexible Response Team (FRT) conducted a study of commercial trucks that did not report to the warehouse. Three of the 15 Officers interviewed were actually a part of the study which featured one FRT member stationed at each of the commercial truck lanes, and one Officer at the warehouse recording which trucks arrived. Although other Officers interviewed were not a part of the project, they were all aware the study had occurred. What was not consistent with anyone, including the three FRT members, was how many trucks did not report during the study. One FRT member stated it was approximately 1 in every 10 trucks; a second stated it was approximately 60 trucks per day; while the third stated it was one truck during the 3-4 hour study. None of the three were convinced of their recollection of the data.

In questioning Officers at Windsor, they were asked if there were any instances or examples of trucks being required to report that actually reported, but dropped off their load of contraband before reporting to the warehouse. Without hesitation, each Officer provided anecdotal examples of trucks being seen parked off to the side of the road, on residential side-streets, and in the parking lot of a Wendy's Restaurant. Others told of trucks they inspected at the warehouse that displayed fresh fingerprints on the cargo door, which they saw as moderate proof of a trucker dropping off a load of contraband before reporting to the warehouse. One RIO stated that informants laugh when discussing border security at the Bridge. They reported every sort of contraband imaginable being dropped off, purchased, sold, and delivered within sight of the Bridge.

Whether it is coincidence or a result of the FRT study mentioned above, the summer of 2005 saw street patrols being instituted at Windsor. All 15 Officers interviewed provided detailed knowledge of commercial truck escorts and patrols being conducted by Officers on Huron Church Road. Some Officers recalled the shifts they spent on the "Huron Church Patrol Team" this summer which were ordered by the Port Director. There does not appear to be a constant patrol 24 hours per day, but a patrol that takes place for two

hours during an Officer's 10 or 12 hour shift, which is designated as time he/she spends on patrol. All of those who spent time on the patrol team stated their instructions were to approach trucks that were stopped on the side of the road. They were given direct instructions to not follow, track, or attempt to conduct a traffic stop on a moving vehicle. They also escorted trucks from the Port of Entry (POE) to the secondary warehouse.

The apparent directive from CBSA management is fraught with potential risk to Officer safety. Following a truck in a vehicle provides an Officer with an easy way to withdraw from the situation, but approaching a parked truck on the side of the road can result in the Officers interrupting a drug/contraband transaction. The risk to personal safety, especially while unarmed, is incredibly high.

Due to their concerns for personal safety, some Officers who have been on the patrol team stated they do not approach any trucks. Instead, they spend the majority of their two hours on the patrol team having coffee at the local Tim Horton's.

Northgate reviewed President Alain Jolicoeur's statements to the Senate Committee on National Security and Defence on October 31, 2005, wherein he mentioned work being done regarding port runners at Windsor:

"...[the] secondary commercial in Windsor is not right at the border but at some distance. We have put in place a number of measures to ensure that nobody on the commercial side avoids going through secondary when they should. We have additional people and processes in place to guarantee that."

Mr. Jolicoeur was no doubt well briefed on this specific situation, as it was the subject of sharp criticism from the Auditor General of Canada during her review (Paragraph 8.34) of the CCRA in 2001. Notwithstanding commitments to remedy the situation, Northgate's observations and interviews suggest this massive breach of domestic safety and security continues four years later. Further, the recent marginal escorts and patrols instituted by the CBSA present significant risk to the Officers involved.

Although CBSA has repeatedly claimed that Officer safety is a primary concern, as they did in the letter to CEUDA denying Northgate's access to work sites, this specific example is a sign that Officer safety is either not understood or not a concern. These types of escorts and patrols require an armed presence. Notwithstanding the overall recommendation for the issuing of sidearms, the escorts and patrols being done by Officers must have an armed presence with them or cease interaction with pulled-over trucks and drivers immediately.

Recommendation:

8. Notwithstanding the recommendation on the arming issue, the escort and patrol units of the Windsor secondary warehouse should be armed or provided with an armed presence during operation.

Armed and Dangerous/Hostile Traveller

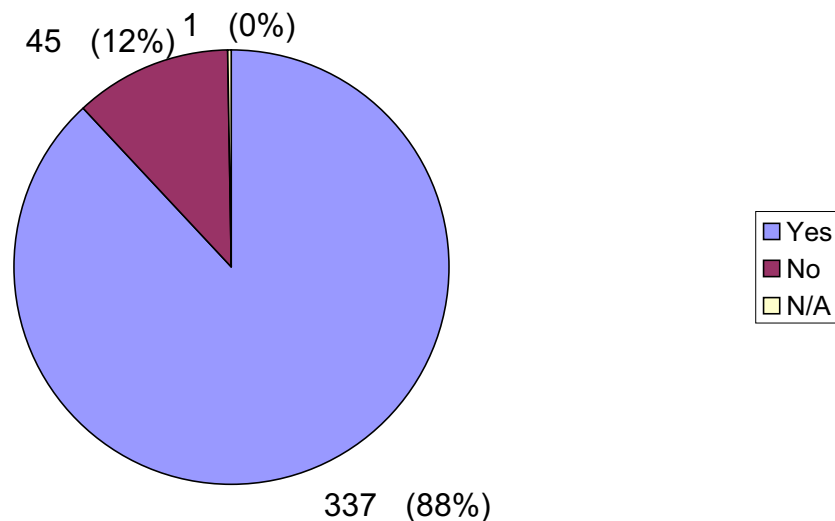
The policy of CBSA regarding Armed and Dangerous reads, in part:

“...Should a Customs Officer encounter an individual who is identified as being the subject of an armed and dangerous Lookout, the Customs Officer should allow the individual to proceed and immediately notify the police and provide as much detail as possible to enable apprehension...”

Officers are also instructed to “tactically reposition” (withdraw) when dealing with a hostile individual who presents “*undue risk to their personal safety, the safety of another Officer or a member of the public.*” Officers in these circumstances are also instructed to permit the individual to enter Canada and are obliged to call the closest police agency thereafter.

In early 2002, the CCRA stated this policy was in effect but that a long-term strategy would be developed. Throughout the Study, it was clear that this policy remains in effect and this Study did not uncover any evidence of a developing long-term strategy.

Figure 13: Officers Aware of the CBSA Policy on Armed and Dangerous (Withdraw Policy)



Of the 383 Officers interviewed, 337 stated that the policy of CBSA when dealing with those who are known to be armed and dangerous or individuals who put their safety in jeopardy, is to allow them into the country and call the appropriate police agency. 45 Officers had no knowledge of such a policy or were unsure as to what the policy governing Armed and Dangerous was.

This CBSA policy simply passes the responsibility of apprehending such dangerous persons to the RCMP or another responding police agency. As the survey on police response indicated, all police agencies working with Officers are viewed as being already understaffed and frequently tasked with patrolling vast areas. The likelihood of

there being an immediate police capacity to deal with the entry of such person is, to say the least, remote. Northgate recorded many Officer statements regarding interaction with Armed and Dangerous persons, but the Officers could not provide verification of these incidents due to their confidentiality clause under Section 107 of the *Customs Act*. Northgate was also unable to independently verify their stories because the usual channels of verification (media outlets, CBSA website, and law enforcement) do not provide verification without apprehension of the subject.

The number of possible armed and dangerous persons in the CBSA Lookout database was information Northgate had hoped to obtain from CBSA. Due to their lack of cooperation, no such information was provided. However, an ATIP response to CEUDA revealed that of 204,050 Criminal Code warrants on CPIC (as of November 4, 2005), 33,742 are flagged as Violent or Armed and Dangerous.

Furthermore, in August 2005, CEUDA confirmed that, for reasons which have never been explained, the CBSA Lookout system did not include:

1. persons listed as Wanted and Armed and Dangerous on the FBI Terrorist Website (including persons with Canadian links)
2. persons listed as Wanted on Arrest Warrants and Armed and Dangerous on the Ontario Repeat Offender Parole Enforcement (ROPE) Unit website
3. persons wanted on *Immigration and Refugee Protection Act* (IRPA) Arrest Warrants as War Criminals who were also listed as Armed and Dangerous

The deficiencies in the Armed and Dangerous Lookout system have obvious ramifications for Officer safety, and have been raised by Officers during recent work refusals. This fact is actually referenced in an internal CBSA communication dated September 11, 2005. It indicates that, notwithstanding the information above, the CBSA Lookout system has 162 entries, and the memo is a direction to *reduce* that number by applying certain criteria. According to CBSA, to remain in the system, the information must pertain to a person that is considered to be "highly likely" to cross the border and is "in fact" armed and dangerous. In those rare circumstances, the Officers would be directed not to refer the person to secondary but instead to let them enter Canada followed by a phone call to a hopefully near-by police agency.

Adding such criteria as required will clearly reduce the number of entries in an already scant Lookout system. While one would think that the purpose of such a system is to provide warning information (intelligence) to an unsuspecting Officer, Officers believed this policy is formulated to prevent work refusals or provide CBSA with advanced notice of potential work refusals. The *Canada Labour Code* contains prohibitions on an employer withholding safety-relevant information from employees, which these actions may contradict. Once again, quite apart from Officer safety considerations, CBSA policy appears to be ignoring Canadian public safety concerns by increasing the likelihood of such persons getting into Canada undetected.

Commentary and Observations

One of the more poignant examples of how easy it is for someone to elude police after an Officer allows them in the country, is that of an Officer who was working at one of the larger border crossings (to protect his identity, the site location will remain confidential). A burgundy Hummer approached his PIL and the subject came across the computer

screen as an Armed and Dangerous Lookout. Pursuant to CBSA policy, he treated the person as if he were a regular traveller and allowed him into Canada. He immediately called the police and provided details of the vehicle and the suspect. Even with an easy-to-find vehicle such as a Hummer, the responding agency was unable to locate the vehicle.

Moreover, the knowledge of an Armed and Dangerous person is not always available to Officers, partially due to a drawback of the CBSA computer systems, which are discussed in greater detail later in this Report. However, even with an improved criminal database, these Officers are dealing with unpredictable human nature. The possibility of a violent interaction with a traveller is equally unpredictable. Also, there are many instances of Americans having committed heinous acts and fleeing to Canada to avoid apprehension. The ability of any law enforcement agency, including CBSA, to have up-to-date information on the murders, bank robberies, and other such acts in the U.S. is nearly impossible.

For example, examine the case of Melissa Harris and Earl Linebaugh. In 1995, these two U.S. citizens shot and murdered Alice Durfee and Maudeline Bailey in southern Florida. They proceeded to steal Durfee's car and flee the state of Florida by heading to Canada. They were stopped at a one-person port of entry by a Canadian Customs Officer who was interviewed for this Report. The Officer found a handgun during the secondary inspection and contacted the RCMP. Upon arrival at the POE, the RCMP arrested Linebaugh, who admitted ownership of the gun. As a courtesy to Melissa Harris, the Customs Officer drove her to the RCMP detachment where Linebaugh was being processed. Unbeknownst to the Officer, the RCMP constable, and the immigration Officer who processed the couple, Harris had provided false identification; she provided the identification of one of the murder victims in Florida. Later, at the RCMP detachment, the constable discovered that the vehicle had been stolen, and that the occupants were wanted for the double murder of Durfee and Bailey. The female, whom the Customs Officer had just driven to the detachment, was later found to have a .27 caliber handgun concealed in her vaginal cavity.

The couple was later convicted of the double murder and each are serving two life sentences in the State of Florida. At the time, and again unbeknownst to the Customs Officer, Linebaugh had previous convictions for kidnapping, robbery, and burglary and had spent four years in an Alabama prison. Linebaugh, during the sentencing phase of his murder trial, was found to have an IQ of 75, and probably had suffered brain damage as a result of a car accident or in brawls where he was knocked unconscious on several occasions with a brick, brass knuckles, and a baseball bat.

Had the Officer known of the previous double murder, he would have been required under CBSA policy to allow the couple into Canada. Canadians should not be put at risk by Border Services Officers who adhere to a governmental policy to give murderers and other violent persons free reign to enter the country and allow them the possibility of continuing their violent ways.

Recently, some BSOs have instituted work refusals to object to the working conditions of dealing with Armed and Dangerous persons without being armed. During the course of the Study, one particular work refusal occurred in the Niagara Falls Region on August 31, 2005. Through documents obtained and interviews conducted, the following information was verified:

On August 31, 2005, David Greene, an inmate at the Clarke County Detention Center, Winchester, Kentucky, was being transported from the courthouse back to the jail. He was able to free himself from his handcuffs through a key planted by his wife. Upon his escape, Winchester Police began investigating Greene's wife and soon discovered that she had purchased a Chevrolet Blazer. While purchasing the Blazer, she asked the salesman if she could take the vehicle across the Canadian border with temporary tags. Officers were also able to obtain a cell phone number being used by the wife. They tracked the phone from Kentucky, through Ohio, and into the Buffalo, NY area. While en route to the Buffalo area, the cell phone made multiple telephone calls to Canada. Officers in Kentucky also learned that Greene's wife had relatives living in Canada.

During Greene's route to Buffalo, the BSO's at the three bridges in the Niagara Falls area became aware of Greene's escape, background, and the possibility of his entering Canada. Officers at all three bridges in the Niagara Falls area responded by walking off the job. The wait times at these bridges swelled to hours. The ironic part of this story is that the publicity surrounding Greene's escape and the work refusal scared Greene, who drove to Illinois instead. Officers would not return to work for over 24 hours, and then not until Labour Canada had declared their job safe.

Greene was apprehended a few days later in Lansing, Illinois. Although it is unsure how much management was aware of, or how much of Greene's background was released to Officers, Northgate obtained his background from Kentucky law enforcement officials. Greene has been in and out of jails and prisons his entire life. At age 35, he is considered a Persistent Felony Offender (PFO), 1st Degree, meaning that he has been convicted of at least two prior felonies. Law enforcement officials stated that Greene has prior convictions for burglary and many other theft related crimes, but is currently being held on two counts of Armed Robbery. He is also a suspect in armed robberies in many cities around Winchester, Kentucky. Due to his PFO classification, Greene, if convicted for the charge of Armed Robbery, is facing a mandatory minimum of 20 years imprisonment. He has been offered a plea deal of 30 years for both charges.

A significant number of respondents offered observations with respect to the impracticality of the policy regarding withdrawing from interactions with hostile individuals, including:

1. withdrawal from a confrontational situation that has already begun puts Officers at risk by ceding control to the offender
2. the physical circumstances of the interactions between BSOs and persons posing risk to them frequently prevent withdrawal from the danger (*"Where exactly am I supposed to withdraw to?"*)
3. deficient information systems currently available to Officers in a variety of functions in which they interact with persons that potentially pose risk to them increases their inability to withdraw from a dangerous situation safely
4. the current withdraw policy places an unfair burden on an Officer to assess whether an individual in question can be dealt with safely or not

Northgate recorded several observations from Officers that illustrate the inherent problem with the hostile traveller policy:

"I can't outrun a bullet."

"How am I supposed to withdraw from a closed in space on a vessel that is two miles off shore?"

A significant number of respondents also expressed frustration and strong disapproval at the policy directing Officers to permit armed and dangerous persons into Canada and thereby jeopardize the safety of Canadians within its borders.

"I live in this community and so does my family. There is no way that I'm going to just let some thug through to potentially harm them."

"This is an enforcement and interdiction job. I'm not going to let inadmissible sex offenders into Canada or people illegally carrying guns. And I shouldn't have to stop doing my job when doing my job reveals potential danger. Letting someone else face the danger isn't my job."

Some Officers were quite candid about their use of the policy to avoid personal risk irrespective of any public consequences.

"I use it all the time. I'm not getting killed for an outfit that doesn't care about me or the rest of the public."

Conclusions

These policies of withdrawal are unrealistic in the sense of providing Officer safety that is consistent with the duties Officers perform and how they perform them. Equally, they constitute a significant disservice to Canadian public safety. Officers need to be properly informed and equipped to deal with such situations rather than pass them "down the road" to the Canadian public.

Recommendation:

9. Border Services Officers should not be allowing entry to known Armed and Dangerous persons. The Armed and Dangerous and Hostile Traveller Policies should be replaced by policies that combine Officer and public safety priorities.

4.2.4 Staffing (Question 7)

Introduction

Question #7 was not an issue that had originally been included, but after visits and interviews in Cornwall, Ontario and British Columbia, it was added due to the frequency of comments from Officers regarding inadequate staffing levels. Accordingly, after the B.C. interviews, Question #7 was added to specifically ask if an Officer's particular port of entry was Staffed Accordingly, Overstaffed, or Understaffed. For those Officers from Cornwall and British Columbia who made specific comments about staffing, their responses were also recorded.

As noted below, this question produced a significant number of responses that suggested that staffing levels were inadequate. Many respondents provided specific

detail which illustrated that such deficiencies resulted in negative Officer safety ramifications. Many Officers also expanded on the staffing deficiency to express the view that the cause of the shortage was due to incorrect deployment of personnel by management, resulting in both Officer safety and productivity issues. Although explained later in this Chapter, it is through staffing questions that Northgate first learned of the Border Management Plan.

There was universal condemnation of Officers being forced to work alone at ports of entry, including criticism from Officers not in those circumstances themselves. The Study included interviews with Officers who had been physically attacked or had weapons pulled on them while working alone. One of the several hostage situations reported in this Chapter occurred while an Officer was working alone.

Many Officers also explained that working “alone” included circumstances at night where the task being performed (primary/secondary) was being performed by a single person. This is especially acute in circumstances where the physical layout of the facilities or the place being searched is such that Officers are out of sight of one another, particularly where a traveller has been referred for closer examination. This reality also underscores the critical importance of communications systems, which is discussed in greater detail later on. It was clear from many respondents that the work-alone practice, in all its forms, results in Officers altering the manner in which they perform their duties, which has the clear potential to compromise public safety.

Northgate agrees with the Senate Standing Committee on National Security and Defence, which has expressed serious concerns regarding work-alone sites. The Northgate Study confirms that Officers believe working alone is an absolute Officer safety priority irrespective of any decision on the issuance of sidearm.

A frequent observation at some POE was that a skeletal deployment of Officers meant that the port could operate smoothly unless an “incident” occurred, in which case there was insufficient staff on-site to continue regular operations. Although these circumstances cannot be predicted with accuracy, there were sufficient examples provided to suggest that an appropriate staffing model should be possible.

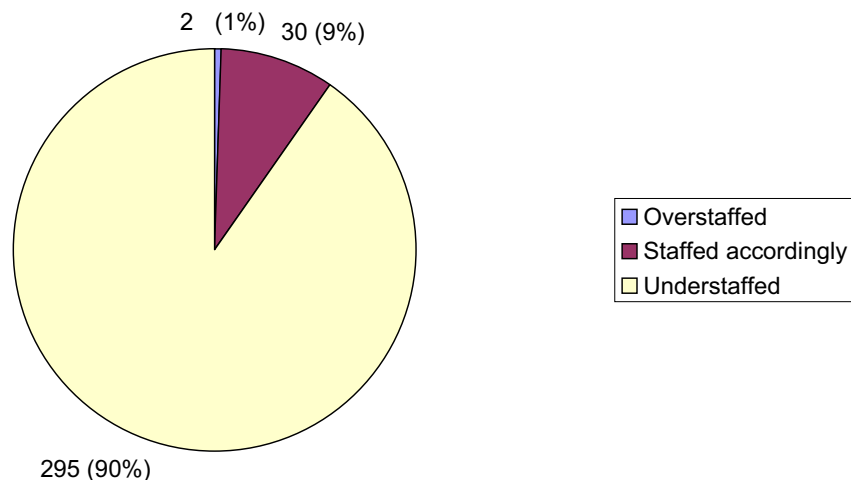
It is impossible to report on staffing at the ports of entry without reflecting on the comments of Officers with regard to the CBSA student policies. First and foremost, the CBSA student “apprenticeship” program must be recognized as successful in the sense of motivating highly capable young people into a career with the CBSA. The Study included several people who had previously worked as students and who were now full time employees. Like the full time Officers, these respondents agreed that the use of students as a cost saving measure was inappropriate and potentially dangerous. Despite generally good intentions and proper motivation, students are viewed as being neither adequately trained nor qualified to perform the enforcement component of the job, particularly since the introduction of Officer Powers. Several Officers expressed grave concerns about the Officer (including student and public) safety impacts from the use of students, particularly at night, and/or where fully trained Officers were in restricted numbers. Again, it was not the presence of students that was the complaint; rather it was the decision by CBSA to assign them duties beyond their qualifications without regard to safety or public enforcement concerns.

Data Analysis

Of the 327 Officers who answered Question #7, 295 stated their particular port of entry is understaffed (see Figure 14). Although not everyone provided commentary regarding the specifics of the understaffing, comments were recorded when they were provided. Of the 112 Officers who provided commentary, 43 Officers (38.4%) stated the understaffing is most common on night shifts.

Those 43 Officers stated the understaffing at night results in an Officer safety concern and a public safety concern. If a POE is not staffed accordingly, then it only takes two incidents occurring in a 2-4 hour time frame for a port of entry to be down to one person at the PIL and one person at secondary. The requirement of two Officers to conduct an arrest, deal with an impaired driver, etc. means these POE are understaffed once two seizures occur. This creates a serious Officer safety concern. Consequently, Officers left in a situation where there are not enough Officers to properly deal with that situation adhere to the withdraw policy and let suspicious individuals into the country.

Figure 14: Describe the Staffing Levels at Your Particular Port of Entry (Population = 327)



The result of understaffing is an increase in the risk to Officer safety and a decrease in the amount of enforcement performed by the POE. As one Officer from Niagara Falls noted:

"We're one of the busiest ports in Canada with several distinct positions. If anything happens at any one of them, and it does constantly and sometimes simultaneously, we're in crisis mode."

Some Officers stated that the staffing levels could be alleviated by improving the deployment of existing Officers. Officers from five locations were interviewed who consistently stated the scheduling was partially to blame for the understaffing problems (Niagara Falls, Sarnia, St. Stephen, Edmonton Airport, and Coutts).

Staffing sufficiency and deployment are properly analysed on a port by port basis, and thus are not susceptible to a general recommendation regarding specific numbers of Officers required at POEs. CBSA should, however, take note of the clear data regarding insufficient staffing which is overwhelmingly supportive of additional staff across the country.

Recommendation:

10. CBSA should review staffing at all POE to ensure adequate and properly trained staff members are available to safely deal with enforcement incidents, including having more than one Officer available in any referral situation.

29.5%, or 33 of the 112 Officers who provided commentary, stated the understaffing is a result of the Agency's over-reliance on students. For example, at Landsdowne, Ontario, an Officer stated that during the summer of 2005 there were 36 students and approximately 60 full-time Border Services Officers. Due to Officer holiday time and sick time during the summer, it is common for almost 75% of the summer staff to be students. All 33 of these Officers agreed that students either lack the experience or the confidence to handle difficult persons and/or that full-time Officers do not have confidence in the students. According to these Officers, this issue also results in a reduction in the level of enforcement conducted by the Agency.

Students are equipped with O.C. Spray and baton and are given minimal operational training, yet are tasked with the same duties as a full-time Officer. Although the fiscal benefits of using students are clear, the CBSA is clearly moving towards a greater law enforcement focus. Students are not qualified to perform the duties to which they are being assigned, which compromises their own safety, that of other Officers, the travelling public and Canadians at large. Several comments from Officers, including some who began their career as students, re-iterates these observations:

"CBSA's use of students is a triple mistake. It demoralizes full time Officers by devaluing them, it trivializes our job in the eyes of the public and it jeopardizes safety because the students can't do any of the most important duties." (Ft. Erie)

"I'm lucky to have worked with Officers who trained me on the job when I was a student, but that's not how they do things anymore. Students should do other clerical work and assist regular Officers to get training. They are additional, not replacement, staff." (Windsor)

Recommendation:

11. The practice of using students to perform duties of full time Officers should be immediately discontinued and replaced by a student program wherein students are assigned administrative duties, and would function as additions but not replacements to enforcement activities.

Work-Alone POEs

Common across the country are small POE that do not have the traffic volume to require the staffing of more than one Officer. Traffic volume, however, is not the only issue that should be considered. Officers working alone are tasked with the same duties, and face the same risks as Officers at larger POE, but they have no assistance from other Officers or the immediate proximity of a law enforcement agency. In Quebec alone, there are 44 POE where at least a portion of the shifts include Officers working alone. This fact also severely compromises the Officer's ability to perform the duties essential to the protection and safety of the Canadian public. Quite simply, the days of Officers working alone at ports of entry should come to an immediate end. All Officers who were interviewed that were required to work alone, and every other Officer that commented on the subject, condemned the practice as jeopardizing Officer safety and their ability to do the job on behalf of the public. Many Officers stated that working alone is the most dangerous job in CBSA.

Although Northgate does not make a recommendation regarding the appropriate number of Officers at certain POE, the overwhelming nature of the data received during the interviews suggest that the Officer and public safety concerns inherent in work-alone situations are such that CBSA should cease such practices.

Recommendation:

12. CBSA should immediately institute a policy wherein all POE must be staffed with a minimum of two (2) non-student Officers.

Staffing: RIOs and CIs

Of the 53 RIOs and CIs interviewed, five Officers did not answer the question for various reasons, while 44 of the respondents (89%) stated they were understaffed.

As with Border Services Officers, RIOs and CIs stated that the understaffing problem limits the enforcement duties they perform. 40 RIOs/CIs suggested that additional Officers would assist them in alleviating the office work they must perform on files, and would allow them to focus on active cases and conduct more enforcement.

Because Northgate does not have records of the caseloads currently assigned to Officers, or the formula used by CBSA to determine the necessity for further Officers, Northgate is unable to reach a specific conclusion regarding an appropriate staffing increase for RIOs and CIs. However, the concerns expressed by these Officers are such that the issue needs to be more fully examined.

Recommendation:

13. CBSA should review the duties and caseloads assigned to RIOs and CIs and determine if appropriate staffing levels exist at each office.

4.2.5 Duties Performed by Border Services Officers

Introduction

Questions 6 and 8 were designed to ensure a thorough articulation of the range of duties Officers are called on to perform as a result of the extensive mandate of the Canadian Border Services Agency. In order to gain a sense of the focus of Officer duties at individual ports, Officers were questioned regarding the proportion of time they spend on tax collection, interdiction, enforcement and administrative duties, as well as their perception of relative change therein.

As the data indicates, there is a significant variance in prioritization of duties that appears to vary from port to port, and indeed from Officer to Officer. While some Officers were clear that they performed tax collection duties because of managerial direction, others were emphatic that they were focused entirely on law enforcement and interdiction. It was also clear that most Officers felt a growing trend towards enforcement and interdiction at their port, although some indicated that this was deliberately hindered by local management. Most notable is the apparent absence of any national direction on this important subject.

As the data and materials indicate, Officers perform a wide array of duties in a remarkably diverse set of circumstances. The nature of the duties imposed by the statutes enforced by Officers is such that interaction with the public in investigatory circumstances is not a matter of chance; it is the job itself. Whether that manifests itself at a primary booth at a land border crossing, rummaging a foreign cargo container vessel anchored off shore, or searching persons or vehicles referred for closer inspection, the overwhelming focus of duties of the Officers interviewed involves interaction with the public.

It should also be noted that Officers are frequently called upon to perform their duties away from their "home" port. This is true for Regional Intelligence Officers, Customs Investigators, dog handlers, CANPASS aircraft (and private aircraft that are not CANPASS certified) and marine units. Off-port enforcement generally entails increased risk potential because the environment in which such actions take place are usually less controlled and less secure than a regular port of entry.

Officers were asked to describe the various duties they performed, and the results of their descriptions are contained herein. It is quite likely that many Canadians will be surprised to learn the variety of tasks and risk situations Officers undertake in the course of their work day. Although not the subject of a specific question, several observations were consistently offered by respondents as features of their job, irrespective of location or work assignment. In their interactions with the public, Officers have interviewed unknown persons, examined documents, searched persons and vehicles (and their contents), met with verbal abuse and physical resistance, arrested persons, discovered undeclared weapons (including loaded firearms), handcuffed persons, and lodged persons in cells.

Officers were very clear to point out that by no means was confrontation or arrest the norm. The point, however, was that such actions were not uncommon, and that as their (and the CBSA) enforcement priority increased, so too did the circumstances in which persons were detected in violation of the law. Several Officers expressed skepticism with respect to the accuracy of any CBSA record keeping on this subject. This perception is

re-enforced by the statements from many officers detailing the unusual action taken by the CBSA, then CCRA, to order the destruction of a summary report (the Kingman Report) of such incidents compiled as a prelude to the original ModuSpec Report. This sense of mistrust of CBSA senior management with respect to both enforcement actions and Officer safety issues was pervasive in the overwhelming majority of interviews conducted.

Because of CBSA's lack of co-operation in the Study, the Northgate Report is restricted in what it can report of such incidents with certainty that such matters are reflected in CBSA records. Northgate has, however, been able to secure incident summaries from select ports that paint a picture identical to that recorded during interviews. The existence of these kinds of records suggests an independent, appropriately empowered investigation would be enlightened and could produce confirmation of these details.

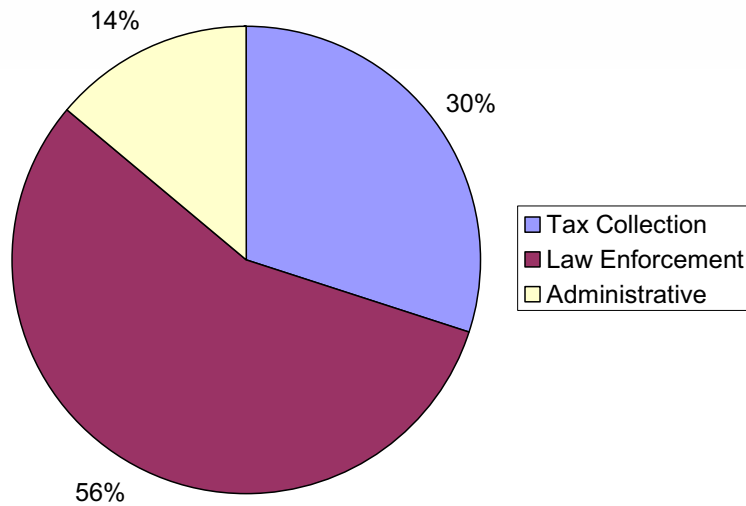
Additionally, the research has amassed news clippings that document the scope and frequency of these enforcement actions. Finally, unlike the ModuSpec Report, the Northgate survey interviewed 383 front-line Officers. The voluminous recounting of incidents and description of the kinds and frequency of events such as detecting and seizing undeclared loaded handguns, suggests that such information is evidentiary and not anecdotal. Once again, this Study should point the way for an appropriately empowered independent investigation.

From the outset of the survey, a significant number of Officers from all across the country described various anomalies or perceived deficiencies they encountered during the attempted performance of their duties as a result of various CBSA policies. While these matters do not directly pertain to sidearms, they all have direct relevance to public safety inasmuch as they result in compromised law enforcement and increased public risk. As such, they are noted briefly here and included in more detail in Chapter 6.

Data Analysis

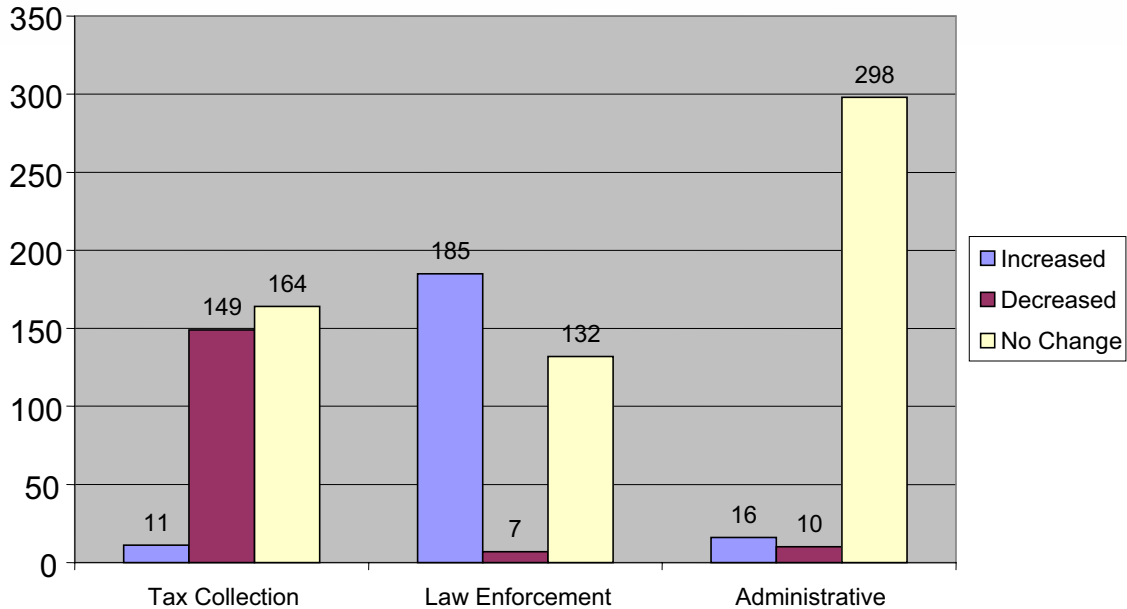
In question #6 for Border Services Officers, Northgate asked Officers to place a percentage on their average day into three broad categories. The specifics of each broad category were taken from their job description. RIOs and CIs were not asked this question, so the results are limited to the remaining interviewees.

The results show that, on average, Border Services Officers spend 30% of their time conducting Tax Collection duties, 56% of their day on law enforcement/interdiction of goods and people/security of the Canadian Border, and 14% of their day performing administrative duties. Such data would suggest that Officers are performing a good amount of enforcement across the country.

Figure 15: Daily Activity - Average Percentage

Due to the onset of Officer Powers, the Study attempted to gauge any change in the types of duties performed by Officers by asking what change, if any, has there been in each of the three categories over the last five years (since the induction of Officer Powers). Figure 16 shows that only 11 Officers interviewed believed their tax collection duties have increased, while 185 Officers believed their law enforcement duties have increased. This certainly signifies a change in the mindset of Officers and/or management to focus more attention on law enforcement duties.

Figure 16: Describe the Change in Your Duties in the Last 5 Years



Although a documentation review of job duties performed by Officers was conducted, Northgate wanted to identify the duties performed by Officers that have the potential risk of injury. Through Officer interviews and the observation of Officers performing their duties, the following duties that carry the risk of serious physical injury, or death, were being performed by Officers:

A. Land Border, Primary Inspection Line (PIL)

Interaction with the public is constant in the position of a Border Services Officer, and nowhere more so than at the Primary Inspection Line (PIL). Prior to 2000, Border Services Officers were mainly involved in collecting taxes and duties at the PIL. Since 2000 and the inception of Officer Powers under Bill C-18, Officers' duties are moving more towards a law enforcement function.

As a consequence, the PIL should appropriately be equated to a traffic stop done by any law enforcement agency across the country. The correlation to a traffic stop is apparent, as Officers are faced with unknown persons in a vehicle, are responsible for assessing their admissibility to Canada, their ability to drive (impaired), running criminal indices to search for active warrants, and asking questions to determine the existence of drugs, guns, or other contraband. One could argue that the risk involved at the PIL is greater than that of a police officer conducting a traffic stop because of the lack of reliable information provided to Officers at the PIL (see inadequacies of CBSA computer databases later in this Chapter), and that the enforcement of *IRPA* and the *Customs Act* increases enforcement interaction situations.

Because of the analogous duties to a traffic stop, Northgate reviewed documents on the Use of Force by Police Officers and Officer Injury/Death reports. As reported in Chapter 2 of this Report, “traffic stop” is not only one of the leading categories of police officers using force, but also a leading category in officers being killed in the line of duty. To reiterate one statistic, of the 52 police officers killed in the line of duty in the U.S. in 2003, the largest group (14) was killed during “Traffic Pursuits/Stop”.

This data, among others, represents the increased risk to officers during a traffic stop. Coupled with the correlation of an Officer’s duty at the PIL, the risk to Officer safety is clearly a potentially fatal one.

Northgate observed Officers across the country perform their duties at the PIL. At larger land border crossings, the frequency of traffic was obviously greater and more constant than at smaller crossings. Northgate associates also interviewed Officers who recalled actual or potentially dangerous altercations with travellers at the PIL. Specific to the PIL, Northgate recorded and observed incidents of Officers dealing with suspects wanted on warrants, impaired drivers, the confiscation of firearms including the brandishing of those weapons by the suspect, and other arrestable offences. When possible, these stories were verified.

A recent case illustrates the point. On November 5, 2005, Michael Brian Vojtko, an Ohio resident who was travelling to Winnipeg to visit his internet girlfriend, had been denied entry at an unknown POE in Manitoba. Afterwards, he went “port shopping”, a phrase describing someone who is denied entry at one POE who subsequently travels to a nearby port to attempt entry a second time. Vojtko’s port shopping took him to the one person port-of-entry of Piney, Manitoba, where he pointed a gun at the Customs Officer and drove through into Canada. Vojtko immediately became the subject of an RCMP and Customs Lookout (BOLF). He was arrested two days later, after U.S. Border Protection officials saw Vojtko’s name on a passenger manifest for a bus destined for Grand Forks, North Dakota. The RCMP stopped the bus prior to its departure from Canada and apprehended Vojtko.

Vojtko pleaded guilty to three violations under the Customs Act for failing to stop and evading Border Services Officers. He was sentenced on November 17, 2005, to 29 days in jail. It is unknown why Vojtko was not charged with any offence related to the firearm. With credit for time served prior to the plea and early release, Vojtko was released shortly thereafter.

At Ft. Erie, Ontario, in the summer of 2002, a male subject drove up to the PIL and said he had gotten into a fight with his Canadian girlfriend an hour earlier, and was coming back to hopefully make amends. The Officer asked the subject if he had any guns. The subject immediately began acting suspiciously. As the Officer turned his head to look in another direction, he heard what he thought was the slide of a semi-automatic handgun being placed in battery. The Officer quickly turned back around and saw the subject moving a semi-automatic handgun from his briefcase to his waistband. The 9mm handgun was confiscated without incident and the offender was subsequently “sentenced” to making a charitable donation.

Similarly, a Windsor, Ontario, Officer recalled a female driver approach the PIL. After she was asked if she had any firearms, the subject reached into her bag, pulled out a semi-automatic handgun, pointed it at the Officer and pulled the trigger multiple times.

As the firearm made the clicking noises of an unloaded firearm, the female subject answered “yeah, but it’s not loaded”.

These examples make clear the fact that the PIL position displays inherent potential risk of fatal injury that warrant the issuance of sidearms.

B. Land Border, Secondary Inspections

If an Officer believes further scrutiny of a subject is required, the traveller is referred to a secondary inspection area. Again, this can be equated to the duties performed by police officers, who are also engaged in the searching of cars, persons, and conducting arrests. The International Association of Chiefs of Police (IACP) report on Use of Force by U.S. law enforcement in 2001 (as described in detail in Chapter 2) contains three categories (Arrest Warrant, Effecting Arrest, and Traffic Stop) that represent 39% of all Use of Force incidents. These three duties are not only performed by police officers, but by BSOs at secondary inspection.

Officers reported, and Northgate observed, secondary inspection of automobiles, semi-trucks (cab and cargo), and persons. Secondary inspections result in the confiscation of guns, drugs, alcohol, or other contraband. Arrests are conducted and physical altercations with travellers were reported by scores of Officers throughout the country. __

It was during secondary inspection where the majority of Officers experiencing serious risk of injury situations were recorded. No other category of arrest or confiscation posed a greater threat than the confiscation of firearms. 99 Officers agreed that the discovery and confiscation of weapons is increasing and is a major concern for Officer safety. Although this figure is significant (25%), no specific questions were asked about the confiscation of weapons. These 99 Officers provided their concerns as part of an open-ended question asked about the duties they perform with risk of injury concerns. Had a specific question about the increasing nature of weapons seizure been asked, it is expected that the percentage would have been much higher.

Anecdotal stories from these 99 Officers were recorded, and the following is provided as a sample of some of those comments. Again, where possible, Officers’ statements were verified.

At the Douglas/Pacific Highway crossing on December 6, 2003, an Officer stated he/she and other Officer(s) approached a vehicle which had been referred to secondary. As they did so, the Officer observed three occupants in the car; two in the front and one in the backseat. The backseat passenger was seen moving items around the car and the Officer immediately ordered the three occupants to remain still and keep their hands visible. After the removal of all three occupants, a .40 semi-automatic handgun with a chambered round was found in the backseat in the area where the passenger had been seen moving items around. Although this story was not verified through an incident report or media outlet, it was told by to us by three Officers who were interviewed separately.

In 1997, Border Services Officers in British Columbia were confronted with a person wanted by the U.S. military for stealing rockets. As one Officer recalled:

"I heard two female students scream in fear and then yell "[Officer's name], he has a gun!" I subsequently observed the two female students with both hands up in the air, walking backwards away from this man. After five or six steps they turned around and ran from the scene. The subject drove through the border, committed a home invasion in Surrey, stole a car and was not apprehended until after another home invasion in Calgary."

Although it is imperative that some of the stories told to Northgate by Officers be reiterated, there is no better source of verifiable evidence of weapons seizures than CBSA itself. The CBSA website was accessed multiple times during this Study, which allowed for the identification and recording of numerous gun seizure incidents that have occurred this year. In Alberta, an Ontario man was found attempting to smuggle two assault rifles into Canada (see Image 1).



Image 1: Above: M16A1 rifle and LAR15 assault rifle were confiscated from William Calcutt-Spears, 21, of Sarnia, Ontario, on July 27, 2005 at the Del Bonita, Alberta POE.

Article and picture obtained from CBSA website:

<http://www.cbsa-asfc.gc.ca/newsroom/prosecutions-poursuites/photo/HPIM0073.zip>

Northgate interviewed an Officer from Boundary Bay, BC, who recalled an incident where they seized multiple stun guns from a traveller. His story is verified on the CBSA website, which states that on April 5, 2005, Cale Joseph McNulty, along with a co-defendant, entered Canada at Boundary Bay and was found with 19 stun guns in the trunk of his car. McNulty was fined \$2,500 and had his vehicle seized. He did not receive any jail time. This article also states that CBSA Officers in British Columbia confiscated 692 firearms in 2004, including 35 stun guns. On average, that is 57 firearms per month being seized in British Columbia alone.

The verifiable incidents of gun seizures are featured on the CBSA website across all eight Regions, as well as in local media.

In addition to gun seizures, there are countless drug and currency seizures. Again, the number of verifiable drug seizures from the CBSA website is listed one after another.

Although Northgate found no other verifiable source for this data, a *Toronto Sun* article dated April 24, 2004, states that CBSA seizes “an average of 73% of the street value of all cocaine grabbed by Canadian law enforcement authorities.”

Northgate interviewed one Officer who was taken hostage at Coutts, Alberta, as well as another Officer who was present that day who verified the incident. The Officer stated that they had received a phone call from U.S. Customs that a man on a bus bound for the Coutts border crossing was “crazy”, acting erratically, but they had no right to arrest him. The man was taken off the bus and placed in an interview room where the Officers patted him down for any weapons. Unbeknownst to the Officers, the man was cupping a knife in his hand as he put his hands on the wall to be frisked. As the man turned around he put the knife to the Officer’s throat. The two remaining Officers fled the room and the RCMP was called. The Officer was held hostage for approximately 30 minutes but ultimately gained sufficient control to subdue the offender with the assistance of the arriving RCMP. One year later, CBSA officials presented the Officer with all materials related to the incident from his file (except Workers’ Compensation materials) and explained that they no longer needed to be on file. When interviewed, the Officer indicated that he supported the issuance of sidearms as “*I might not be so lucky next time.*”

In June, 2004, a female Officer who was four months pregnant was working alone in Lyleton, Manitoba (RCMP over one hour away), when a U.S. farmer who was a frequent traveller across the border arrived at the PIL. The man was angry, stating he was going to see a man who was suing him. The Officer observed the subject grab a rifle from the vehicle and point it at the Officer stating “you are not going to stop me.” Knowing that the police were not an option and refusing to simply allow the man into Canada to do harm to his intended victim, the Officer tried to talk the man into changing his mind. For 15 minutes, the Officer was held with the gun pointed at her as she tried to convince the man to calm down, which he finally did, and dropped the rifle. The Officer took custody of the weapon as the man drove into Canada. He returned to the U.S. a short time later and returned to her PIL shortly thereafter. This time, she suspected he was intoxicated and, again, carrying a weapon. Once again, she stepped forward to confront the situation. This time, however, an armed U.S. Customs Officer who suspected something was amiss arrived and assisted in forcibly returning the man to the United States. The incident has subsequently had a profound impact on the Officer, who reported a completely unsupportive response from the local CBSA management. She too insisted on recounting what had happened despite deeply disturbing memories.

As is detailed later in the Report, reliance of small border crossings on the assistance of armed U.S. Customs is a common occurrence.

Northgate also reviewed a media release from 1991, which stated that Customs Officers David Lecuyer and Gareth Walter, while working at the port of Creston, BC, were taken hostage on October 29, 1991. During a secondary examination of the suspicious vehicle and the two male occupants, one of the suspects pulled out a 9mm pistol and held it to Walter’s head. The second male brandished a MAC 10 machine gun and together, the two suspects forced the Officers into the small closet at the POE. The assailants fled north and were apprehended by the RCMP who discovered that the two also had two hand grenades in their possession. The two suspects were later found to be wanted by U.S. authorities. Mr. Lecuyer was later diagnosed with Post Traumatic Stress Disorder and received a permanent disability pension.

Secondary examinations of commercial vehicles were also recorded and observed. The use of semi-trucks as smuggling vehicles is a common occurrence. Quite apart from the detection of undeclared, loaded RTG (ready to go) handguns, human smuggling is also reported by Officers. The search of semi cabs appears to be the greatest risk to Officer safety. Even when truckers report that no other passengers are in the cab, Officers stated they have encountered additional persons hiding under the cab's bed.

Semi-trucks are also used to smuggle in various types of contraband, including guns, drugs, and currency. As discussed in the Site Security section of this Chapter, Northgate provides Officer statements and observations regarding large seizures that have alarmed Officers. Their concern is that a drug dealer is going to want his product or money back one day. As drug dealing and violence seem to coexist, this Officer safety concern is increasingly valid. Not only do the interviews provide data regarding these large seizures, CBSA data on the number and amount of contraband seizures from 2000-2005 was also obtained. This document reflects that since 2000, there have been 121,998 seizures of contraband. Of that, 1,413 were seizures of \$100,000 or more; 324 were more than \$1,000,000. Some specific examples include:

1. 2003: Officers in the Atlantic Region seized \$210,640,000 of Hashish;
2. 2003: Officer in Quebec, seized \$94,395,000 of Ecstasy;
3. 2004: Officers in the Prairies, seized \$10,400,125 worth of Cocaine and Prohibited Material; and
4. 2005: Officers in the Greater Toronto Area seized \$41,150,000 of Cocaine.

These large seizures have occurred from coast to coast and are identified by both Northgate and Officers as tremendous Officer safety issues. Based on the inherent risks involved in conducting secondary examinations, the issuance of sidearms is warranted.

C. Primary and Secondary of Buses and Trains

During visits to some of the larger ports of entry, Northgate observed and was informed of Officer safety concerns regarding buses and trains entering Canada. Some of these are detailed below in the section of the Chapter detailing facilities. Not only were there Officer safety concerns, but there are also consequential public safety issues involved. The example described below illustrates the point.

New York, NY to Niagara Falls, Ontario Train

On a daily basis, a train leaves from New York City, and makes 15 stops before it arrives in Niagara Falls, just above the Whirlpool Bridge. Numerous Officers who have been sent from the Niagara Falls Rainbow Bridge to clear the train were interviewed. The dominating factor in their statements is that the train is a huge safety concern for them, and an even bigger safety concern for the public. Officers stated they simply do not perform their duties as they feel they should when clearing the train. The site where the train arrives is not a "Designated Port of Entry", which means the site does not have a cell, so arresting someone on the train would require the Officers to transport the subject to the Bridge.

Because of management directive and Officer safety concerns, the train is not off-loaded. Border Services Officers board the train and conduct their interviews and searches on the train itself. Searching bags in the aisles of a train with passengers in front and behind an Officer is a dangerous task. The only other option is for the Officers to take the person and his/her bag and step between the cars and conduct the search there.

If Officers were to do their job correctly, they would be interviewing, investigating, and searching persons and bags while other passengers were watching. The risk placed on the safety of the passengers is another reason why Officers simply do not search too many persons or bags. Every Officer interviewed with experience clearing the train stated that the train is the easiest way for persons and contraband to enter the country. The risk to Officers and other passengers is too high under current circumstances for proper enforcement.

It is also concerning to learn of an incident seemingly motivated by a CBSA desire to avoid enforcement publicity. Officers relayed that on or about August 19, 2005, the Ontario Provincial Police's Weapons Enforcement Unit attempted to do a blitz on the train. Dubbed Project Heatwave, a group of officers from the unit, along with Border Services Officers (some of which were interviewed for this Report), set up at the train's destination above the Whirlpool Bridge. The plan was to off-load the train, have a dog trained in detecting firearms be walked by passengers, bags, and into the train itself. For two hours, the team of approximately 17 Officers awaited the train's arrival. However, minutes before the arrival of the train, CBSA's Chief of Operations for Niagara Falls declared the operation to off-load the train a "politically bad decision" and ordered the train to not be off-loaded. Without the security of off-loading the train, the Weapons Enforcement Unit declared the job too dangerous for the K-9 unit. As one Officer noted bitterly:

"The OPP treats their dogs better than CBSA treats their Officers."

Additionally, Northgate recorded two trains (New York City to Niagara Falls and Seattle to Vancouver) on which passenger manifests can be incomplete. The passenger manifest for the Seattle to Vancouver train is given by Amtrak to CBSA from Seattle. Although the train makes four additional stops in the U.S. (Edmonds, Everett, Mount Vernon, and Bellingham, Washington) the manifest is *not* updated. Any targeting done on passengers is done using the Seattle manifest. When the manifest is incomplete and the passengers are rarely scrutinized, the risk to Officer and public safety increases.

Based on the above information, the clearing of buses and trains have inherent risk that warrant the issuance of sidearms.

D. Vehicle and Cargo Inspection System (VACIS)

To assist Officers at land border crossing to detect contraband, CBSA operates a number of Vehicle and Cargo Inspection System (VACIS) units across the country. Most often these units are used for commercial vehicles, but they are also used on cars. During the Study, the majority of VACIS teams are members of the Flexible Response Team, a group of officers whose duties are entirely enforcement oriented.

As commercial vehicles are often used to transport large amounts of drugs, the VACIS is essential to discovering such contraband in the load of semi-trucks. The confiscation of large amounts of drugs or currency will result in an arrest of the truck driver, who can only assume his apprehension will result in a prison sentence. The risk to Officer safety is evident.



Image 2: VACIS being operated in Emerson, Manitoba

One particular VACIS incident, which was verified, occurred during the Study. On November 18, 2005, at Cornwall, Ontario, a vehicle of an Akwesasne resident was found by the VACIS to contain undeclared goods. After the discovery, the subject made at least one phone call on her cell phone. A short time later, a group of individuals arrived at the POE and began taking pictures of Officers' vehicles. The Akwesasne Mohawk Police Service (AMPS) were called to the scene and escorted the VACIS Officers off the property. Subsequently, Officers working in Cornwall instituted a work refusal. The following day, the Officers agreed to return to work if management brought armed police officers to the border. Beginning on the evening of November 19 through to November 25, 2005, three officers from AMPS were stationed at Cornwall; one officer in each of the two PIL lanes, and one additional officer who was present during secondary examinations. After Labour Canada issued a "no danger" ruling on November 25, 2005, the police officers stopped working at the POE.

The issues with local residents in Cornwall have historical significance to the Study. Not only have there been previous incidents of intimidation and threats from local residents, but the Cornwall POE has been struck by sniper fire in the past. It is equipped with bullet proof glass, which speaks volumes about the risk of harm or injury.

Based on the types of interactions VACIS and FRT members have on a daily basis, these duties have an inherent risk that warrant the issuance of sidearms.

E. Other Land Border Duties

Although it is recognized that the PIL and the secondary are the most significant regarding Officer safety, there are other, less frequent, duties that have Officer safety concerns. Pedestrian walkways are used by persons coming into Canada at large crossings, such as Niagara Falls. Also at large border crossings, such as the Bluewater Bridge, Officers are occasionally required to clear aircraft at the local airport in Sarnia.

One land border, Boissevain, MB, reportedly has a landing strip in the boundary area, where the pilot has the option of turning south to clear U.S. Customs or north to clear Canadian Customs. The clearing of aircraft at remote locations and the clearing of marine vessels at local marinas is an infrequent task by Officers at land border crossings, but do maintain the potential for a risk of injury situation.

These other duties reflect inherent risks within the Border Services Officer position that warrant the issuing of sidearms.

F. Land Border: Conclusion

As noted below with respect to police response, mandating an RCMP presence at all POE, although an improvement to the current situation, is neither feasible (especially in light of the recent A.G. Report) nor the optimal solution. As the Officers interviewed in the survey made clear, an armed capacity for the work they do is what is required, not an after-the-fact armed response from persons not performing or unfamiliar with their duties. Anything less will create a separation and disconnect that flies in the face of the integration intended and accomplished by the CBSA.

Accordingly, Northgate recommends the arming of Officers at all land border crossings, to include their duties at the POE, as well as any duties that take them away from the POE, including work at marinas and airports. In addition to Officer opinions on sidearms, which are discussed later in this Report, the risks Officers face as a result of performing their duties go well beyond the protection provided by a bullet proof vest, O.C. Spray and baton.

G. Marine Units

Following the Study, Northgate has concluded that marine units across the country have some of the most unrecognized but potentially dangerous tasks assigned to them by the CBSA. These units, depending on their location, are responsible for boarding various types of vessels: pleasure craft, cargo ships, bulk carriers, oil tankers, fishing boats, and cruise ships. By inspecting these boats, either at a dock or at anchor, Officers deal with crew members from varying and often unverifiable backgrounds. During one of the visits, Northgate associates were allowed to observe a rummage request given to a particular marine unit (to protect their identity they will not be identified). The rummage request specifically described the crew and the possible terrorist ties of two crew members. The request also provided the nationality of each crew member, which consisted of members from the Philippines, Poland, and Russia, among others. The marine unit stated that it was their duty to board this ship, inspect the ship, investigate any contraband on the ship including weapons in crew cabins, as well as provide immigration clearance for the crew, who are often anxious for shore leave.

At each port the researchers were informed that some vessels pose a greater risk than others. Historically, the following ships pose the most risk to Officers because of the hostile attitudes of the crew: tugboats in Vancouver; fishing boats in Prince Rupert; and dock workers in Montreal, Vancouver, and Halifax. At Prince Rupert, BC, the danger inherent in boarding and interacting with fishing crews has resulted in a mandatory two Officer policy. Officers informed Northgate that the crew of some of these ships often have a criminal record and are known to participate in the smuggling of contraband.

Again, Northgate was able to verify that such crimes are being committed by dock workers. For example, three Halifax port workers were arrested after Border Services Officers and other law enforcement agencies participated in Operation Haven, an 18-month investigation into a drug smuggling operation in Panama, the Caribbean, Florida and Canada. The operation netted the seizure of \$95.7 million in drugs being smuggled from Halifax to Ontario. Of that, \$25.7 million worth of marijuana was discovered in Nova Scotia. Assisting in the smuggling at Halifax were three Halifax port workers: Robet Langille, Laurence Cody, and Paul Arthur, the alleged ring leader who later received a 14 year prison sentence.

In Vancouver, the longshoremen have a history of being intimidating, as evidenced in an incident that occurred in 2004. Officers found cocaine in the bag of one longshoreman who was off-loading steel from a cargo ship. An argument ensued between the Officers and the longshoreman in question. Within minutes, 22 longshoremen were on the dock disputing the Officers' right to search the bag. 10 of the longshoremen made their way onto the ship and became increasingly hostile and threatening in their speech and body language. Officers quelled the situation by confiscating the cocaine, but not arresting the individual. It is bargaining like this that is done throughout the country when dealing with large groups of hostile persons. Later in this Report, an incident in Roosville, BC will be discussed wherein Northgate observed such bargaining occurring. Officers are not engaging in such bartering agreements due to fear of performing their jobs. They feel they have no ability to protect themselves, their fellow Officers, or the public because they are not armed. Consequently, criminals are well-versed in how to intimidate and coerce to prevent arrest.

The fact of the increasing presence of organized crime at Canada's seaports is not a secret. This situation appears to have been made worse following the decision of the federal government to disband the Canada Ports Police. As noted earlier, the Criminal Intelligence Services of Canada (CISC) has confirmed the ongoing, active presence of organized crime at Canada's seaports. This is the environment in which unarmed, often land-based marine units are expected to work.

Not only are Marine Units tasked with searching and confiscating contraband, they impose immigration restrictions, prohibiting shore leave for some crew. In Vancouver, Prince Rupert, Montreal and Halifax, Officers described incredibly hostile interactions with crew who have been told they are not permitted shore leave. The crew's hostility is exacerbated by the fact that they have been at sea for weeks at a time.

Northgate discovered information similar to that in the ModuSpec Report. ModuSpec reported the existence of intimidation at the Port of Montreal. Not only did Northgate researchers record similar statements from Officers at the Port of Montreal, they discovered an RCMP report, Project Salve, that verifies the existence of organized crime groups and their intimidation of Border Services Officers.

Project Salve, a confidential RCMP report, which was partially made public this year, was an investigation into organized crime at the marine ports of Vancouver, Montreal, and Halifax. According to the RCMP, only a vetted version of Project Salve was released, which Northgate obtained through various media outlets, including the *Vancouver Sun* and York University's Nathanson Centre for the Study of Organized Crime and Corruption. The Centre's website presents the following as an excerpt from the *Vancouver Sun* and *Victoria Times - Colonist*:

“Organized crime groups and other criminals are “well entrenched” in Canada's three largest marine ports and have “limitless” ways to smuggle goods into the country, according to a RCMP report entitled “Project Salve,” which looks at the involvement of criminal organizations, and the possible involvement of terrorist groups, in the ports of Vancouver, Montreal and Halifax. “What is undeniable is that criminals are well entrenched in the port environment,” says the classified 2004 report that was recently made public. “Some groups have rooted themselves firmly on the docks over decades,” it adds. The report says the large vessels that bring goods into the ports present “vast smuggling opportunities” and that criminals can quickly change their approach if one method of smuggling is foiled by authorities. “The methods employed by smugglers to conceal their illicit goods on board a ship are basically limitless,” reads one paragraph under a section called Modus Operandi. “Whenever a clear trend is detected by police and Customs officials and repeated seizures are made, the smugglers will usually switch to another method, until that one is detected too.”

“Several busts are cited to show the range of tactics. In the summer of 2003, Customs Officers checked three containers at Deltaport, one of the terminals in Vancouver. Inside, they found 25,410,000 counterfeit cigarettes bound for the B.C. market. Later that fall, authorities seized 118,100 cartons hidden in a shipment of porcelain goods, and 14.8 kilograms of phoney Viagra pills tucked away in more boxes of cigarettes. In October 2003, law enforcement watched as about 40,000 counterfeit Duracell batteries arrived in Vancouver and were then shipped by train to Montreal. Officers set up a raid, and found another 20,000 on arrival. “All 60,000 batteries were of poor quality; some even exploded during testing at a government lab.” Other checks at all three ports revealed tonnes of narcotics hidden in sofas, boxes of markers, potato starch and cat food, as well as several shipments of stolen luxury vehicles. Cars and trucks bound for Eastern European and West African markets are shipped in containers via Montreal, while those destined for the West Indies leave Halifax. Major Canadian marine ports handle about three million containers each year, and a maximum of three per cent face any type of inspection. Because the crimes are almost always inside jobs, they're all the more difficult to uncover.

“Organized criminal involvement in drug, people and counterfeit product smuggling at Canada's biggest marine ports is so pervasive that Customs and police officers have been intimidated and “independent” thieves won't dare work alone, according to the report. “With these elements exerting general control over their work area, law-abiding co-workers often find themselves coerced into co-operating in illegal acts or turning a blind eye”. Very few petty criminals “would consider operating as ‘independents’ in an environment where crime groups are so omnipresent.”

*“Sources: “Smuggling opportunities 'limitless'.” *The Vancouver Sun*. May 14, 2005 p. B1. // “How crooks infiltrate our ports: Dockworkers operate in 'crucial' positions, law-abiding employees coerced in co-operating.” *Victoria Times - Colonist*. May 14, 2005 p. A3.”*

Source: http://www.yorku.ca/nathanson/CurrentEvents/2005_Q2.htm

Although the presence of intimidating and threatening organized crime groups is ample evidence of serious Officer safety concerns for marine units, there are other concerns as well. As mentioned earlier, marine units board vessels to inspect the ship and crew for contraband and immigration purposes. Not only are the marine units across the country hampered by the lack of boats in the CBSA “fleet” (three boats in total), they are forced to compromise their safety when there is no boat to use.

There are four marine units in the Greater Vancouver Area: (1) Fraser-Surrey; (2) Vancouver Water Enforcement Team (WET); (3) Delta; and (4) Flexible Response Team, which is not tied to one port but can operate at any marine location it desires. Each marine unit is comprised of ten Officers. The four teams share one boat: a 17’ inflatable boat with a rigid fibreglass hull. The Zodiac, which was obtained from Ports Canada, is approximately 15 years old and is equipped with a 15hp motor. The four marine units are responsible for 76 marine locations and operate from 7am-12midnight or 7am-1am. According to Officers interviewed, the boat is often unable to be used due to choppy seas, while at other times, the boat is being used by one of the other teams. To inspect a boat at anchor while the lone boat is in use, Officers get a ride from the Coast Guard, and on rare occasions from the Vancouver Police boat. When these agencies transport Officers to a vessel at anchor, the agency asks for an estimated time that Officers believe they will need assistance in returning to shore. They do not wait for Officers to complete their duties as they have duties of their own to perform. Officers stated that it would be a feasible scenario for them to be at an anchored vessel in English Bay and their ride, or emergency back up assistance (Coast Guard or Vancouver Police) to be in Indian Arm. The quickest response would be approximately one hour.

As insufficient as this situation is, it pales in comparison to Halifax, Canada’s major Atlantic seaport, where the Marine Enforcement Unit which is responsible for all of Nova Scotia, doesn’t *have* a boat. An equipment deficiency of this magnitude is nothing short of negligence from both the perspective of Officer safety and perhaps even more so from a public security perspective.

Once on the ship, with no mode of transportation readily available, the marine unit is responsible for investigation, search, seizure and immigration clearances. As the Officers stated:

“how are we supposed to adhere to the “Withdraw Policy” when we have no way to withdraw?”

One Vancouver marine Officer stated the Superintendent had told the Officer to bring a lunch in case the Coast Guard does not respond in time.

The confiscation of knives is a common occurrence on boats. Knives are a common tool on a ship, but crewmen are frequently found with prohibited knives, such as switchblades. Being confrontational when discovering drugs or other contraband, informing a crewmember they are not permitted to take shore leave, or confiscating items on the ship are not conducive to Officer safety when there is no mode of transportation to withdraw.

For smaller or remote marine units, such as Sydney, NS, Kistimat, BC, and Stewart, BC, CBSA operational procedures do not send officers out to clear ships at these ports

unless RIOs specifically target something of interest. Although ships arrive on a more frequent basis, Officers stated they clear ships at Kittimat and Stewart on average once every two months, and once every year, respectively.

Because of the information presented in this section, marine units have inherent risks in their job duties to warrant the issuance of sidearms.

Recommendation:

14. CBSA should dramatically and immediately increase the number of boats available to marine units across the country.

H. Marine and the Protection of the Canadian Public

In addition to the above commentary, there are issues Northgate associates discovered that pose an Officer safety issue and a safety concern to the Canadian public. Although the Agency has the longest undefended border in the world to manage, Northgate believes the effort being made by CBSA in protecting the Canadian public could be drastically improved. There is no better example of this than in the many waterways that exist along the border.

Policing the waterways is no easy task, and sites were observed where nothing is being done by anyone to ensure the protection of the Canadian public. Pleasure craft coming from the U.S. to marine ports in Lake Ontario, Lake Erie, and Lake Huron, and others, are required to report to a Telephone Reporting Centre (TRC). Because of the lack of a border patrol agency in Canada and the vast land and waterways, even if a criminal were to report to the TRC, the likelihood of that person being seen by a Border Services Officer is low. In some areas, the signs posted to even call the TRC are so poorly placed that ignorance of how to report is a viable defence.

Lake Huron is an example of a large body of water with many points of entry where little enforcement is being conducted. In Sault Ste. Marie, Ontario, the bridge personnel are responsible for vessels that enter Canada in portions of Lake Superior to the north and as far east as Manitoulin Island. With no boat to expedite their travel, Border Services Officers drive to Manitoulin Island, which is a three hour trip. With staffing shortages an apparent problem throughout the Agency, it is no surprise that boats entering Canada from Michigan to any site east of Sault Ste. Marie have free reign to do as they wish.

The security of the waterways, marinas, and various ports of entry are poorly staffed and policed. Officer safety is rarely an issue for some of these sites because Officers are not sent out. However, when Officers are sent to such places as Manitoulin Island in Lake Huron, their safety is a major concern. Those Officers are in areas where a responding police agency can be hours away. One Officer explained an incident when he confiscated firearms from someone at Manitoulin Island and the Ontario Provincial Police (OPP) were called. The OPP's response was "*we have no idea when we can get there.*"

Similar to marine units, a handful of Officers were interviewed from Sault Ste. Marie, Ontario who report to TRC reporting stations via snowmobile in the winter. The risks

are similar to that of their marine unit during the summer. Those interviewed stated they travel to the reporting site via snowmobile approximately one or two times per month.

As evident in other parts of this Report, a border patrol is necessary. Its necessity is not only a public safety requirement, but will also enable Officers to be safer as well.

Recommendation:

15. The Canadian government should create an armed Border Patrol responsible for policing the many waterways along the Canadian border, as well as the vast land mass that exists between ports of entry.

I. Cruise Ships

Clearing cruise ships is a task conducted by Officers who are assigned to other work locations. During the Study, not one Officer was interviewed with full time duties specifically aimed at cruise ships. For example, in Victoria, BC, Officers working at the ferry crossing are sent to clear the passenger and crew of the cruise ships that dock in Victoria. Therefore, Officers sent to clear cruise ships would already be armed under our list of recommendations. Officers interviewed who have cleared cruise ships stated the crew is often the only Officer safety concern they have during this duty. Inspecting crew cabins and denying shore leave, also done by marine units, are also enforcement actions conducted on cruise ships.

Although the clearing of cruise ships is predominately a task of few Officer safety risks, the presence of unpredictable human behaviour and the enforcement performed on the crew involves inherent risks in this job duty that warrants the issuance of sidearms.

J. Ferry Crossings

Ferry crossings should not be treated any differently than land border crossings. The risks, seizures, and Officer safety issues are present as well at such POE. One particular ferry crossing presented one of the more dangerous locations visited by Northgate. Walpole Island, Ontario, is located on a First Nations reserve and has been the site of border protests by First Nations groups, as well as the site of bomb threats, Officer injuries, and one recorded shooting directed at the POE.

A female Officer interviewed for this Study, was the victim of a serious physical assault. While working at Walpole Island in approximately 1995, this female Officer and her co-worker 'L' were clearing cars from the ferry. As they did, a Walpole Island resident departed the ferry as part of the pedestrian traffic. The male subject had liquor bottles which he had to declare and 'L' instructed the man to wait while the two Officers cleared the vehicle traffic. The male subject almost immediately jumped on 'L' and began beating his face. The female interviewee rushed to aid 'L' but the male subject began beating the female Officer as well:

"He beat us both up pretty good, before he threw me onto the concrete median. I landed on my back and was hurt pretty bad."

As she laid on the ground, she observed vehicle traffic, which was waiting to clear Customs, drive through the PIL without stopping. She recalled approximately nine cars

drive right past her as she laid on the concrete median. Not only did the traffic race through the lanes, a crowd of island residents began to congregate just off CBSA property watching the male subject continue to beat 'L'. The subject then grabbed one of his liquor bottles, broke one end, and was wielding it as a weapon. By this time, the ferry operator (an island resident himself and 6'4" and 300 pounds) arrived at the lane and protected 'L' from the subject. As the female Officer stated:

"I am confident had the ferry operator not intervened, 'L' would have been killed and I may have been killed as well."

During the interview, the female Officer clearly had emotional difficulties telling her story. Not only was she emotional in telling the specifics of the incident, she was equally upset over the reaction of her employer. She stated the only response from CBSA was to afford both Officers one session with a psychiatrist. She believes CBSA was attempting to "sweep the incident under the rug" and treat it as if it never happened. Her body, from shoulders to feet, slowly bruised in large areas over the following days. As for her co-worker, 'L', he never fully recovered, psychologically, from the incident, and battled Post Traumatic Stress Disorder through to his retirement. This incident of management disinterest and inclination to cover up bears disturbing resemblance to the stories related earlier from Lyleton, Manitoba.

In addition to bomb threats being called in to Walpole Island, there was also a shooting. On July 6, 2001, Harold Pinnance was in a vehicle at the POE awaiting the first day's ferry to the U.S. Luckily, the Officers on duty that day had yet to arrive for their shift. Minutes before an Officer arrived, Pinnance began shooting at the office. Although the windows are bulletproof, the protection did not extend into the frame of the window. One of the bullets pierced the metal frame of a window, traveled across the office, and shattered the bulletproof window on the opposite side of the office. The Officer who was arriving on duty that day was interviewed for this Report. He stated had he been sitting at the desk in the office, there was a good chance he would have been struck. At the time of the shooting, Pinnance, a resident of the island, was wanted by U.S. authorities where he had been charged with more than 25 counts of smuggling illegal aliens.

Although Northgate was unable to verify this, local Officers believe Pinnance has yet to face the charges pending in the U.S. and remains living on the island. In a 2001 newspaper article from *The Chatham Daily News*, U.S. Immigration and Customs Enforcement (ICE) agent Brian Slonac stated Pinnance "is one of their top targets". Additionally, Slonac stated the island is not only home to Pinnance, but another top alien smuggler, Samuel Wilman.

To make matters worse for Officers at Walpole Island, their responding police agency is the understaffed Walpole Island Police Service (WIPS). If assistance is needed from the RCMP, OPP, or Chatham Kent Police Service, they are not *permitted* on the island. As verified by a Chatham Kent Police officer, WIPS will not permit RCMP, OPP, or Chatham Kent on the island without WIPS advanced authorization.

Northgate associates verified two precautions taken by CBSA as it pertains to Walpole Island. Officers never work alone and an evacuation plan is in place for the POE instructing Officers to evacuate on the ferry to Algonac, Michigan in case of an emergency.

- * Note: a similar evacuation plan is also present for Sombra, a ferry crossing just north of Walpole Island

Even the RIOs interviewed from Sarnia stated they will not conduct investigations on the island. According to Officers interviewed, some of whom live on the island, the local crime rate continues to escalate, including gun violence, drug dealing, and alien smuggling. The criminal elements on the island know what cars are driven by the RIOs, and armed back-up is nearly non-existent. Therefore, the RIOs will not perform any duties on the island.

Recommendation:

16. CBSA should ensure a new policing attendance arrangement at Walpole Island POE is negotiated.

K. Dog Handlers

During site visits across the country, six dog handlers were interviewed, but the Officers requested their site location not be disclosed as they are a small group. A dog handler's job is made up entirely of enforcement duties, which is evident in the dog handlers answers to question 6: four of the dog handlers stated their duties are 100% Enforcement, while the remaining two stated their duties are 90% Enforcement and 10% Administrative.

The dogs issued to these Officers are trained in detecting drugs and guns. To assist the dogs' training, each dog handler is issued approximately \$500,000 worth of illegal drugs (street value) and a semi-automatic weapon. Each handler is responsible for continuing the training of their dog by using the drugs and weapon in training exercises. Each handler has been through a weapons handling training course and is required to fire the weapon on a regular basis to ensure enough gun powder residue is on the firearm during the dog's training exercises.

As dog handlers are entirely focused on enforcement, they are often involved in large seizures of drugs and currency. Each Officer stated they have been involved in at least two incidents' wherein multiple kilograms of cocaine were seized and large amounts of currency were discovered. One Officer recalled four specific seizures, involving multiple kilograms of cocaine (30kg, 30kg, and 40kg), and currency (\$300,000 USD). Another Officer recalled having a gun pointed at him/her during a secondary inspection.

In addition to their duties at the POE, dog handlers are also required by CBSA to assist other law enforcement agencies; mostly executing search warrants. The Officer and dog await a residence to be cleared by officers before entering. All six dog handlers stated they have experienced incidents when a house was reportedly cleared but was not, when the dog entered the structure. Handlers stated 10-20% of their time is spent on assisting other law enforcement agencies.

As a dog handler spends the majority of his/her time conducting enforcement duties, including the seizure of large amounts of drugs, guns, and currency, the risk to their safety is always a factor and warrants the issuance of sidearms.

L. Airports

The clearing of aircraft, passengers and cargo, is done at all major international airports across Canada. Officers were interviewed from larger airports (Vancouver, Winnipeg, Edmonton, Montreal, Halifax, and Toronto), as well as Quebec City, and two Officers who were employed full-time at smaller airports (Kelowna, BC and Saskatoon, SK).

Large International Airports

Although arriving passengers have generally been screened prior to the departure, Officers interviewed provided ample evidence of the risks inherent in their position. Notwithstanding unpredictable police response times, these Officers are in contact with similar travellers as land border Officers. Northgate recorded incidents of hostile interactions with Hells Angels, persons with warrants, as well as travellers found with drugs, illegal weapons and other contraband.

Also, these Officers are at the mercy of proper pre-screening being conducted by the country of departure. As is well known to these Officers, pre-screening is not a task done universally well. Flights arriving from various countries, especially those from well-known drug producing countries, are scrutinized more by BSOs, as well as the targeters working at these airports.

“We had to scuffle with a guy from Germany who arrived dressed in full military gear. Although he had been screened in Frankfurt, we found a 9mm handgun in his carry-on luggage.”

Moreover, airport Officers are, at various times, sent to off-site facilities to clear private aircraft. These aircraft are typically not screened prior to their departure and passenger manifests are not as reliable as those from commercial carriers. The location of the off-site facilities is often kilometres away from the police service assigned to the main terminal. The responding police agency is not completely knowledgeable of the location of these off-site facilities, nor are they familiar with the access roads to get there. Coupled with the lack of screening and unreliable passenger manifests, hunters are a particular concern for Officers as the passengers can have firearms on board. The discovery of firearms on a private aircraft three kilometres away from the main terminal with passengers the Officers know little or nothing about is a tremendous Officer safety issue. To exacerbate the Officer safety issues, Officers reported having to deny hunters entry due to serious criminality. One Officer from Winnipeg, Manitoba recalled:

“it can get pretty hairy when you have to tell a guy who just spent \$13,000 on a hunting trip package that he can’t enter the country.”

Officers also expressed concerns about clearing private aircraft at these off-site facilities that arrive directly from drug or gun producing/exporting countries, such as Colombia, Venezuela, Jamaica, Mexico or the United States.

FRT members and Dog Handlers also operate in the airport. Intelligence-based searches as well as random searches of passengers comprise these Officers’ entire day with drug confiscation being the most often reported enforcement action.

Although not limited to Montreal, FRT members at Dorval International Airport reported interaction with hostile baggage handlers who have a history of being involved in the

smuggling of drugs and other contraband. Similarly, Officers working at off-site warehouses reported incidents with warehouse workers who are also known to be assisting in the smuggling of drugs, guns, and other contraband.

The duties performed by Officers at the airports have the inherent risks that warrant the issuance of sidearms.

Additionally, Northgate discovered a site security flaw that must be reported. Travellers, and especially hunters, who bring weapons into Canada are currently provided access to their weapons and ammunition in the baggage claim area, *prior* to secondary examination. This is unnecessary and potentially dangerous. The access to these weapons is provided through a separate carousel intended for oversized luggage. Allowing access to firearms after or during secondary examination would alleviate a significant Officer safety concern recorded for large airports.

Recommendation:

17. Traveller access to firearms at airports should not be permitted prior to secondary examination by Border Services Officers.
-

Remote Airports

For remote airports, Officers at land border crossings are typically sent to these facilities on an as-needed basis to clear CANPASS aircraft or non-CANPASS aircraft referred by the Telephone Reporting Centre (TRC).

However, two Officers were interviewed whose full-time duties were at a small airport: Kelowna, BC and Saskatoon, SK. These Officers stated they clear private aircraft at all times during the day and experiences similar risk to that reported by Officers at larger airports. To add to these already heightened Officer safety concerns, the Kelowna, BC Officer stated the responding police agency, RCMP, is not staffed at all times, while the Saskatoon Officer stated there isn't an office for the local police at the airport.

As with Officers at large airports, these Officers clear private aircraft at facilities away from the main terminal. At Saskatoon, the off-site facility is ½ mile from the main terminal.

Again, airport Officers have inherent risks within their job position that warrants the issuance of firearms.

Recommendation:

118. All Border Services Officers involved or potentially involved in interdiction, inspection or enforcement interaction with the public, as described herein, should be armed.
-

4.2.6 Duties Performed by Regional Intelligence Officers and Customs Investigators

Regional Intelligence Officers have a vast array of duties that result in a tremendous amount of Officer safety concerns. Those interviewed stated that 50-75% of their time is spent in an office environment investigating commercial cargo, aircraft passengers, criminal enterprises, and entering suspects into the Customs Lookout database. Some of the RIOs interviewed stated the first hour or two of their day is spent updating the Lookouts on the CBSA databases. With few exceptions, the bulk of Officers agreed RIO duties are predominately carried out in an office setting. Those Officers assigned to the IBET (Integrated Border Enforcement Team) or a Joint Force Operations (JFO) are the major exceptions. When RIOs are conducting field duties, however, they are involved in some of the most dangerous duties within all of CBSA: surveillance, developing and handling informants, and field interviews of persons/suspects.

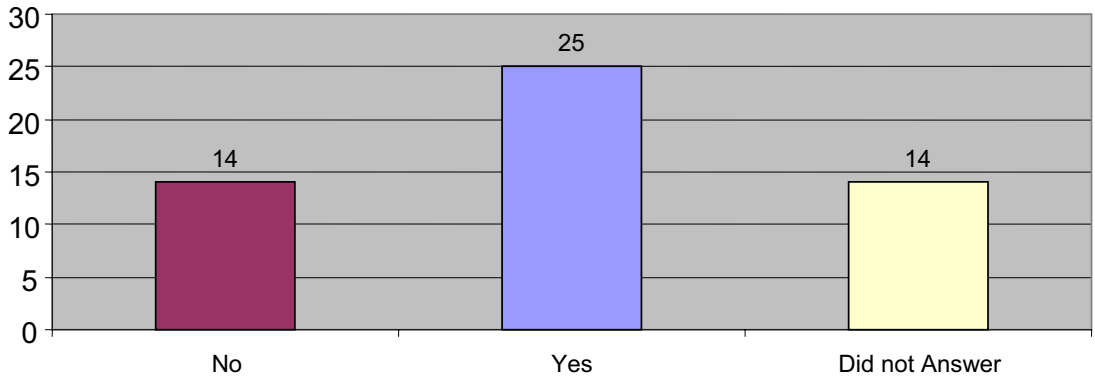
Customs Investigators' duties are similar to RIOs in that they are responsible for some of the most dangerous tasks of any position within CBSA. Customs Investigators are responsible for the arrest of suspects, serving search warrants, conducting surveillance, making controlled deliveries of drugs, as well as the transportation of arrested individuals.

A. Surveillance

Classified by most RIOs as the most dangerous part of their job, surveillance involves teams of RIOs tailing suspected criminals. Not only are they at risk of being identified by the suspect, but the surveillance sends them into crime-infested neighbourhoods where other nervous criminals are usually cognizant of who is entering and leaving the area. Being identified by the suspect and being accosted by other criminals in these neighbourhoods is a significant Officer safety issue.

It must be reiterated that 30 of 38 RIOs and 15 of 15 CIs interviewed have yet to be issued O.C. Spray and baton. Therefore, these Officers are conducting some of the most dangerous duties of any law enforcement agency without the aid of any self-protection tools. It is no surprise that 25 of 53 RIOs/CIs interviewed (47%) answered "yes" to the question of "do you refrain from job duties because of inherent risks in the job?" (See Figure 17). Some Officers did not wish to answer the question based on the Section 107 email they had received from local management. Therefore, 14 RIOs/CIs did not answer this question. To make matters worse, verified during our Study was a directive from the Regional Director to RIOs in the Atlantic Region that developing informants and increasing surveillance is a main priority for this year. Specifically, it is part of RIOs performance expectations for this year to "cultivate informants and conduct more surveillance." They need to be properly trained and equipped before being assigned that priority.

Figure 17: Have you ever refrained from certain job duties because they have inherent risks you are not willing to undertake without the use of a firearm? (Population = 53)



B. Informants

During Northgate’s review of the RIO job description surveillance and informants were identified as the two main Officer safety issues for these Officers. However, during interviews with RIOs, Officers stated developing informants is not a task being performed in great numbers. Some Officers stated developing informants is too risky to Officer safety. To do the task properly frequently requires meetings with the prospective informant at unsavoury locations with no armed law enforcement agency for assistance. As discussed later in this Report, RIOs also have poor communication equipment that urgently needs to be upgraded to allow them better communication between each other and local police services to assist in an emergency. All 38 Officers interviewed stated if they were armed their confidence in conducting surveillance and meeting with informants would drastically increase; therefore, the percentage of their day devoted to surveillance and informants would increase as well. Most of the 38 Officers stated that surveillance is a task they wish they could do more. It is always needed and the opportunities are always present. Developing informants is not as easy, and the increase in the number of informants would not be as drastic as the increase in the rate of surveillance conducted.

C. (JFO) Joint Force Operations/IBET (Integrated Border Enforcement Team)

For many RIOs, being on a JFO or the IBET, poses a heightened risk, but with the sometimes added safeguard of armed RCMP officers, or other law enforcement agencies. While on these teams, RIOs spend 100% of their day conducting surveillance, serving search warrants, and developing/interviewing informants. They are in close contact with Hells Angels, high profile and violent drug dealers, and other high risk individuals. Of the 38 RIOs interviewed, 15 (39%) stated they have been offered a firearm by a participating law enforcement agency on an IBET or JFO. 30 Officers (78%) stated during operations with other agencies, they have been informed of the location of other weapons within a police officer’s vehicle in case a situation was to

get out of hand. Two Officers stated they had accepted the offer of a firearm during the serving of a search warrant.

To exacerbate the Officer safety concerns for RIOs, 2005 saw the lives of two Windsor RIOs put at serious risk. One RIO woke in the middle of night to discover his car had been set on fire. The investigation into this incident found that the suspect had poured gasoline on the Officer's car in the early evening hours, but was likely scared away before lighting the car on fire due to motion sensors at the house. The Officer returned home later that night with his daughter and smelled the strong odor of gasoline which he assumed was a car problem. Later that night, the investigators believe the suspect returned, poured more gasoline on the car and started the fire.

In October of 2005, during Northgate interviews, a second RIO left her house to start her car. The automobile failed to start, and when she opened the hood she found a container of gasoline with connecting wires travelling from the container to her battery or starter. The bomb failed to explode and an investigation is pending.

Most RIOs interviewed are involved in the investigation of drug conspiracies. One RIO provided a name of a suspect he was involved in investigating as part of a JFO. Due to Section 107 confidentiality requirements, the Officer could only provide Northgate publicly available information. However, Northgate conducted extensive research into this person's background and documented the extensive drug related criminality of this person. In fact, the research confirmed that he is currently facing two first degree murder charges. This case example illustrates the serious nature of the individuals with whom RIOs are involved. Due to the subject's pending charges, the criminal background research on him is not being provided in this Report. Instead, it is being provided to CEUDA in a confidential memorandum separate from this Report.

There is no stronger argument in this Report for the arming of Officers than the duties of RIOs and CIs. Conducting surveillance, developing and handling informants, conducting controlled deliveries of controlled substances, and participation on JFOs and IBETs, are duties that warrant the issuance of a sidearm. As a result of these duties, these Officers are not only at risk during their field duties, but they can become targets at the office and at home.

Recommendation:

19. Regional Intelligence Officers and Customs Investigators should be armed.

4.2.7 Facilities and Equipment (Question 9)

Introduction

The facilities in which Officers perform their duties and the equipment with which they are provided, including potentially sidearms, are fundamentally important to Officer safety and public safety as a result. Both suffer when Officers are ill-equipped or required to work in conditions that impair their effectiveness. This portion of the survey was more open-ended and thus less available to graphically reportable data. This is, nevertheless, a good example of the value of the Northgate approach, because it features front line insights on practically important subjects.

This Report was not intended as a conclusive review of facilities and equipment provided to Officers in the performance of their duties. The frequency and detail of information provided by nearly 400 front line Officers, however, suggests that such a review is urgently required irrespective of any recommendations or decisions made regarding the issuance of sidearms.

It is patently obvious that there was no national plan or 'standard' involved with respect to most of the issues discussed in this section. As such, there is significant variance from Region to Region and indeed from port to port within Regions on matters that could, and in the view of Northgate, should be subject to such a national basic requirement or 'standard' to maximize Officer safety and public security. As noted below in the Recommendations hopefully the CBSA and CEUDA will joint together in this effort.

The question generated responses in four main areas:

1. Communications
2. Vests and Duty Belt Tools
3. Facilities/Equipment
4. Information Systems

Data Analysis and Commentary

A. Communications

Persons involved in law enforcement need to be able to talk with each other through reliable, durable and available communications. As the survey data shows, a disturbingly high number of respondents expressed significant, practical, user informed concerns about the sufficiency of the communications systems supplied to them. It cannot be overstated that an Officer without ongoing, functioning communication linkage is an Officer at risk. 111 of 375 Officers (29.6%) stated the radios are inadequate. The specifics of radio inadequacy varied among battery life and/or quality, as well as the quality of the antenna. Officers stated the inadequacies of the radios are an Officer safety concern that must be fixed. Obviously the scope of the Northgate Study did not include an investigation into proper communication tools, but because such a significant number of Officers, across the country, identified radios as a safety issue such an investigation is needed.

Recommendation:

20. An investigation is required regarding the quality of batteries, radios and antennas used by Border Services Officers/POE to determine the causal factor into the poor communication capabilities of POE. Up-to-date technology regarding radio communication will assist Officers in performing their duties, as well as enhance their safety.

Although Officers from small, medium and large POE, remote locations have the greatest Officer safety concern regarding inadequate radios. In many locations visited, the use of radios is pointless. Officers at various locations in Manitoba, Alberta, Quebec, and Ontario stated radios do not work at their location due to the remoteness of their location. While observing Officers perform their duties in Gretna, Manitoba,

Sombra, Ontario, Walpole Island, Ontario, and Wolfe Island, Ontario, Officers were not even carrying their radios. Each Officer stated there was no reason to carry it as they could communicate with no one. Considering some of these locations do not have access to criminal databases, they telephone larger POE to have CPIC or PALS run on subjects. This compounds the Officer safety concerns in that Officers at remote POE not only have little idea who they are dealing with, but if an altercation were to occur they have no means of communication. As noted later in this Chapter, the armed U.S. Customs Office is often used for such emergency situations at these remote locations.

Officers in Quebec, Ontario, British Columbia, and Manitoba also complained about the standard operating procedures (SOP) when an Officer engages his/her PASS (Personal Alarm Security System) panic button. Officers stated the current procedure is for the Superintendent to call on the radio and say "Are you ok?" Such a procedure obviously is risky and implicitly assumes communications error. Officers must also be more careful in not accidentally activating the PASS panic button.

Officers also reported the PASS system does not provide a location identification capacity. As one officer from Quebec stated:

"if the police acknowledge that I hit my panic button, how are they to know where exactly I am?"

Also in Quebec, Officers identified another system flaw in the PASS system. The automated calls made by the system have a five second delay. Therefore, if the responding police agency can hang up the phone before the system transmits the alert.

Recommendation:

21. CBSA should investigate the adequacy of the PASS panic button system.

32 of 53 RIOs and CIs (60%) stated the current communication system within CBSA does not allow RIOs and CIs to communicate effectively between themselves or with other law enforcement agencies. While working without other law enforcement agencies, a proper communication system that is linked to local and federal police services will provide them ready access to immediate back-up if needed. While working in conjunction with these police services on JFOs and IBET, the same communication system will continue to assist these Officers in their duties, as well as to improve their safety. Moreover, due to the inability of cell phones to reach outlying rural areas, the use of satellite phones are required.

The 32 Officers also stated the current use of cell phones and MIKE phones is simply not sufficient, when there are police agencies using a radio communication system they can harness if the CBSA makes the investment.

Recommendation:

22. RIOs and CIs should have the most up-to-date communication systems made available to effectively allow communication with other Officers, as well as with local and federal police services. For rural areas, the use of satellite phones should be instituted if other technology is not reliable enough in these outlying areas.

Commentary

“I’m checking a motor home by myself at night at secondary when I find a loaded handgun that the driver never mentioned. I know he’s at the back somewhere and I need backup NOW so I hit my radio only to have it beep at me that the batteries are dead. Now what am I supposed to do?”

“Our job requires us to do work on occasion without other Officers present or in sight. I accept that. What I don’t accept is that the radios given to us continually don’t hold their charge or don’t work because the signal isn’t strong enough.”

“Radios are critical to what we do. I learned that when my radio went dead while I was on a bus in a confined space and got into a scuffle with a guy with a knife. Thank God he was by himself because thanks to my no good radio, so was I.”

“My duties take me to some pretty remote locations where radios don’t work and by definition, I’m confronting unknown circumstances and people on their turf not mine. We need the most reliable communications systems available to do our job and we don’t have it.”

B. Vests

It is common knowledge amongst those in law enforcement that bullet-proof vests must be fitted to each person’s body. The measurements must be exact to ensure the protection of the wearer. For 58 Officers interviewed their vest was not fitted to their specific body. They were issued a vest with generic sizes of Small, Medium, Large, and X-large. Nine (9) Officers interviewed did not have a vest issued to them at all.

The remaining 310 Officers who responded to Question 9 either did not find their vest inadequate in any way, believed an un-fitted vest was not an Officer safety issue, or actually had a vest fitted to their body.

Although Officers stated the CBSA is moving towards providing everyone with a fitted vest, Northgate interviewed Officers who have been fitted, but were subsequently provided with a generic-sized vest. Moreover, Officers in some locations are wearing vests well past their expiration date. For example, in Osoyoos, BC, an unknown number of Officers are wearing vests which expired in 2000. One Officer stated her most recent vest was long past its expiration and she took it to the firing range, where she was able to pierce the front panel with a .357 round from 7 yards away. To be effective, vests must not only be fitted, but must be replaced as required in accordance with the manufacturers instructions (often 5 years). Subject only to exceptional circumstance,

they also need to be worn as a mandated part of equipment. Officers also reported their fellow BSOs and some Superintendents do not wear their vests.

Lastly, RIOs and CIs were interviewed who do not have a vest or have a generic-sized, and/or expired vest. As described earlier in this Report, RIOs and CIs should be well-equipped due to the dangerousness of their duties.

Recommendation:

23. The CBSA should ensure all Officers who have involvement or potential involvement, in interdiction, inspection, or enforcement have fitted, unexpired bulletproof vests.

Commentary

“As a former police officer I know the importance of a properly fitted vest and so I’m having mine fitted and adjusted paying for it myself. What kind of an enforcement agency treats its employees like that?”

“The panels on my vest expired and I tried to get it replaced. It took eight months and I was so suspicious I put a card in the pocket of my old vest when I sent it back. When my new vest arrived it had the same card in the pocket. I’m still waiting.”

“When we rummage on ships in tight quarters or in engine rooms there is no way we can wear our vests as they are just too bulky and too hot. This needs to be taken into account in deploying Officers onboard as backup as it increases my risk.”

4.2.8 Facility Security Observations

During Northgate’s tours and inspections of 39 POE across the country, observations were made regarding facility issues that can affect Officer safety. The following is a summary of those concerns:

Primary and Secondary Issues

1. Primary booths should be constructed so as to permit unobstructed vision into the vehicle as it approaches, as well as into the interior of the vehicle.
2. Where possible, booths should have doors that exit back into an adjoining facility or that permit safe exit and secure re-entry.
3. There needs to be a clear line of vision or communication system in place to ensure Officers working at primary inspection can verify that the persons they have referred for secondary examination show up as directed. The Northgate onsite review identified multiple facilities where this was not the case either due to sheer distance (Queenstown) or layout (Douglas/Pacific Highway, Ft. Erie).

“The Primary-secondary setup is terrible. You can’t see who’s reported, people have to cross travel lanes to report, the red light that’s supposed to be activated

for a referral often can't be seen and the students in the booth frequently don't have radios to report a referral." (Ft. Erie)

*"We lose sight of people we refer once they hit the parking lot and there is no formalized process to confirm reporting. It's a big hole in our security."
(Douglas/Pacific)*

"Windsor Bridge Commercial basically relies on an honour system because trucks that are referred don't go to the secondary site adjacent to the bridge. For some stupid reason they drive down Huron Church Road for three kilometres and then are suppose to voluntarily report in."

4. Specialized facilities are required that permit clear detection, observation and control of pedestrian and bus travellers until cleared by Officers.

"Bus passengers line up outside our trailer and we have no control over them while they wait to come through. The alternative of clearing them on the bus puts us in cramped and unsafe conditions that hamper proper checks. " (Ft. Erie)

"Bus checks are very unsafe because of the cramped quarters and some of the clientele at our port." (Windsor)

5. Secondary facilities should be protected from inclement weather to the best extent consistent with other security requirements.
6. Waiting areas for travellers whose vehicles are being searched should be alarmed so as to ensure Officers conducting searches are notified of any person's exit and possible arrival in secondary.

"Persons whose vehicles are being searched can watch us from a traveller watch area which management won't permit to be locked. Alarms that are supposed to sound if a person leaves the area have been dismantled and I've had a guy we found out later had a manslaughter conviction suddenly show up without warning behind me while my head was inside the trunk of his car. This needs to be fixed right away. "

7. Commercial secondary areas need to have appropriate security and access control measures to prevent drivers from arriving at the scene of examination without warning to Officers.
8. Customs facilities need to be configured in such a way as to avoid traffic congestion including when secondary referrals are made.

"Truck drivers tell us that St. Stephen is the worst commercial examination area in North America in terms of maneuvering a truck in for inspection. It also causes traffic jams in downtown with even the slightest volume of traffic."

9. Remote locations sometimes feature double lanes of exit and entry which permit drivers entering Canada illegally to cross into the southbound lanes and accelerate through the border without stopping.

10. Officers are not provided with chase vehicles or indeed permitted to give chase, and police referrals are hindered by a plate reading system with poor accuracy and capacity.
11. Officers in all Regions of the country recommend equipping ports with some kind of electronic gate and automatically deployed speed belt type system to prevent instances of deliberate port running.

"We have runners that just change lanes and zoom through. PALS won't pick them up and we have no gates or belts so we pretty much wave at them. We know there are big crystal meth sides just across the border so maybe if anyone is really concerned about stopping the spread of the drug they might give us gates and belts to stop the free pass into Canada." (Northern Ontario)

"Our stats are clear that PALS is only 50% accurate at best in recording plates. It's not good enough especially for port runners." (Alberta)

Site Security Issues

Several Officers in different parts of the country identified the need for enhanced CBSA site security including restricted access to the general public and bridge operator staff.

The most blatant security issue observed was the lack of site and perimeter security at every land border POE. Officers agreed at many locations (Douglas/Pacific Highway, Sarnia, Windsor Bridge and Tunnel, Lacolle, PQ; Emerson, MB; Niagara Falls, ON; St. Stephen NB; Milltown, NB; Lyleton, MB; and Coutts, AB) that site security is poor: Insufficient number of cameras, no one in a central control room monitoring the cameras, truckers walking on and off the property at will, and Northgate associates walking around the property with no one questioning their presence.

At Douglas Highway, Northgate associates observed truckers entering and exiting the commercial compound with no check of the backpacks and duffle bags some of them were carrying.

Drug dealers use couriers to transport their shipments across the border. For larger shipments, it is not uncommon for a higher member of a drug ring to accompany the drugs/money up until the POE, at which time he/she has another vehicle ready for his/her travel through the POE. Officers interviewed stated it is the poor site security and the ruthless and violent drug trade that scares them most when a large seizure occurs. The ability of these criminals to watch a vehicle clear Customs is easy to do from public areas. In Sarnia, Officers reported seizures of \$115 million worth of cocaine, \$625,000 USD in currency, and other similar size confiscations. In one of these seizures the arrested subject stated a second person was with the drugs up until they arrived at the POE. Within sight of the POE, the second person got out of the truck and crossed the border in another vehicle. Commonly a commercial lane can be viewed from a public area. For example, at the Bluewater Bridge a drug dealer could observe a truck cross at the border from the Holiday Inn or by standing on Venetian Boulevard.

Although there may be nothing that can be done with the location of city streets and their proximity to the POE, the perimeter security and cameras could be improved. Additionally, such large seizures of currency and drugs are a continuing supporting

factor of our recommendation to arm Border Services Officers. In Sarnia, Officers reported contacting OPP when they seized the above mentioned \$115 million worth of cocaine. The OPP refused to send an officer alone, but instead, sent the Emergency Response Team, who arrived with semi-automatic and automatic weapons. Clearly, the OPP understands that drug dealers may make an attempt to regain custody of their contraband.

At Lacolle, Quebec the SWAT has been called during such large seizures. And at the Douglas, BC, crossing, after the confiscation of \$700,000 USD in currency, the armoured car company used by CBSA to transport the duties collected was called to provide an armed presence while the Officers counted the money. Officers are involved in significant seizures of firearms, drugs, currency and other materials which intelligence reports suggest are frequently linked to organized crime groups. Intelligence reports also suggest increased resort to violence amongst such groups. The fact that counter surveillance is done raises the specter of criminals literally aware that their illicit goods have been seized and are being held temporarily at an unarmed border facility.

“We seized 100K worth of coke one afternoon and we’re trying to move it in a shopping cart. All I could think of is who is watching this and when are they coming, guns drawn to collect it before the cops manage to arrive.”

“If anyone knows we are not armed, it’s the criminals. One day one of them is going to come and want his money or drugs back. And I’m sure he won’t come with pepper spray.”

“The cameras we have are the envy of other places but no one is watching the images and we need to be able to record incidents for future use.”

As stated earlier in this Chapter, large contraband seizures are recorded by CBSA. Since 2000, there have been 1,413 seizures of contraband over \$100,000; 324 of them have been over \$1,000,000. The risk to Officer safety is present in Northgate observations of poor site security and in commentary from Officers.

Other concerns were reported as follows:

1. Commercial inspection sites can have trucks that remain onsite after the office closes. Better security, including surveillance cameras, is recommended.
2. Officers in several parts of the country suggested public access to washrooms be curtailed to prevent contraband “drops”; specifically recorded as being a problem at the Edmonton Airport and Niagara Falls POE.
3. Enhance site security to prevent those referred to secondary area from “mixing-in” and failing to report as instructed.
4. Officers in all parts of the country recommended expanded use of Closed Circuit Television (CCTV) of premises (external and internal) with ongoing monitoring and linked to a photo image expanded Lookout database available to Officers in primary and secondary.

“In today’s world we have photos of almost all the bad guys on the run or who are deported. Why aren’t we using that instead of an out of date, dysfunctional “Lookout” system that management tries to minimize anyway?”

5. A small percentage of Officers reported the need for a ‘cage car’ to permit transport of persons in custody onsite to the cell area if required and transport of persons in custody for whom arrest warrants exist or in other enforcement circumstances rather than have to wait on a sometimes non available police response.

Recommendation:

24. CBSA should investigate site security at POE to ensure Officer and public safety.
-

Recommendation:

25. Standard Operating Procedures must be developed by CBSA to properly handle the Officer and public safety concerns existent during and after large contraband seizures, especially guns, drugs, and currency.
-

Bridge Operator interference

Notwithstanding s. 153.1 of the *Customs Act* which prohibits interference with or hindrance of an Officer performing his/her duties under the Act, several Officers in southwestern Ontario reported detailed incidents of employees of bridge operators interfering with their duties. Their complaints and insistence were in relation to Officers speeding up or ceasing enforcement actions, which were backing up traffic and reducing revenues for the operator. In one instance, the bridge operator was successful in curtailing secondary examinations being conducted by Officers. Officers were adamant in their view that such actions should not be tolerated by CBSA management. (Note: This issue is dealt with more extensively in Chapter 6.)

“The toll operators think they run the place. It’s not uncommon on a busy night for them to phone down and complain about backed up traffic and lo and behold people get pulled off secondary to open up more lanes. I’ve even seen them come down and complain to the Super in person. Some of the Supers stand up to them but we need to remind these guys we don’t work for them.” (Ft. Erie)

“The Bridge operator here constantly calls down to demand more lanes open up. Some Supers have tried to tell them to piss off but they always go up higher and we’re always ordered to open more lanes and shut down enforcement. There was a big JFO in July 2004 with Transport, OP, RCMP, WPD and us and the Bridge operator literally threw them off the property when management caved. It caused a big stink but nothing was ever done. We should identify who is directing the interference and charge him if management is afraid to do it.”

“It’s just wrong that a private company is allowed to dictate how business is conducted at the border. They think they run the operation.”

Other Enforcement Related Facility Issues

A. Cells

Officers in smaller locations report the absence of a lockup or even a lockable room to detain arrested subjects until police attendance which results in increased risk to Officer and public safety.

A cell was observed in Sombra, Ontario, which had 3' long fluorescent bulbs covered by plastic which could easily be removed and the bulb used as a weapon.

At large POEs, Northgate associates were amazed at the excellent examples of cells. However, many small POE contained inadequate cells, or no cell at all. For example, Walpole Island, a POE discussed earlier in this Report as a site which has endured Officer assaults, bomb threats, and shootings, is not equipped with a cell.

Officers in several jurisdictions also spoke of the need for wet cells (cells with toilet facilities) and cells located away from the general public processing area with a secure route to transport prisoners to the cell area.

B. Breathalysers

Officers in a number of Regions report the installation of a breathalyzer onsite to facilitate breath testing of persons detained for that purpose. In at least some Regions, CBSA has also arranged for breathalyzer technician certification of CBSA Officers (capable of operating the instrument and conducting the tests) but for unknown reasons they are forbidden from exercising that authority. Instead, breath technicians from the POE responding police agency must attend to conduct the tests. This policy has resulted in at least one ruling that the results of the tests were inadmissible inasmuch as the samples were not taken as soon as practicable. The defense arguments claim that a BSO/certified breath technician was on duty and could have collected the sample, but instead, the local police who arrived later conducted the test. The time it took for the police officer to arrive at the POE is creating the defense of "not taken as soon as practicable."

"Defense counsel are already subpoenaing our shift schedules and if a qualified breath tech was on duty but not allowed by the CBSA to do what the law permits him to do that's the end of the charge. We look stupid and drunk drivers are getting off for no good reason. "

C. Screening Equipment

Officers at locations throughout the country commented on the under-utilization of the various screening or scanning equipment.

Officers interviewed at the Toronto Postal Centre relayed circumstances of frequent evacuations due to the failure to properly screen mail resulting in discovery of munitions and potential explosive materials. These circumstances ultimately resulted in a work refusal in November 2005 and an order by the Health and Safety officer for a job hazard analysis to be completed.

D. Boats for Marine Enforcement Units

There are three boats in the entire fleet of CBSA vessels. To the extent that marine units can perform their duties, Officers assigned to many marine units are literally forced to drive to a location. Officers working at land border POE are also called upon, on varying frequencies, to answer marine calls at local marinas/reporting centres. Boats can frequently be anchored offshore and Officers are forced to enlist the aid of the boater being searched to ferry them to and from the boat being searched. Officers involved in such units acknowledge their efforts are almost futile without a boat of some kind.

The lack of a boat for marine units is an evident public safety concern. The best example is the marine units of Nova Scotia, who work in the largest eastern seaport in Canada. Not one boat is being used in the entire province.

“It’s bloody dangerous for me to have to ask the criminal to please ferry me out to his boat where he’s smuggling dope and then when I find it to please bring me and his dope back to shore so I can try and send him to jail.”

“We chase boats with cars.”

E. Information Systems

It is now universally accepted that the most effective law enforcement is that which is intelligence driven rather than that which is purely reactive. The reality of law enforcement, however, means that both scenarios will still occur and those that enforce the law must plan and deploy accordingly.

The responsibilities and opportunities for law enforcement at ports of entry to Canada are unique in law enforcement. Unlike police officers, CBSA Officers do not engage their enforcement interaction with the public until after they believe an offence has been committed. Because travellers must present themselves for ‘examination’ on seeking entry to Canada, a unique and incredibly valuable public safety and security opportunity exists. Every single day, on every single shift, in every single interaction, CBSA Officers are presented with the opportunity and obligation to protect the public by performing their various duties. The more information they have in advance of dealing with a specific individual the better protected they, and the Canadian public, are.

Like any specialized location, at ports of entry, this means ensuring that Officers that need relevant information receive it in the timeliest, comprehensible and useable means possible. In this regard, the respondents to the Northgate survey have revealed glaring and unnecessary deficiencies that severely jeopardize Officer safety and needlessly place public safety at risk.

Fortunately, for many of these deficiencies, these same front-line Officers have provided potential solutions which are mentioned briefly below (and in Chapter 6) but which clearly require further detailed examination and urgent action.

It was clear to many Officers, 124 of 383 Officers (32%), that the computer systems within CBSA are inadequate and are an Officer safety issue. To better understand their complaints many follow-up questions were asked regarding their complaints about the

various computer databases available to them. Most Border Services Officers interact with five criminal subject databases:

1. **CPIC (Canadian Police Information Centre)** – the national database used by law enforcement agencies across the country. Not available at all POE.
2. **ICES (Integrated Customs Enforcement System)** – Regional Intelligence Officers input information into this database. They access other databases and input relevant Customs data into this system. Not available at all POE.
3. **FOSS (Filed Operated Support System)** – the immigration database. Not available at all POE.
4. **PALS (Primary Automated Lookout System)** – used by Officers at PIL. Officers access FOSS and ICES through PALS. Not available at all POE.
5. **IPIL (Integrated Primary Inspection Line)** – used by Border Services Officers at some locations as a means of remotely accessing FOSS and ICES. Not available at all POE.

The complaints regarding the computer systems ranged from no CPIC access at the PIL to one computer system having the capacity to override another. During the Study, Northgate associates were informed by Officers in Vancouver that 16 of 17 persons wanted by the Seattle, WA office of the U.S. Marshal's Service were not entered into PALS or ICES.

124 Officers stated the computer systems are outdated and must be replaced. 22 of those Officers stated a photo-database/face recognition system needs to be implemented. Also discovered was that U.S. Customs has a higher access level to CPIC than CBSA. U.S. Customs has level 1 access, the highest available, while CBSA has level 2 access. Even at shared facilities, CBSA has a lower level access than their U.S. counterparts. Understood is that security level clearances may be to blame for the lesser access level, but it is a problem that must be fixed.

Officers in every Region of the country reported dissatisfaction with the existing multiple information systems especially PALS, FOSS and CPIC and did not view ICES as anything nearing satisfactory as an integration tool. Specifically noted as concerns were:

1. Totally inadequate information at primary as to the nature of the FOSS "hit"
2. Capacity of irrelevant FOSS entry to override relevant security Lookout information
3. Restrictions on CPIC security access for Officers
4. Inadequate number of CPIC terminals
5. Inadequate access to FOSS information on a 24/7 basis
6. Need for extensive Internet access at secondary especially with regards to valuation of goods purchased online
7. Existence of a grossly inadequate and dangerous CBSA 'Lookout' system

8. Need to revise CBSA Lookout system to maximize Officer and public safety
9. Need to create a photograph based comprehensive Lookout system supported by face recognition biometric technology at primary and secondary to reduce Officer risk and enhance the interdiction and apprehension of fugitives
10. Need for modernized computer hardware systems
11. Need to integrate U.S. and international information (much of it publicly available on the Internet) into Lookout system
12. Need to have direct access to Missing Children Registry

In Lacolle, Quebec, the largest POE in the entire province, Officers there recalled numerous incidents wherein a U.S. citizen does not show up on PALS as having any "hits", but later they discover from other sources, most often the U.S. Customs Office, that the person had violent arrests and convictions in his past. As a verified example, Northgate interviewed an Officer from a small remote, work alone POE in Manitoba. On September 13, 2005, the Officer received a phone call and a fax from U.S. Customs regarding two wanted persons. The fax was an NCIC (National Crime Information Center) printout from that day detailing two wanted persons, Travis and Delray Novak, who were armed and had broken into a house and threatened the occupants at gunpoint. They were last seen heading east bound from Drayton, ND to Roseau, ND; Drayton is approximately 30 miles from the Emerson, Manitoba POE. The Officer who provided this printout stated he was never informed of these two persons through the appropriate channels within CBSA. The fax header on the document reflects it was sent from U.S. Customs.

Recommendation:

26. CBSA, in conjunction with CEUDA, should conduct a national review of the Facilities and Equipment issues noted above and develop nationally applicable mandatory standards for all ports of entry or categories of ports of entry.
-

Recommendation:

27. Notwithstanding the above recommendation, CBSA, in conjunction with CEUDA, should immediately enhance the Lookout Policy so as to maximize information available to Officers at both primary and secondary inspection with a new Lookout system to include, at a minimum:
 1. all persons for whom an arrest warrant exists (Canada/U.S./Interpol) who are noted as being considered armed and dangerous
 2. all persons who have been deported or ordered deported from Canada on security or criminality grounds
 3. all Interpol criminal inadmissible related information
 4. all Canadian, U.S. or Interpol information regarding wanted or suspected terrorists
-

5. all Missing Children information (Canada/U.S./Interpol)

Recommendation:

28. The computer databases within CBSA should be consolidated to provide Officers with one computer database that is complete and technologically advanced.

Recommendation:

29. Access to CPIC should be raised to level 1.

RIOs and CIs

For RIOs and CIs, in addition to their request for an improved communication system, they expressed the need for the improvement of their vehicles. Specifically, they requested tinted windows, the use of covert license plates, and a variety of makes and models that can be exchanged with a fleet of cars or with another POE to aid them in remaining unidentified.

It is only common sense that such vehicles are equipped with tinted windows and covert license plates; therefore, these safety precautions should be instituted immediately. Also recommended, is an assessment into the appropriateness of these vehicles, the possibility of an exchange program, and a specific policy regarding the safety of RIOs and CIs as it pertains to their vehicles. With the recent attempts on RIO lives in Windsor, such safety precautions must not wait.

Recommendation:

30. RIO and CI vehicles must be equipped with all the appropriate safety and emergency equipment.

4.2.9 Officer Safety

In question #10 (Question #9 in the RIO/CI Questionnaire), the Questionnaire attempted to gauge the frequency of an Officer's injurious altercations or the potential risk of injury. By using the phrase "potential risk of injury situation" the Questionnaire was attempting to include incidents which could not be classified as an actual injurious situation, but escalated to a point wherein such an altercation was highly probable. The questions presented problems for the survey in that the data recorded answers of "constantly", "frequently", "too many to count", and "occasionally". If Northgate associates attempted to press Officers to enumerate their answer, they had great difficulty in doing so. Had the associates insisted on Officers enumerating their answer, the data could have been unreliable.

In addition to a vast array of answers, some Officers refused to answer the question, or simply did not want to answer. In compiling the data for this question, the only reliable data is to report Officers who answered that they had experienced a situation where they felt at risk and compare that with the number of Officers who answered “never” or zero.

Figures 18 and 19 reflect 82% of respondents have experienced a potential or actual risk of injury situation. Figure 20, reflects an even higher percentage for those at work-alone sites (94%).

Figure 18: Officers Who Have Experienced an Actual or Potential Risk of Injury Situation

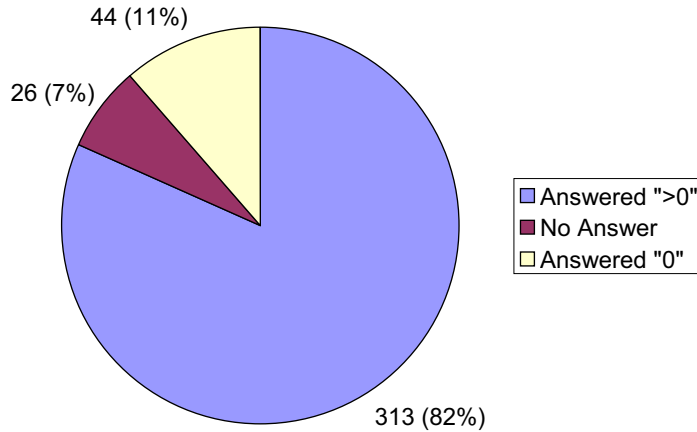


Figure 19: Encountered Actual or Potential Risk of Injury Situation by Region

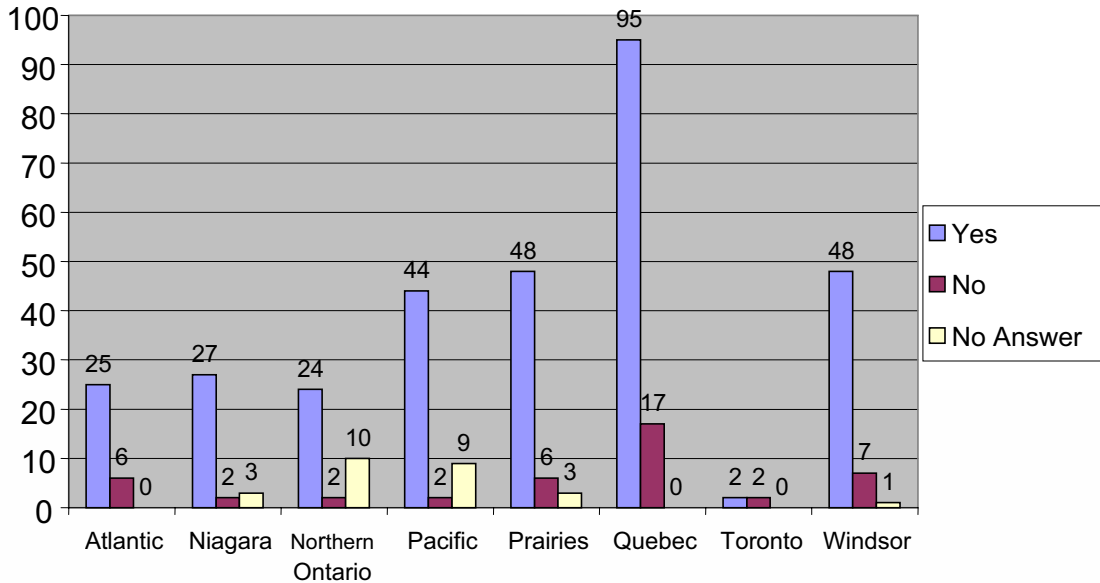
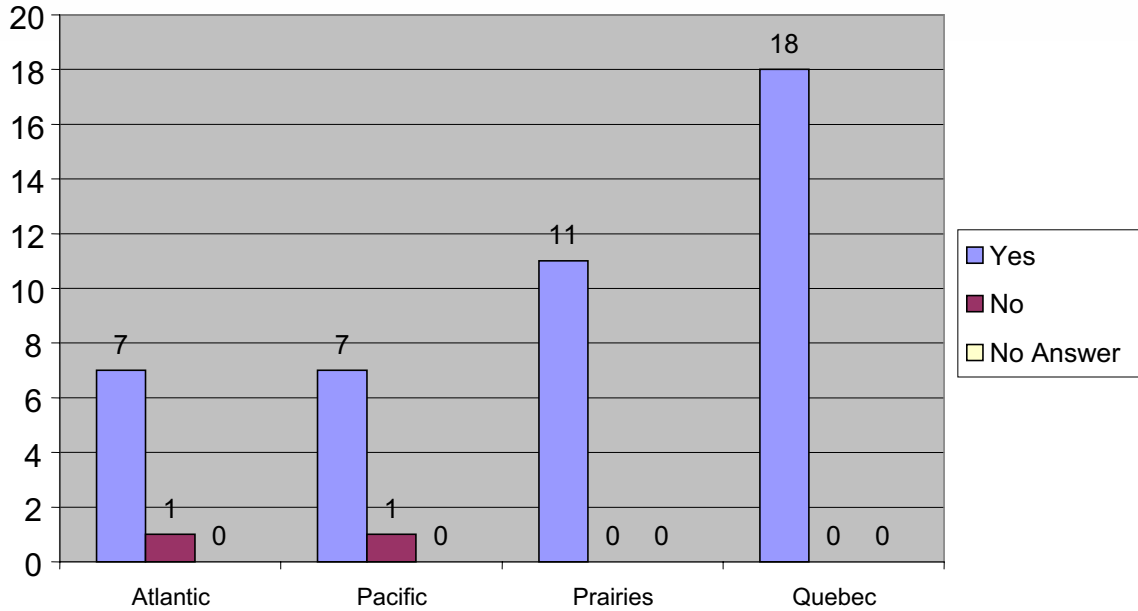


Figure 20: Work Alone Locations - Encountered an Actual or Potential Risk of Injury Situation by Region



For RIOs and CIs, Figures 21 and 22 represents similar verification that Officers are experiencing potential or actual risk of injury situation during interactions with travellers.

Figure 21: Encountered Actual or Potential Risk of Injury Situation - Regional Intelligence Officers

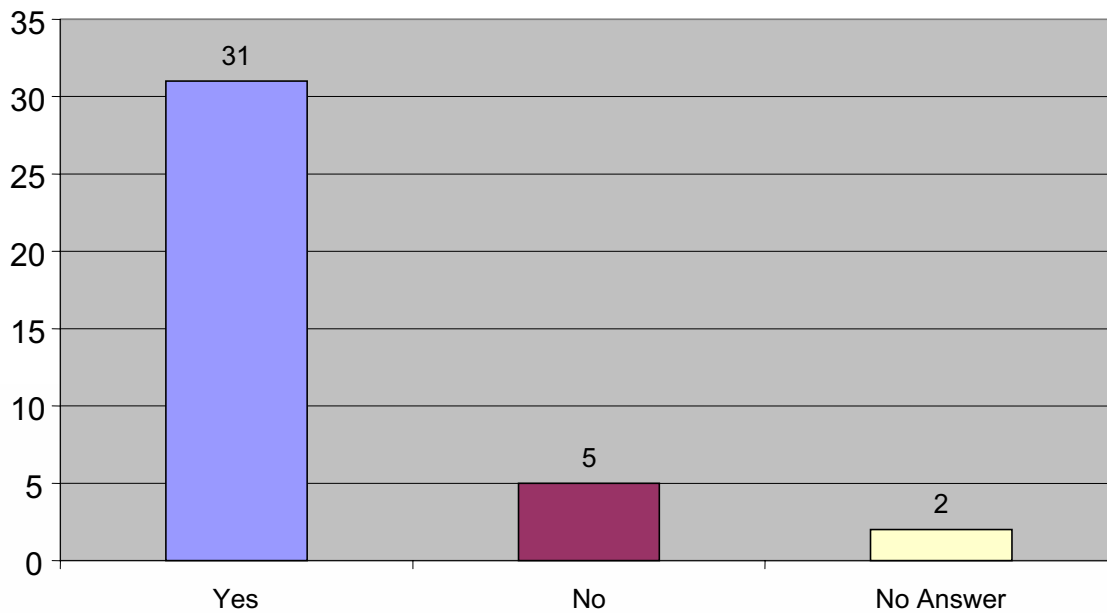
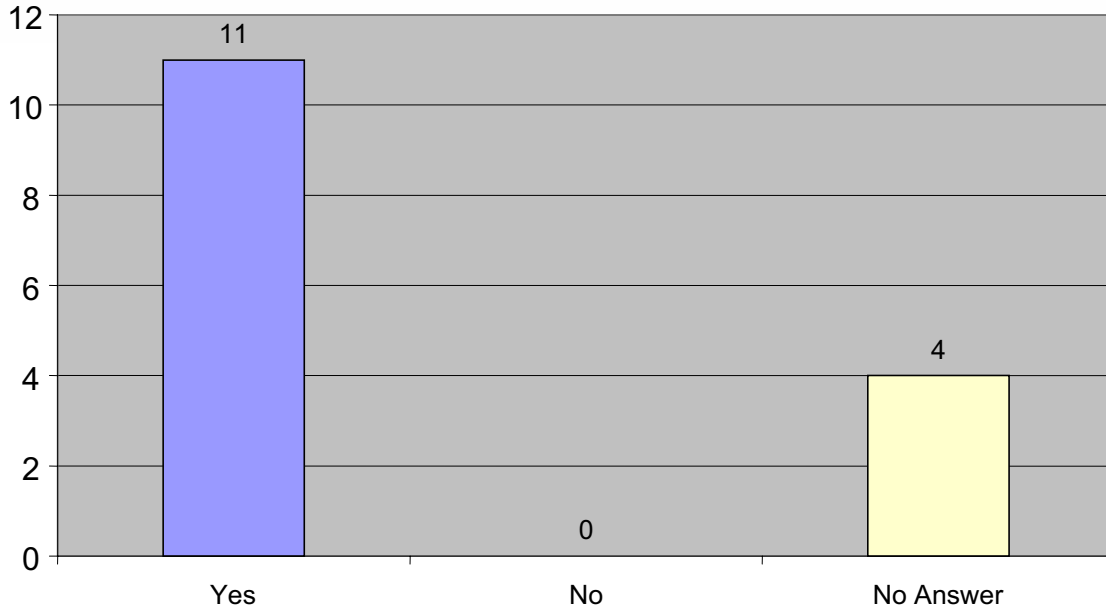


Figure 22: Encountered Actual or Potential Risk of Injury Situation - Customs Investigators



In Question #11 (Question #10 in the RIO/CI Questionnaire), the question is posed of whether the frequency of actual or potential threatening or risk of injury situations has changed in the last 12 months.

The data in Question #11, requires some explanation (see Figure 23). Of the 186 Officers who answered “No”, over 80% of those respondents (151) stated the risk of injury has remained constant in the last five years. Of the 179 Officers who answered “Yes” to this question, 155 described the change as being an increase in the aggressive public, an increase in violence, or an increase in the number of arrests, warrants, or seized firearms. 11 felt it was because they had recently been designated under Officer Powers and were now enforcing the *Criminal Code*.

This data reflects the growing Officer safety concerns of the Officers and further supports our recommendation that the risks inherent in the duties performed by Border Services Officers warrants the issuing of firearms.

Figure 23: Have you experienced a change in the frequency of actual or potential threatening or risk of injury interactions in the last 12 months?

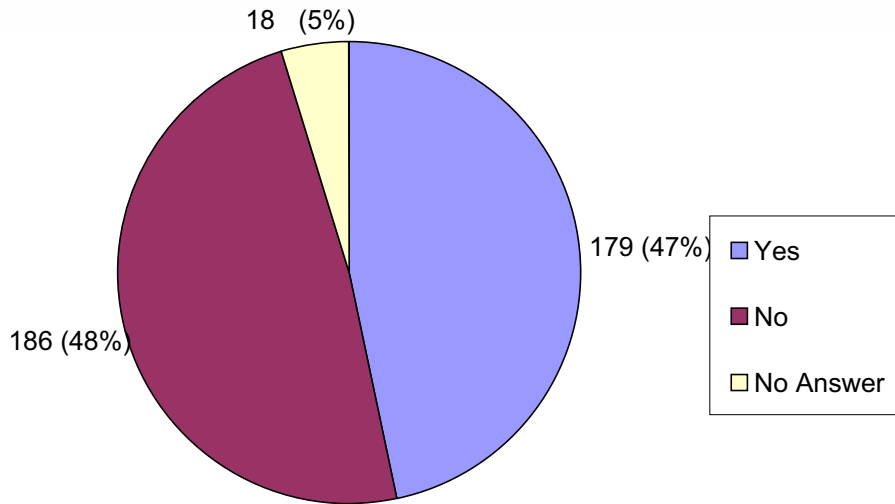
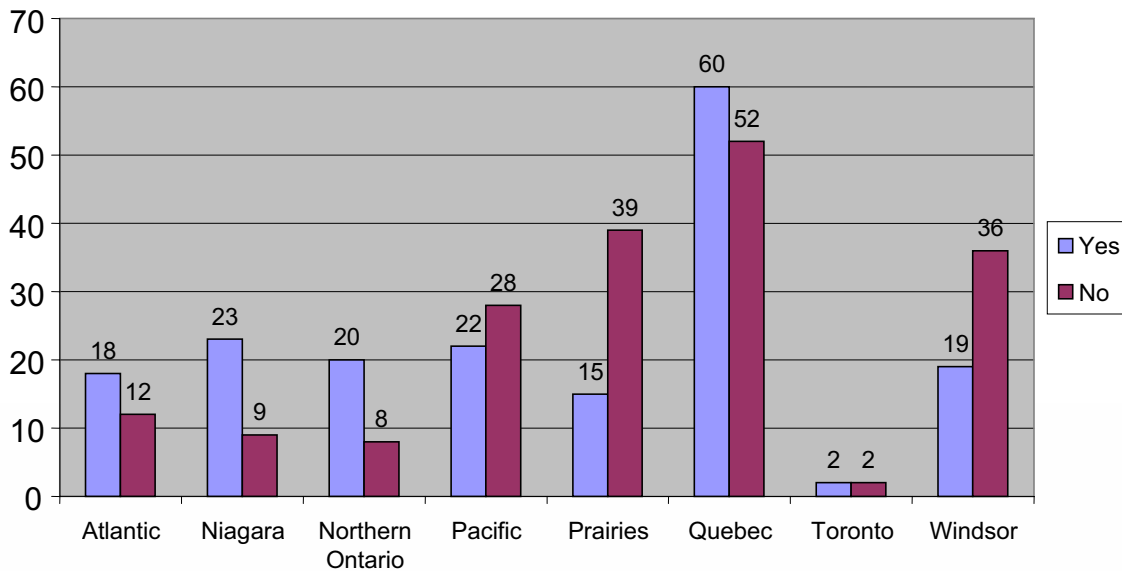


Figure 24: Experience a change in the frequency of actual or potential threatening or risk of injury interactions in the last 12 months by Region (Population = 365)



For RIOs and CIs, the data reflects an even greater frequency of events, as seen in Figures 25 and 26.

Figure 25: Experience a change in the frequency of actual or potential threatening or risk of injury interactions in the last 12 months - Regional Intelligence Officers

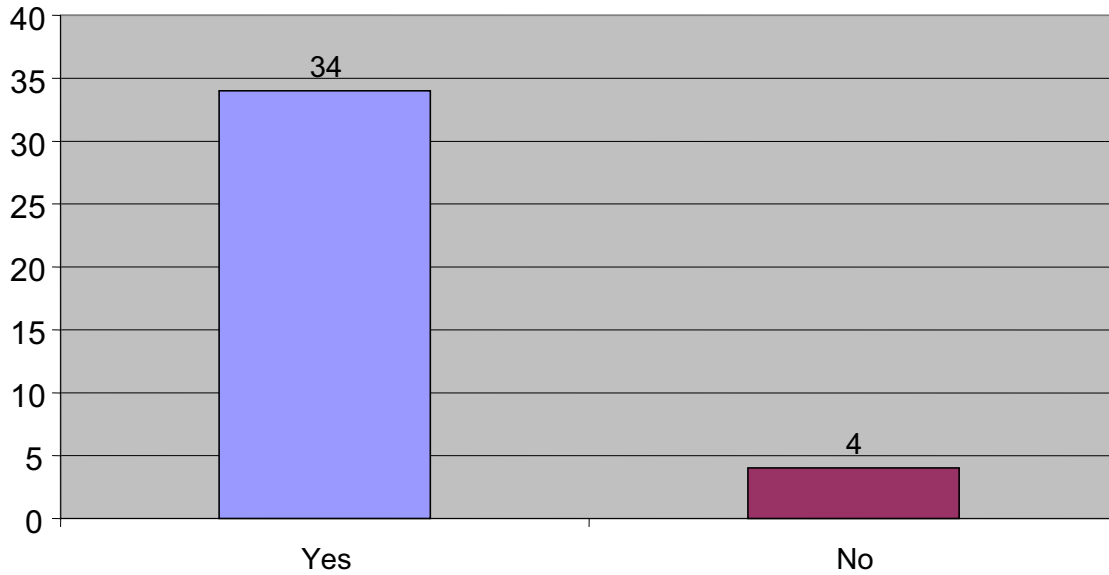
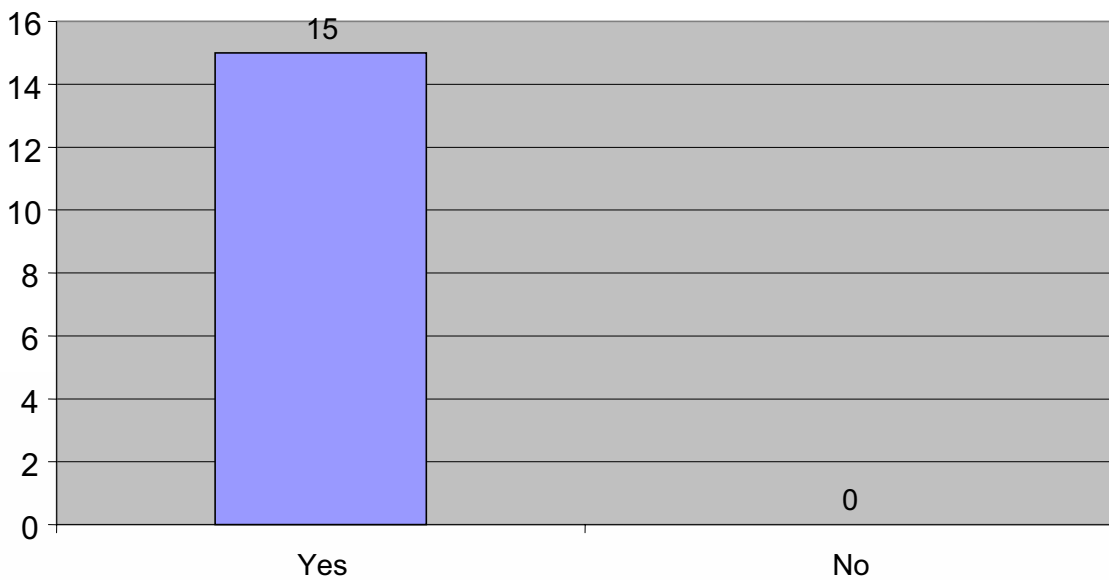


Figure 26: Experience a change in the frequency of actual or potential threatening or risk of injury interactions in the last 12 months - Customs Investigators



4.2.10 Police Response (Questions 12 through 16)

Introduction

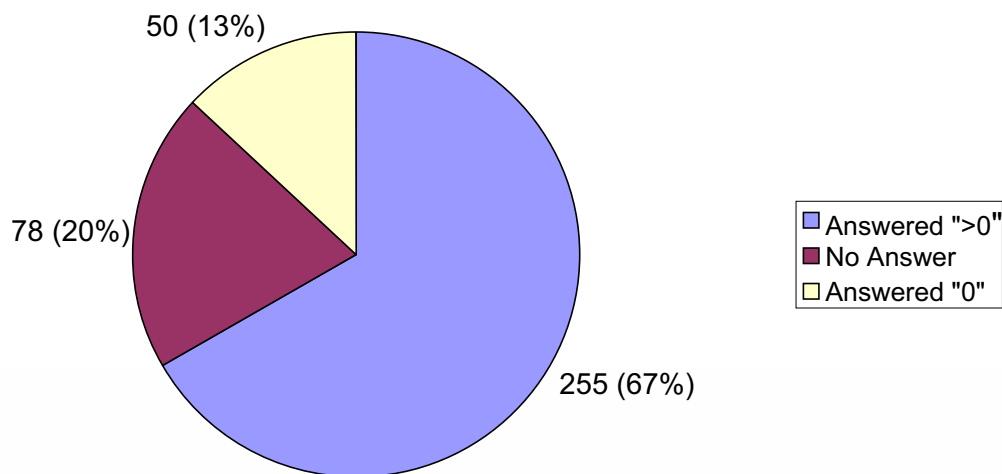
Question #13 attempted to identify the approximate number of times Officers were involved in situations where police assistance was needed. This was further broken down into the number of times the responding agency was called for “required reasons” such as collecting someone already in custody and a separate number for the times they were called for “emergency situations”. The distinction reflects the different circumstance and urgency in such requests for police attendance. These circumstances were separated because a responding police agency should respond more quickly to an urgent situation. As the Report details, the line between the two circumstances is frequently and unpredictably blurred. These questions also canvassed an assessment from Officers as to police response times, the adequacy of those responses in the context of the urgency of the request and whether a change in police response times to urgent calls has occurred.

Information provided by Officers in this section also confirmed the earlier indication of a need for a mobile Border Patrol as part of the CBSA and the critical recognition that what was required was an armed CBSA capacity rather than a distinct armed police response.

Data Analysis

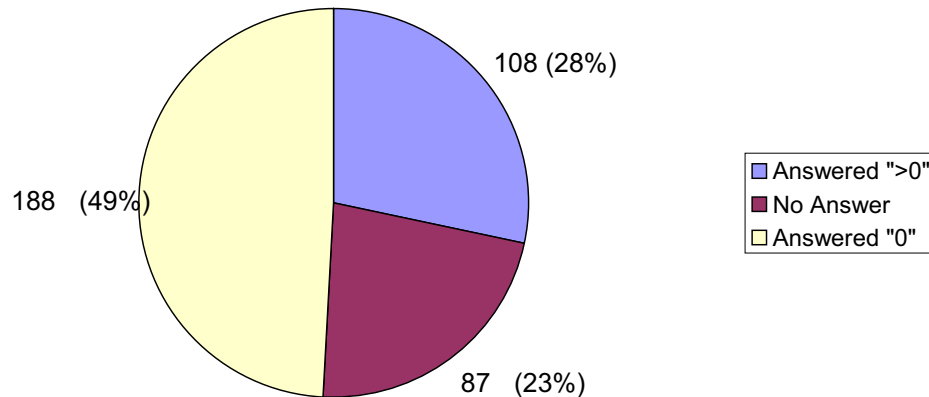
As with Question #10, Northgate collected answers that were not enumerated, such as “rarely”, “constantly”, “all the time”, in addition to Officers who did not answer the question as they felt their response would violate Section 107. In all, 305 Officers answered this question. As seen in Figure 27, 255, or 84% of respondents (those who answered the question), stated they had been involved in a situation where police assistance was needed for a required reason.

Figure 27: Police Assistance - Required Reasons



Also in Question #13, Officers were asked if they have called the police for emergency situations. Again, not all Officers answered the question, but of the 296 Officers who did, 108 (36.5%) stated they had called the police in an urgent situation (see Figure 28).

Figure 28: Police Assistance - Emergency



When Officers are involved in an arrest under the Criminal Code, the police are called not only to take custody of the suspect but to provide back-up to the Officer. For example, Officers often conduct arrests of subjects who are impaired drivers. The frequency of this arrest is great and almost every Officer interviewed has had some dealings with an impaired driver during the last five years. For such a case, Officers stated most responding agencies will *not* consider it a priority and rush to the scene. Therefore, police response times during such “required reasons” were reported as significantly longer. It is important to note that although a responding police service does not give high priority to these types of calls, Officer safety issues remain. Specifically, Officers must continue to deal with the suspect(s) and his/her family and friends.

During the Study, Northgate specifically witnessed such an incident. The case Study of Roosville, British Columbia (see below case Study), provides an incident observed by Northgate wherein Officer safety (and the safety of the Northgate associate) were a concern even where the RCMP was called for assistance with an impaired driver.

Case Study – Roosville, British Columbia

The Roosville POE structure sits on a First Nations reserve (Tobacco Plains), which provides a unique threat to the Officers. The local First Nations population has a small percentage of persons who voice their displeasure at a government structure occupying their land. This reportedly small group harasses the Border Services Officers and threatens them on a consistent basis. Exacerbating the problem, a bar sits within eyesight of the border. Persons living in the area often travel to the bar, get drunk, and

return to Canada. Some of those travellers are the same people who are already ill disposed towards Canadian Border Services Officers. Alcohol intoxication increases the volatility of the situation.

Since Officer Powers, the local First Nations population has discovered they can park their vehicles at the duty free shop, walk to the bar, and return to Canada severely intoxicated with no recourse available to the Border Services Officer. Because Border Services Officers can not arrest for Public Intoxication, walking across the border and getting in their car off of CBSA property allows them to commit an offence with absolutely no consequences. The Tobacco Plains reservation is within 15 minutes of the border and the RCMP detachment in Fernie, BC is at least 45-60 minutes away at night, made worse by the presence of wildlife on the connecting highway. If the Officers were to call the RCMP to report an impaired driver, the suspect would be home well before RCMP's arrival. As a result, the Border Services Officers do their best to convince impaired persons to call a friend or relative to pick them up at the border, which has been moderately successful. There have been recorded incidents of such persons hurting themselves and others after driving away from the duty free shop.

Prior to Northgate's arrival at Roosville, British Columbia research discovered a shooting that occurred at the border. Sheriff deputies from Montana's Lincoln County were dispatched to the Roosville border crossing on or about April 30, 2005 after reports of gunfire. Robert D. Mast, 42, of Eureka, was found dead several feet from the Canadian POE in the United States. Wayne Allen Hixon, also of Eureka, who had entered Canada after the shooting, was later found entering the U.S. and arrested.

Additionally, Roosville was the site where a Border Services Officer, working alone at night, was found dead the next morning. Along with a work refusal being conducted at Roosville, the POE was a perfect example of a remote port of entry, sitting on disputed land, often staffed with one person at night, and with a recorded history of serious incidents.

On the evening of August 23, 2005, a rodeo and dance were occurring in Eureka, Montana which is approximately nine miles from the Roosville POE. The Northgate associate was told by Officers that drinking would be a big part of both festivities and that the risk to Officer safety would be heightened as a result.

Accordingly, a Northgate associate sat in the public waiting area from approximately 7:00 p.m. until the following morning at approximately 3:30 a.m. observing two Border Services Officers perform their duties. In the public waiting area, primary inspection can easily be observed. Secondary inspections were equally as easy to observe from the lobby or by simply stepping outside.

For most of the evening, few cars entered Canada, with the occasional heavy stream of 10 vehicles at once. The Officers spent their time performing administrative duties, clearing traffic, collecting duty, and socializing with each other. At 2:00 a.m. a male driver approached the POE with a male and female passengers. The driver was clearly intoxicated and his car was driven by a Border Services Officer (BSO) to the secondary area 20' feet away. This driver walked around the secondary area screaming and swearing, slurring his words, staggering; all clear signs he was intoxicated. His two passengers were equally intoxicated but were quite calm and appeared to be waiting for the BSO to finish his tasks. While one Officer conducted a field sobriety test, the

second Officer continued to clear cars as the line had swelled to approximately 20 cars. The male driver could not hold his finger to his nose, nor could he pass any other field sobriety tests. The ASD (Approved Screening Device) was administered but the subject repeatedly failed to provide an adequate breath sample claiming he had a medical condition preventing him from blowing hard for more than a second or two. The Officers allowed this subject to blow at least six times; each time he failed to provide an adequate breath sample. During these six tests, the Officer called the RCMP in Fernie, BC who stated he would not come to the POE until the subject failed the ASD.

While one Officer was dealing with this impaired driver, the other Officer continued to clear traffic. More cars came through and were cleared even though most drivers admitted to "having a few beers". At one point, the BSO asked the Northgate associate to watch his fellow Officer dealing with the drunk male and his two passengers and "*let me know if he gets squirrely*".

At approximately 2:30 a.m., a female from the Tobacco Plains reservation, pulled up to the PIL in a truck. She was clearly intoxicated and quickly blew a Fail on the ASD. She was immediately arrested, put in the cell, and the RCMP was called at approximately 2:37 a.m. The next two trucks in line were the family members of the arrested female. After these two trucks were cleared by the Officer, a very confusing, threatening, intimidating, and outright scary situation began.

While one Officer continued to deal with the first drunk male, the family members of the arrested female begin pouring into the office. Four of the five family members were clearly intoxicated as their speech was slurred and the smell of alcohol was strong. Threats, profanities, and insults were the crux of every statement made by the mother and brother of the arrested female. "*This is Tobacco Plains land and you have no right to arrest her*" was screamed many times over the next 30 minutes. The only saving grace during the entire ordeal was the lone family member who was not overtly drunk. He attempted to calm down every family member, in an effort to prevent a serious incident.

By 2:45 a.m., the two Officers had seven intoxicated individuals in secondary and in the office, with an eighth such person in the cell. The initial drunk driver was a time bomb waiting to go off. While the two Officers were arresting the female and attempting to calm down her family members, the male drunk driver was visibly upset in the secondary area and continually entered the office demanding he be allowed to leave. The Northgate associate stepped outside to observe him and clearly heard him discussing with his passengers the ramifications of just driving away from the POE. These conversations were not, and could not, have been heard by the Officers, as they were attempting to calm everyone else down in the lobby. Had he decided to do so, the only chance he would have been caught would have been when he passed the RCMP who was responding to the POE to take custody of the female impaired driver. The Officers eventually allowed the man to call a family member, who arrived at 3:05 a.m. to take him and his two passengers home. His car was left at the POE and no charges were pursued. Both Officers acknowledged afterwards that they could have arrested him for Failure to Provide a Breath Sample, but they chose not to do so.

The four impaired relatives of the arrested female, continued to scream, bargain, and make demands on the two BSOs. The most vocal, and intoxicated, of the four was J, who sat next to the Northgate associate and began telling the associate how he was on

J's land. He accused the associate of being "*one of those guys from out east here to make sure they [the BSOs] do their job right*". As he became more threatening in tone and demeanour, J put his face inches away from the face of the Northgate associate. As J was approximately 6'2" and 250-275 pounds, the associate was seriously concerned for his safety. It came to a point when the associate almost told the Officers they should lock the office door or at least let the associate behind the counter.

The bargaining by the family members included one male volunteering to submit to the ASD. He was observed taking numerous tests, failing all because of an inadequate breath sample. Unknown to the Officers, the Northgate associate watched and heard him tell his relatives he would use his chewing tobacco to "beat the machine".

One of the Officers decided to release the female from the cell. Subsequently, he told her family members she could wait in the lobby for the arrival of the RCMP as long as everyone calmed down. Clearly, no one calmed down and the female knew she was going to jail if the RCMP were coming.

Threats and bargaining continued to be screamed by everyone in the office except one family member who was attempting to calm his family members. Without reservations, the Northgate associate firmly believed had it not been for this man calming J and the female's mother, the situation could have turned violent. He would calm the two down and convince them to wait outside, only for the two to return to the lobby to make more threats and demands.

The Officers would later say the danger level got too high and they would have been severely outnumbered had the family come after them. O.C. Spray and a baton would have been a minor deterrent to these persons, especially J and the mother. For those reasons, the Officers allowed one of the men, who did not appear severely intoxicated, to drive everyone home in a truck, including the previously arrested female. The RCMP, who had been called about the arrested female, were notified again and told they had released the impaired driver.

After the incident, the Officers stated if they had been working alone, which they both agreed occurs approximately 50% of the time on midnight shifts, they would have let all of them go. They would have tried to talk them into calling someone to get a ride, but once the group became threatening and intimidating like the majority of them did, their personal safety would have been severely at risk. Therefore, they would have released them all without hesitation.

Regarding the release of the female from the cell, both Officers agreed that is how things have to be done at Roosville, to ensure the safety of Officers, especially those on the night shift.

Weeks later, it was discovered that the incident was recorded on tape at the POE and had been reviewed by the Officers on duty that night with their Superintendent.

4.2.11 Adequacy of Police Response (Question 14)

The adequacy of police response time was asked of Border Services Officers with multiple choice answers of A. less than 20 minutes; B. 21-45 minutes; C. 46-90 minutes; or D. more than 90 minutes. Again, not all Officers answered the question, but of the

281 who did, 42.7% stated the police response time was less than 20 minutes, while the remaining 57.3% answered greater than 20 minutes (see Figure 29).

**Figure 29: Police Average Response Time
Population = 281**

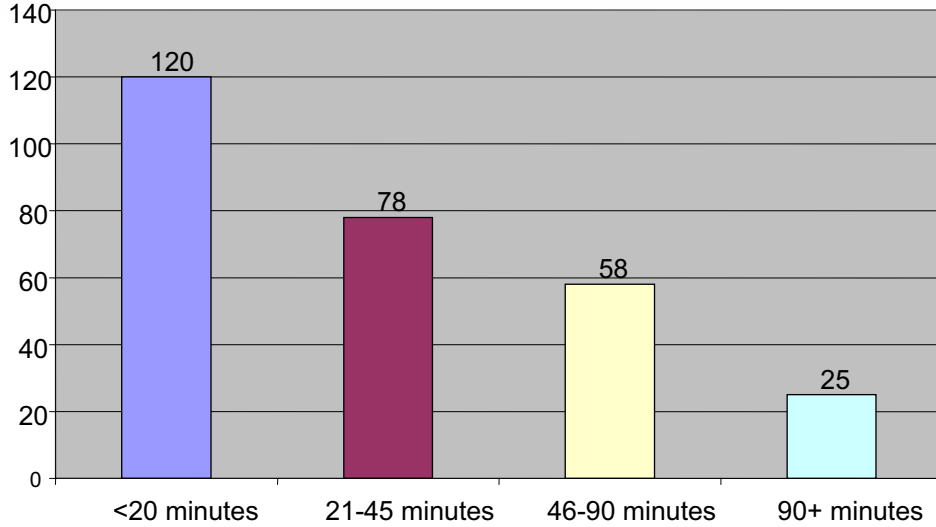


Figure 30: Average Police Response Time by Region

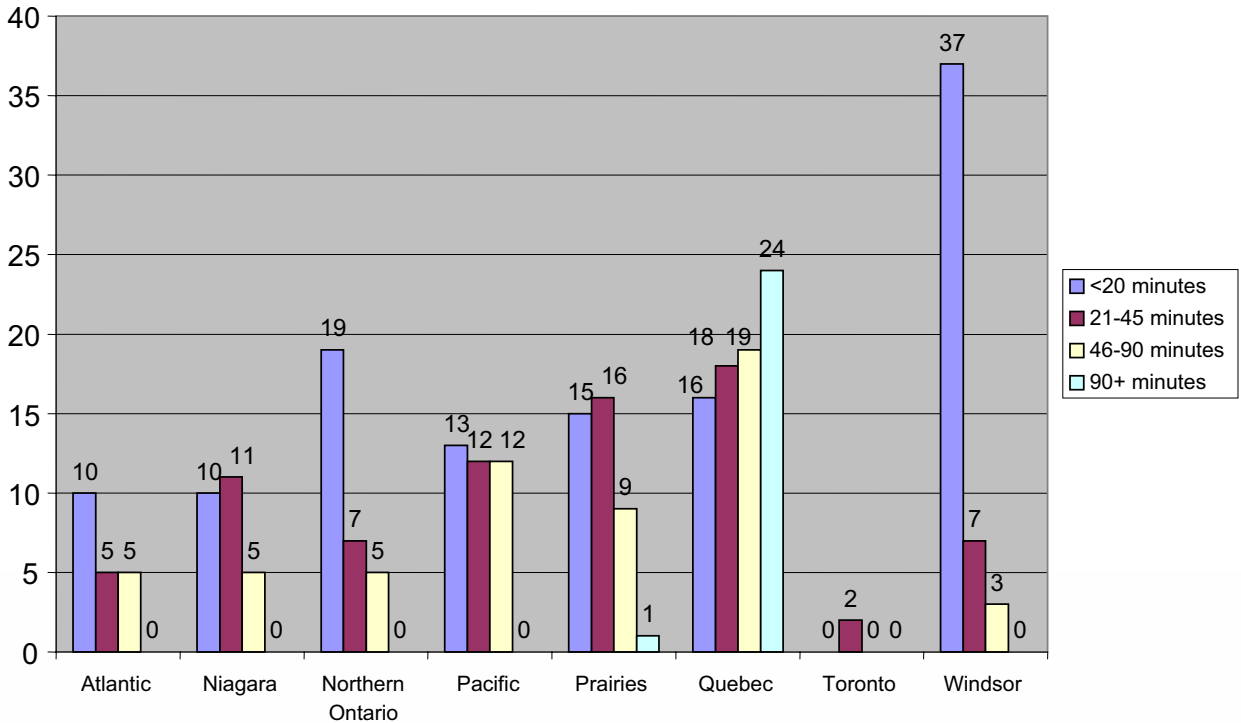
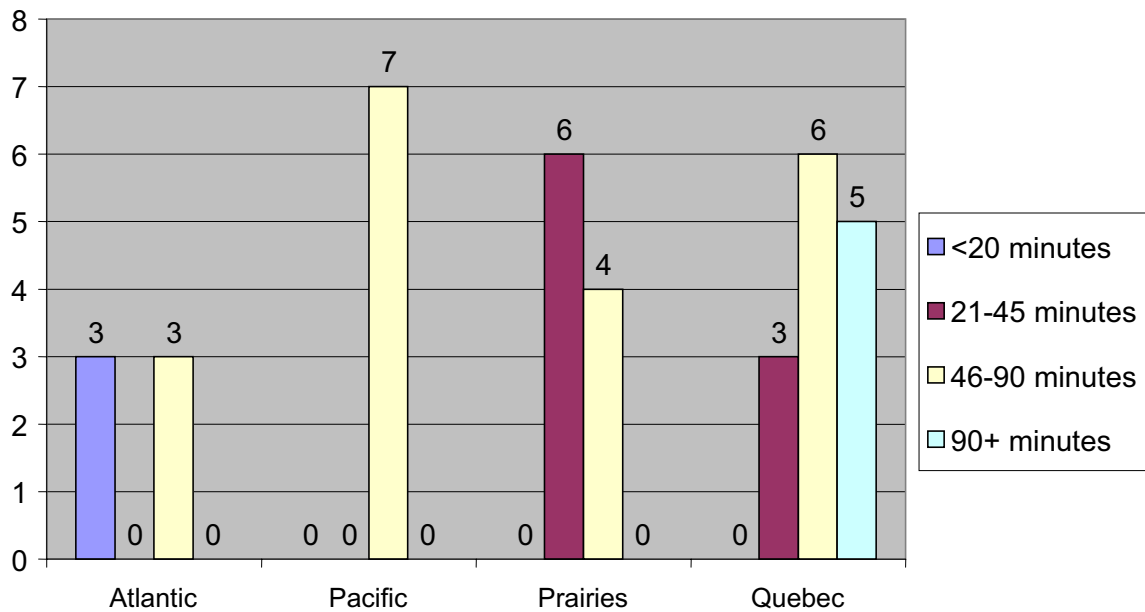


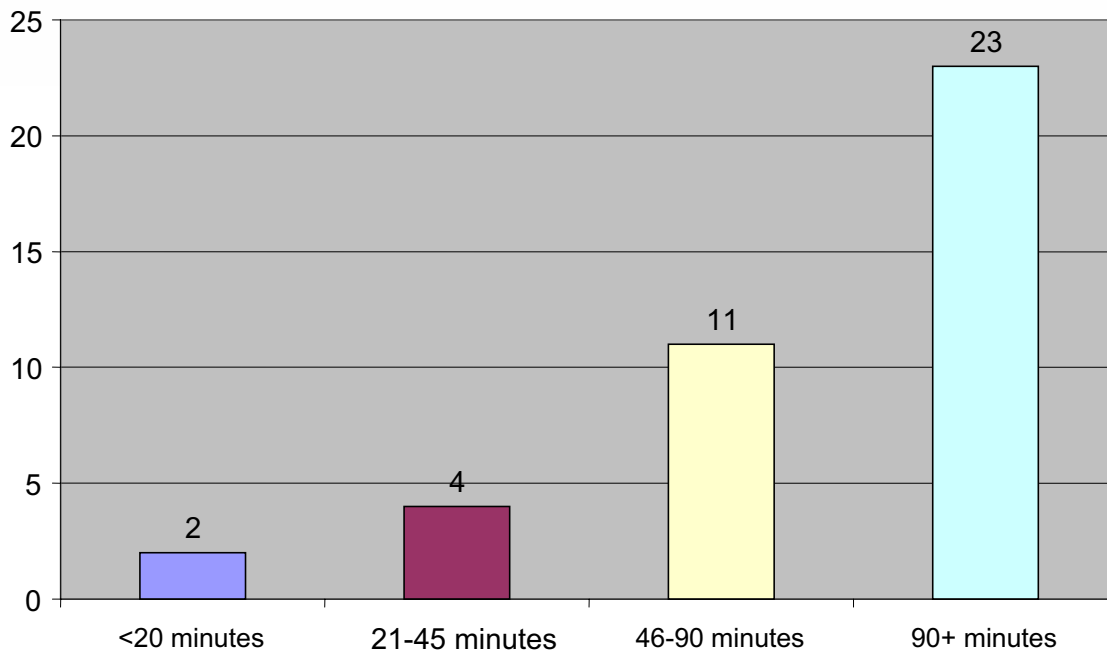
Figure 30 provides regional answers to police response time. Interestingly, 31% of those who stated the police response time was less than 20 minutes worked in Windsor. This can be attributed to the locations of the Windsor POEs (especially the Tunnel) and a clearly positive relationship between Officers and the Windsor Police. Conversely, the serious delay in police response in Quebec is clearly significant. Figure 29 reflects the police response time on average is more than 20 minutes throughout the country, and apparently at its worse in Quebec (See also Figure 32).

As discussed earlier Northgate interviewed 47 Officers who work at locations where working alone occurs. 39 of the 47 answered the question regarding police response time. In Figure 31 the answers reflect poor police response. Officers stated the poor response is due to the remoteness of POE, the understaffing of the responding police agency (most often the RCMP), and the large land area covered by the responding police agency.

Figure 31: Work Alone Sites - Average response time for Police by Region



This does not negate the risk that is inherent at the large POE or the lack of police response time for some of these locations. For instance, Lacolle, Quebec is the largest POE in Quebec, yet Officers there were the most discouraged when discussing police response time. 77% (35 of 45) of Lacolle Officers interviewed remarked that they do not even call the SQ or RCMP any longer because the response time is so inadequate or not at all. Figure 32 reflects the police response time provided by Officers working at all three Lacolle sites: Rt. 15, Rt. 221, and Rt. 223 (population 40).

Figure 32: Response Times for Lacolle, PQ

The majority of Officers interviewed prefaced their answers to police response time by stating blame should not be laid on their respective responding police agency. Officers stated the agencies have understaffing issues of their own, have large land areas to cover, or are inundated with other calls.

Northgate submitted a letter to the OPP and RCMP requesting their input on the following questions:

1. Whether your police service, or individual attachment, has a formalized written agreement with the CBSA or individual ports of entry with respect to police response to a request for attendance in response to port runners or for emergency assistance. If so, what are the specifics of that agreement or Memorandum of Understanding?
2. The distance and approximate response time from the individual detachment/service to the border crossing or port of entry where such local agreements exist.
3. Any statistical information with respect to calls for assistance received, response times and results of attendance.
4. Any statistical information with respect to notification from local border crossing point of persons failing to stop at the border or persons permitted through but believed to be armed or dangerous and any results of the conveyance of such information.
5. In light of the Senate Committee's recommendation, could you also advise whether current budgets would permit deployment of Officers from your

police service full time at the relevant border crossings or points of entry as described.

6. Please also provide any insight you have on the issue of border security, Border Services Officer safety, and the necessity, or lack thereof, Border Services Officers being armed.

The letters to the RCMP were sent to each divisional head and follow-up phone calls were made to each office. RCMP Headquarters in Ottawa was later contacted when it was discovered they had made the decision to amalgamate the divisional responses into one response coming from Headquarters. Over the months of November and December, Northgate has been in contact with RCMP's Customs and Excise Branch, who has been tasked with the response to our inquiries. Northgate has been told that Superintendent Joe Oliver was to meet with his superiors and various individuals from Public Safety and Emergency Preparedness before responding to Northgate's request. As of December 22, 2005, a response has not been received. A definitive timeline has not been provided by the RCMP.

However, one divisional office of the RCMP spoke to Northgate telephonically. He stated he submitted his divisional answers to HQ and could not comment on his submission, but the answer to question #5 was easy – no.

The Ontario Provincial Police (OPP) was also contacted with the same six questions. Northgate learned the request was sent to numerous OPP officials before on October 27, 2005, the letter was given to the Operational Research and Development Bureau (ORDB) where it has remained since. Northgate's contact with ORDB stated she had completed the request on or about December 9, 2005, and submitted to her superiors for approval. As of December 22, 2005, a response has not been received.

If Northgate ever receives a response from OPP or RCMP, the letters will be forwarded to CEUDA for their review. Northgate's contact within OPP has been Paula Brown, ORDB, whom can be reached directly at 705-329-6903. Within RCMP, contact Sgt. Tim Ranger, RCMP Customs and Excise Branch, Program Evaluation Services, 613-993-0979.

4.2.12 Police Response in Urgent Situations (Questions 15 and 16)

Officers were also asked their opinions on the adequacy of police response time in urgent situations and if that response has changed in the last two years. Figures 33 through 35 reflect the Officers' answers (and regional statistics), which show 67% of Officers stating there has been an urgent situation wherein police time was inadequate. Worse, 95% of Officers believe the police response time in urgent situations has not improved or actually deteriorated.

As is evidenced by this data, police response time in urgent situations remains unacceptably slow. This evidence demonstrates the unreliability and impracticality of relying on an armed police response and offers clear evidence to support the need to arm Officers at ports of entry.

Figure 33: In the last 5 years, has there been a situation(s) where the police response time did not adequately meet the urgency of the situation? (Population = 264)

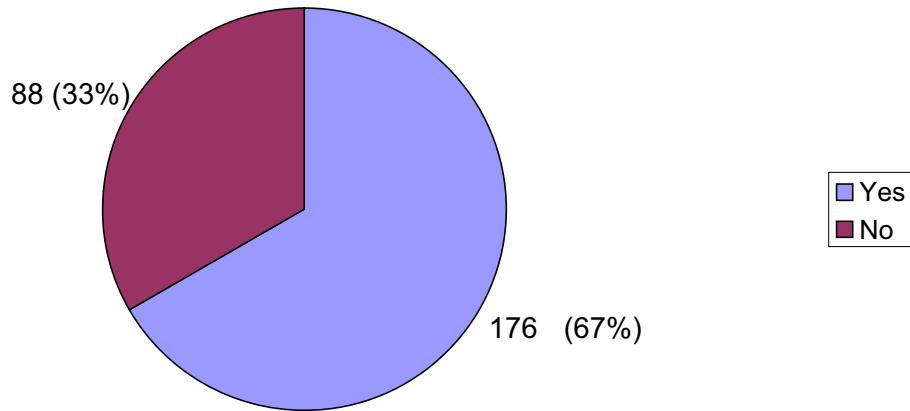


Figure 34: In the last 5 years, has there been a situation(s) where the police response time did not adequately meet the urgency of the situation? By Region (Population = 264)

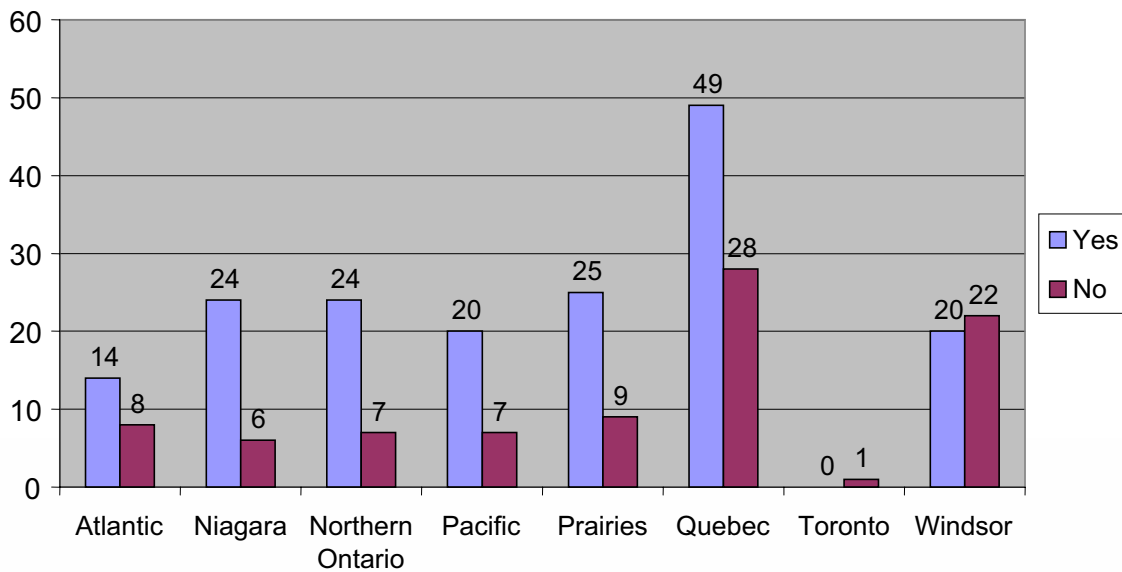
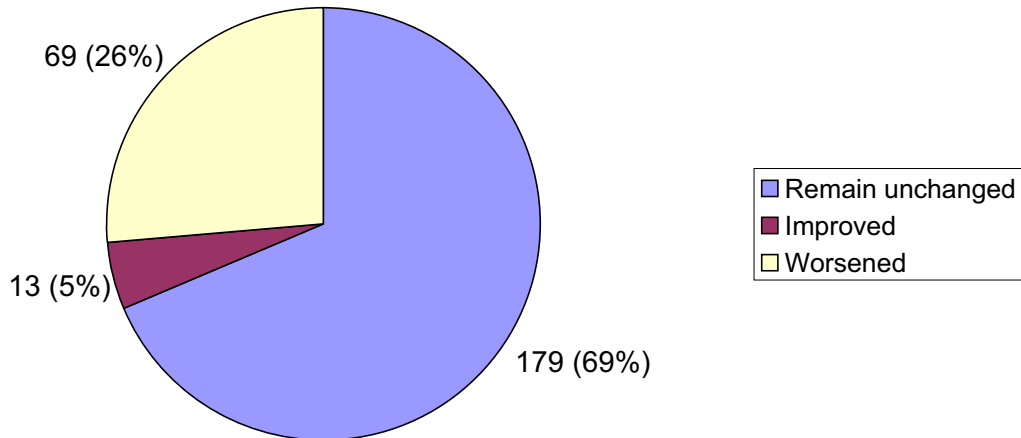


Figure 35: Change in Police Response Times in Urgent Situations - Last 2 years (Population = 261)



Commentary and Analysis

As noted, most Officers interviewed were clear that the inadequacy of police response was largely a function of their being understaffed or tied up with other responsibilities. In Niagara Falls and Ft. Erie, Officers specifically noted that the operational changes made by the new Police Chief directly and negatively impacted on the capacity of that police service to respond to calls from the port.

Several Officers in both the Atlantic and Prairie Regions were more critical of the RCMP disinclination to attend, especially at night, and expressed frustrations over literally waiting on hold with Telecoms to even make the request for assistance.

Officers working in remote locations in Northern Ontario conveyed similar information regarding lengthy delays or non response from police when called.

"I seized three illegal handguns off a guy on a boat on Manitoulan Island and the OPP response was we don't know when we can get there."

An Officer from Pigeon River explained, *"The OPP is 90km away. The best they can do with lights and siren is 50 minutes and it's usually longer than that."*

Several Officers reported that the fact of having to call police who have to respond can work as a disincentive to charges being laid or warrants being executed when they should. This phenomena of missed interdiction and enforcement opportunities due to the absence of an armed presence was a recurring sentiment raised by Officers that re-enforces the negative public security implications of Officers not being armed.

Although expressed differently by different Officers, an overwhelming perspective offered is summed up by an Officer from Coutts, Alberta who said:

“We don’t need an armed response; we need an armed capacity.”

Marine Enforcement Officers in Vancouver related a less than satisfactory liaison with the RCMP and Vancouver Police and it was noted that this situation had worsened following the disbandment of the Canada Ports Police where liaison with over 10 municipal policing agencies was now required. Marine Officers in Halifax expressed similar dissatisfaction with their liaison with the RCMP and Halifax Police made worse because of their lack of boats in the Province.

4.2.13 Reliance on U.S. Customs

The adequacy of police response time is so poor in some areas that Officers in remote locations rely on U.S. Customs as an armed back-up. This was first noticed as being a potential issue when Northgate reviewed ModuSpec’s Phase II report, which provided an Officer’s statement that he/she has relied on U.S. Customs for help in the past (Phase II report, page 6). With that in mind, Officers were asked, especially at smaller locations, if U.S. Customs had ever provided an armed back-up for Officers. Officers informed us that there are many land border locations that contact U.S. Customs for assistance with hostile persons or during potentially dangerous situations. The assistance is almost always an armed back-up assistance.

Canadian Border Services Officers also provide assistance to U.S. Customs Officers when needed. For example, when a strip search was being done by a U.S. Customs Officer, a Canadian Border Services Officer provided a second female during the strip search as it is U.S. Customs policy to have two persons present during a strip search.

It was discovered that U.S. Customs management has directed their Officers to *not* take their sidearms with them if they go into Canada to assist Canadian Officers. Fortunately for some Canadian Officers, this policy appears not to always be strictly followed. The reliance on U.S. Customs by some Canadian border locations is a verifiable sign of the risk to the lives of Canadian Border Services Officers and further demonstrates the need to provide sidearms to Officers in these locations.

At a minimum of 12 locations (see Table 12), U.S. Customs and/or Canadian Border Services Officers reported incidents of U.S. Customs providing an armed back-up to CBSA Officers. Northgate associates suspect it occurs at other remote POE across Canada.

At the locations listed in Table 12, U.S. Officers, some of whom were interviewed for the Study, would keep watch of the Canadian PIL. When they saw a car sit too long in the lane, they would walk over to see if the Canadian Officer needed assistance. Officers also did not wait for the U.S. to wander over and check on the Canadian Officer and called U.S. Customs requesting their armed assistance.

**Table 12:
Locations where U.S. Customs has provided an armed back-up to Canadian
Border Services Officers**

Roosville, British Columbia	Piney, Manitoba
Carson, British Columbia	Gretna, Manitoba
Centerville, New Brunswick	Snowflake, Manitoba
Northgate, Saskatchewan	Highwater, Quebec
Windygates, Manitoba	Lacolle, Quebec (Rt. 223)
Sprague, Manitoba	St. Pamphile, Quebec

Also interviewed was one Officer who stated he hit his PASS panic button during a dangerous situation, because he knew the PASS panic button system automatically called U.S. Customs first. As this seemed to signify CBSA approval of the reliance on U.S. Customs, Northgate inquired about PASS radios and the protocol when the panic button is hit. When the PASS panic button is hit, the system makes automated phone calls. When the first responder does not answer, the system calls the second responder, and so on until someone is contacted and acknowledges the panic button has been hit. For Gretna, Manitoba the sequence of phone calls *begins* with U.S. Customs in Neche, North Dakota, as evident by the picture of the base radio system in Image 3.

Four other locations in Manitoba were identified where U.S. Customs is first on the list of automated phone calls made by the PASS radio system (Windygates, Snowflake, Sprague, and Piney, Manitoba). As noted earlier in this report, on November 5, 2005, in Piney, Manitoba, Michael Vojtko pointed a gun at the Border Services Officer and gained entry to Canada, before being arrested two days later attempting to enter the U.S. on a bus destined for Grand Forks, North Dakota. These are not speculative risks.

According to Officers interviewed, the rate of U.S. assistance at these locations varied from once per year (Sprague, MB) to as many as 12 times per year (Winkler, MB).

Of the 43 Officers who stated they have experienced U.S. Customs as an armed back-up, 35 of them, or 81.4%, stated the average response time of their Canadian responding police agency is 46-90 minutes. The remaining 18.6% stated the response time is 21-45 minutes. All 43 Officers stated the reason why they rely on U.S. Customs is because of poor police response time and because CBSA does not arm its Officers.

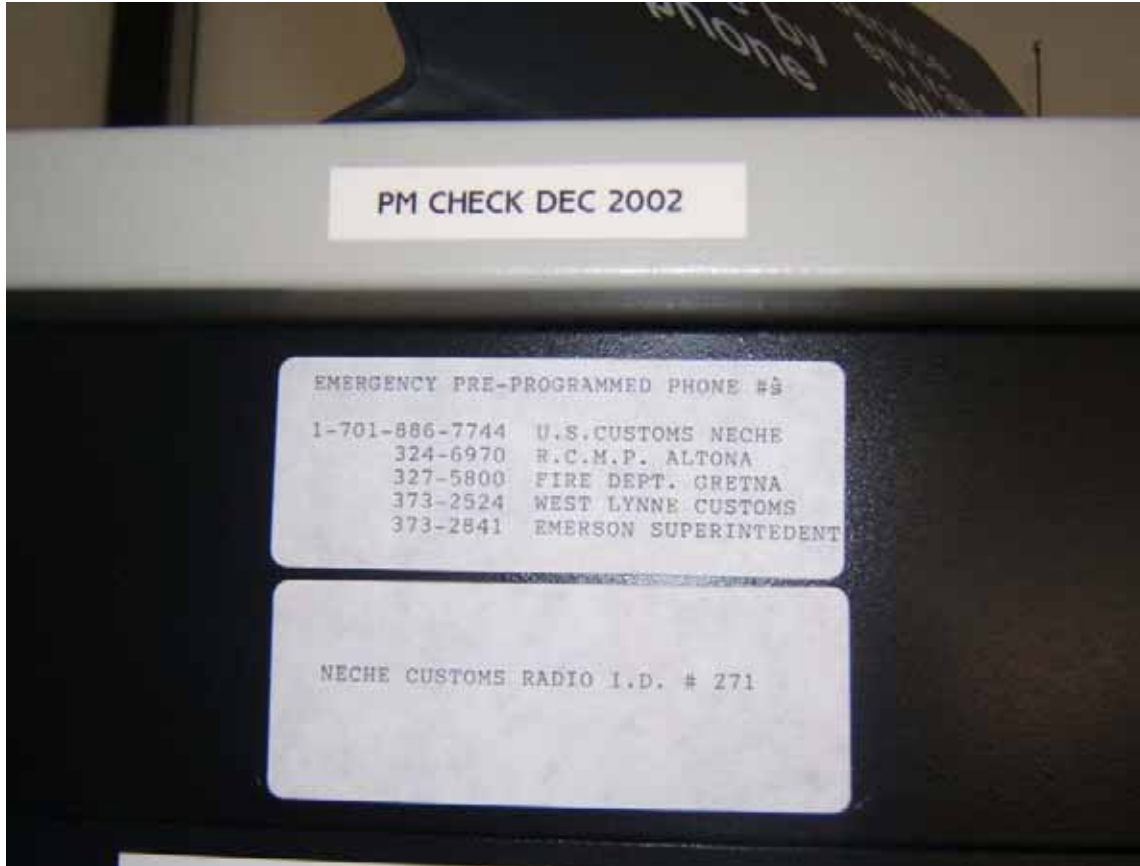


Image 3: Picture of the base radio at Gretna, Manitoba reflecting the sequence of automated phone calls made when a Canadian Border Services Officer hits his/her PASS panic button.

Commentary

"I got a call from U.S. Customs who said they had a U.S. citizen returning from Canada and he had a violent criminal past. He was going to a local bar, but had told U.S. Officers he would be returning to Canada. I called the RCMP who said they would send someone out; this was at about 18h00 or 19h00. At approximately 21h00, U.S. Customs called again stating they saw the guy returning to Canada and asked if I had backup. I said no, as the RCMP had yet to arrive, and they offered two armed border patrol agents. I said yes. The man was drunk and border patrol was there to escort him back to the U.S. as I had denied him entry. I am not a designated Officer yet so I could not have arrested him anyway. He was arrested for DUI on the U.S. side and the Mounties arrived 15 minutes later." (Windygates, Manitoba, 2005)

"I was searching a car with a female Officer and we found drugs and arrested the driver. Immigration found him to be a multiple rapist and the female Officer became very nervous. She called U.S. Customs for armed back-up assistance, who later escorted the man back to the U.S. where he was arrested on outstanding warrants." (Kingsgate, BC, 2001)

“Two U.S. subjects showed up and I was immediately suspicious due to the odd answers they provided to my questions. As they said they were going to a birthday party, I went to the driver’s side of the car I asked him if he was bringing in any gifts. The driver said he was and that they were in the trunk. I allowed the driver out of car and he opened the trunk. During our walk to the trunk the passenger got out of the car and I instructed him back in. He complied. The driver showed me a gun he was giving to his uncle and at the same time the passenger again got out of the vehicle. I again ordered him back in the car; this time forcefully. As I turned around, the driver was swinging the 9mm handgun around at me towards my chest. I got in a wrestling match with him and surprisingly the passenger never exited the vehicle. I got control of the gun after a lengthy fight – I pounded his head into the pavement and on the car before I got the gun. I then heard a U.S. Border Patrol Agent screech his tires at the scene, pulled his gun out and helped me control the situation. He also stuck around until RCMP showed up.” (Northgate, Saskatchewan, in approximately 1990)

As these incidents demonstrate, CBSA is clearly aware of a need for an immediate armed presence at the border which, at small remote locations, is the U.S. Customs Office. The CBSA also implicitly acknowledges the inadequate RCMP response time by making it the *second* contact on the PASS radio system (as seen in Image 3). It is shocking to know that the Government appears to have chosen to rely on the armed presence of another country to protect its citizens and employees. All of this information offers further support for the need to provide sidearms to Officers in such locations.

Recommendation

31. Ensuring an armed CBSA Officer presence at remote ports of entry should be an immediate priority as a matter of Officer safety and national sovereignty.

4.2.14 Firearms (Question 17)

While developing a question to ask Officers about the need for sidearms, there was no concern placed as to if an Officer wanted a firearm, but whether or not he/she felt the job had the inherent risks that warranted a firearm. A number of Officers answered yes to the question, but qualified it with various answers.

For example, of the 383 Officers who said yes to Question #17, 41 stated they were concerned about the ability of some of their fellow Officers if armed. More specifically, the 41 were concerned that some of their fellow Officers did not have the proper physical or psychological stature to be armed. All 41 stated they hoped CBSA, if it ever decides to arm Officers, would require a strict battery of psychological testing to ensure the appropriate people are armed.

In Figure 36, the answer to Question #17 reflects an overwhelming majority of Officers believe their job has the inherent risks of injury that warrant the issuing of sidearms. 330 (86%) answered “Yes” to this question.

As noted earlier, the Northgate survey was completed without the co-operation from the CBSA. Notwithstanding this, nearly 400 Officers took time out to have their voices heard.

To our knowledge, this is the most comprehensive, detailed survey of front-line Officers within the Agency on this subject.

Figure 36: Do you believe the duties performed by Border Services Officers have potential hazards and risks of injury that warrant the issuing of firearms?

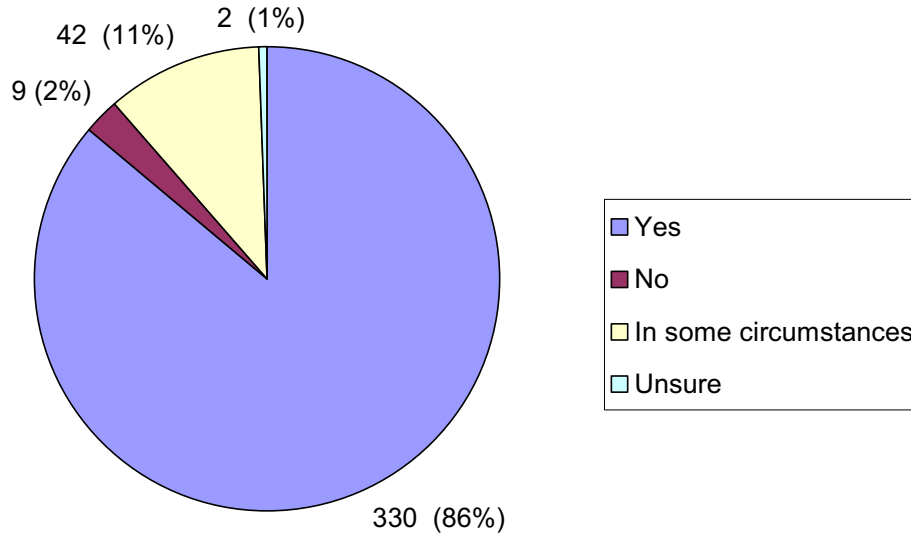


Figure 37: Duties Require Firearms by Region

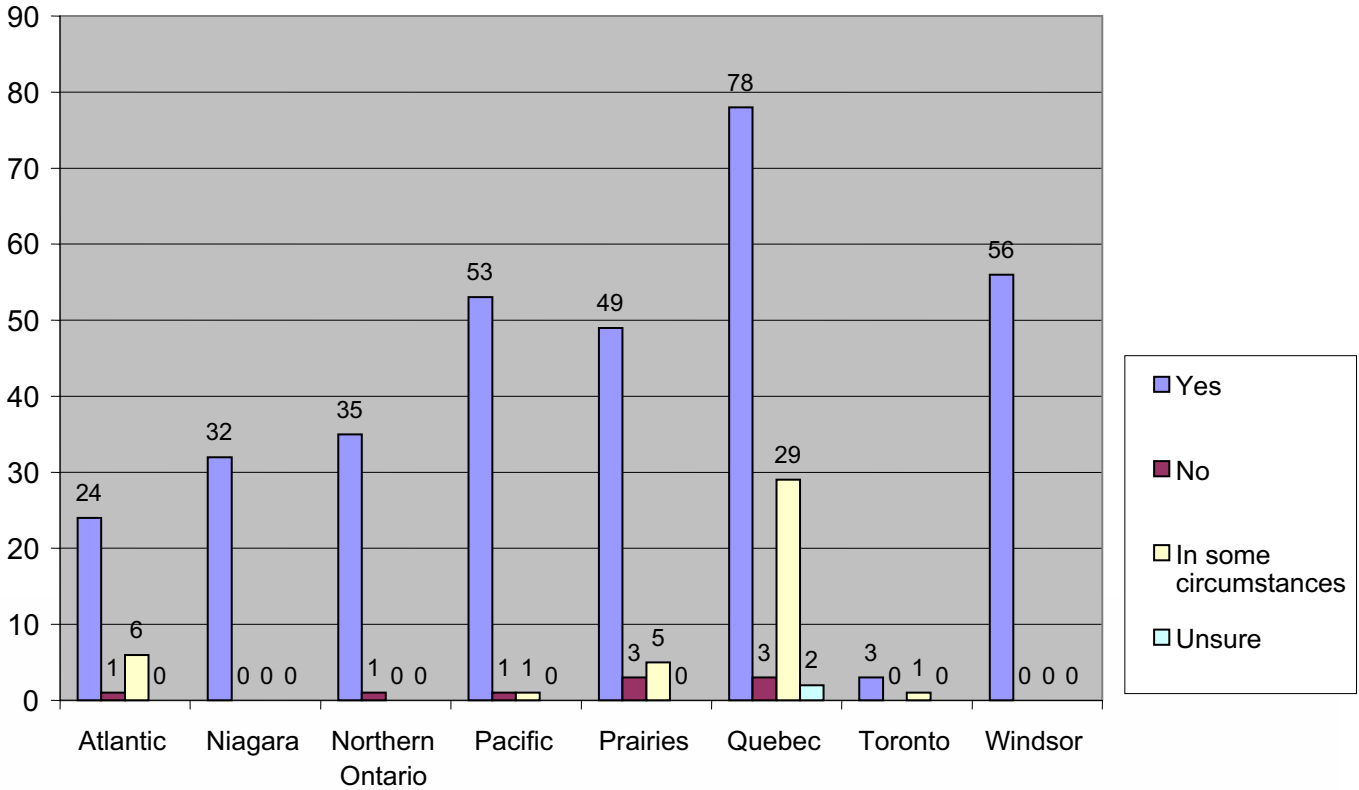
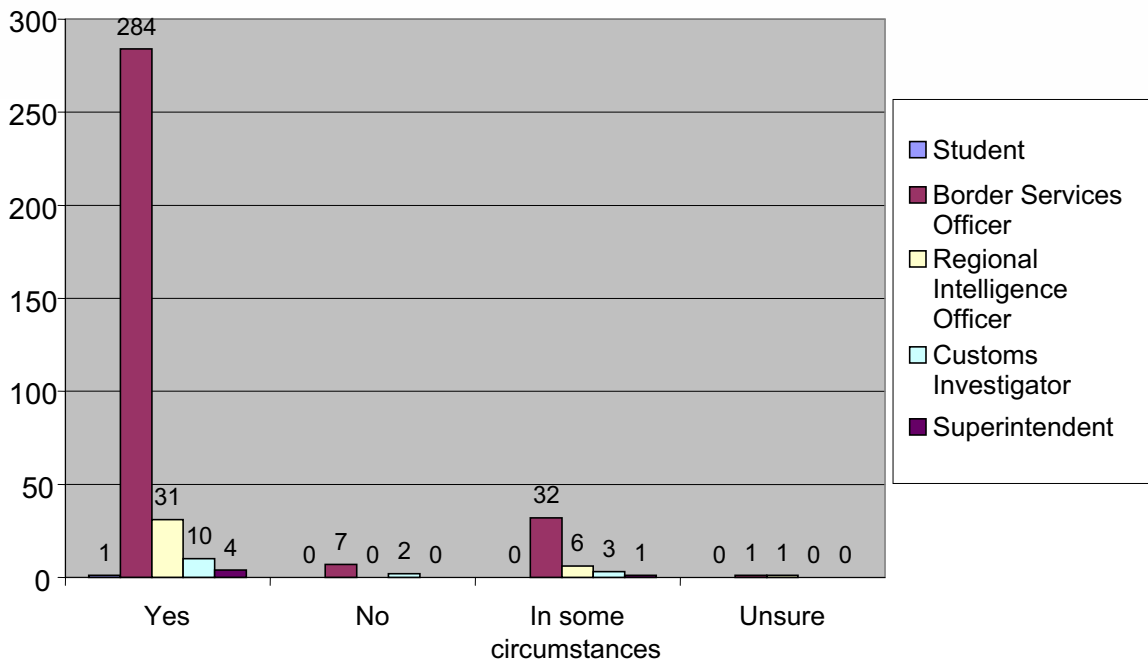


Figure 38: Answer to Sidearms Question By Position



Of the 39 persons who stated “in some circumstances”, 10 did not provide any explanation. 20 stated that not everyone should be armed with qualifying statements such as “not at airports”; “only at land borders”; and “at airports only for CANPASS.”

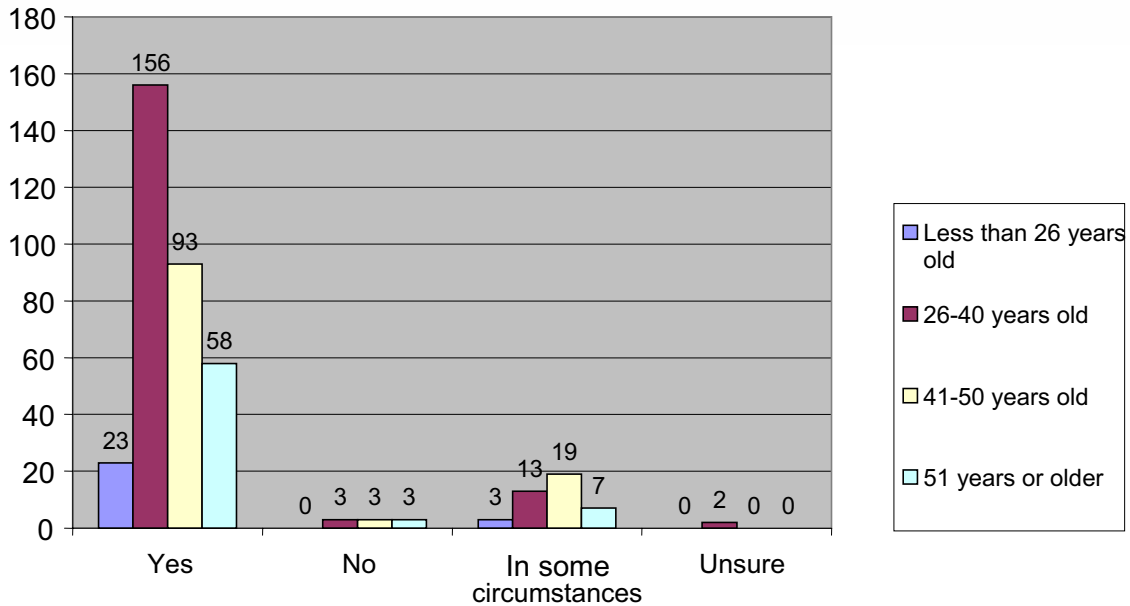
Of all 383 persons interviewed, only nine persons (2%) believed their job did not have the inherent risks which would warrant a sidearm.

Figure 38 represents the answers to the sidearm question and categorized by job title. This Figure represents a support of sidearms from 284 (87%) of Border Services Officers, 31 (81%) of RIOs, 10 (66%) of CIs, and 4 (80%) Superintendents.

During the Study, some Officers stated the arming issue is predominately the idea of the younger Officers. However, as clearly seen in Figure 39, 54% of the respondents (179 Officers) who stated yes to the sidearm question are 40 years or younger, while 46%, or 151 Officers, who stated yes are 41 years or older.

Although the number of Officers who answered “no” is small (9), the “Yes” results show an equal number across the three largest age ranges.

Figure 39: Answer to Sidearms Question By Age



Similarly, some Officers stated the arming issue is predominately the idea of the newer Officers. Again, the data does not support this theory. Of the 330 Officers who answered “yes” Figure 40 reflects similar statistics across all ranges: For Officers less than 12 months on the job, 80% answered yes; for Officers with 1-3 years experience, 90% answered yes; for Officers with 4-10 years experience, 89% answered yes; for Officers with 11-14 years experience, 90% answered yes; and for Officers with 15 years or more, 81% answered yes.

To put it another way, 83% of Officers with more than 10 years experience answered “yes” to the sidearms question, while 89% of Officers with 10 years or less experience answered “yes”.

And lastly, the 47 Officers interviewed in work-alone sites provided similar statistics to the group as whole. Figure 41 reflects 83%, or 39 of 47 Officers answered yes to the sidearms question.

Figure 40: Answer to Sidearms Question By Years of Experience

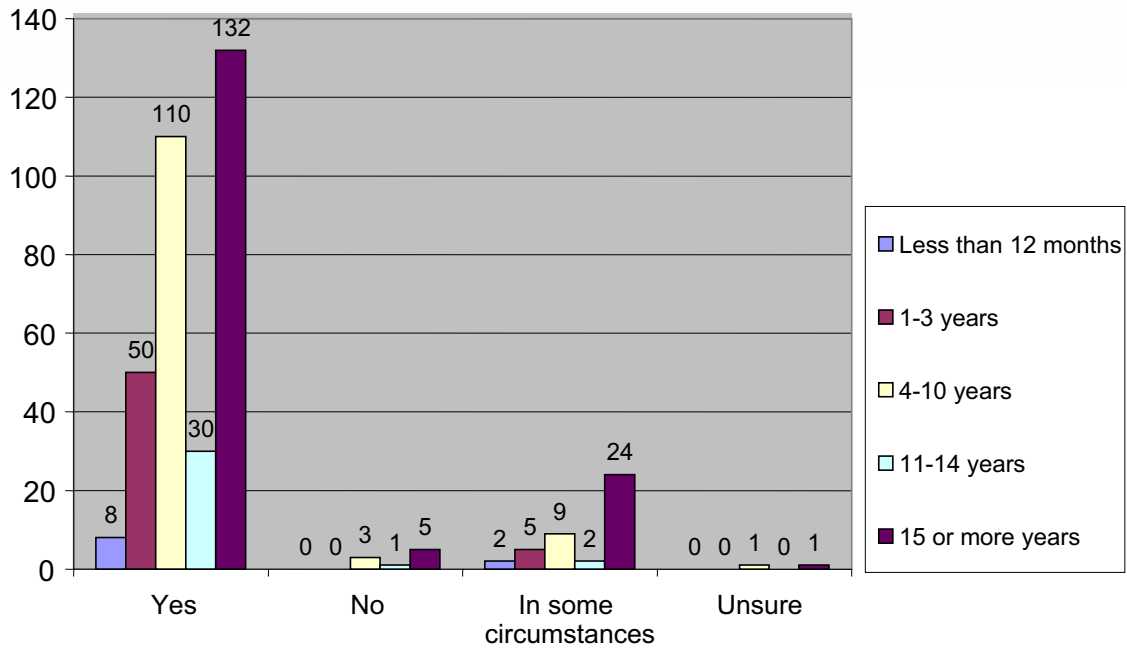
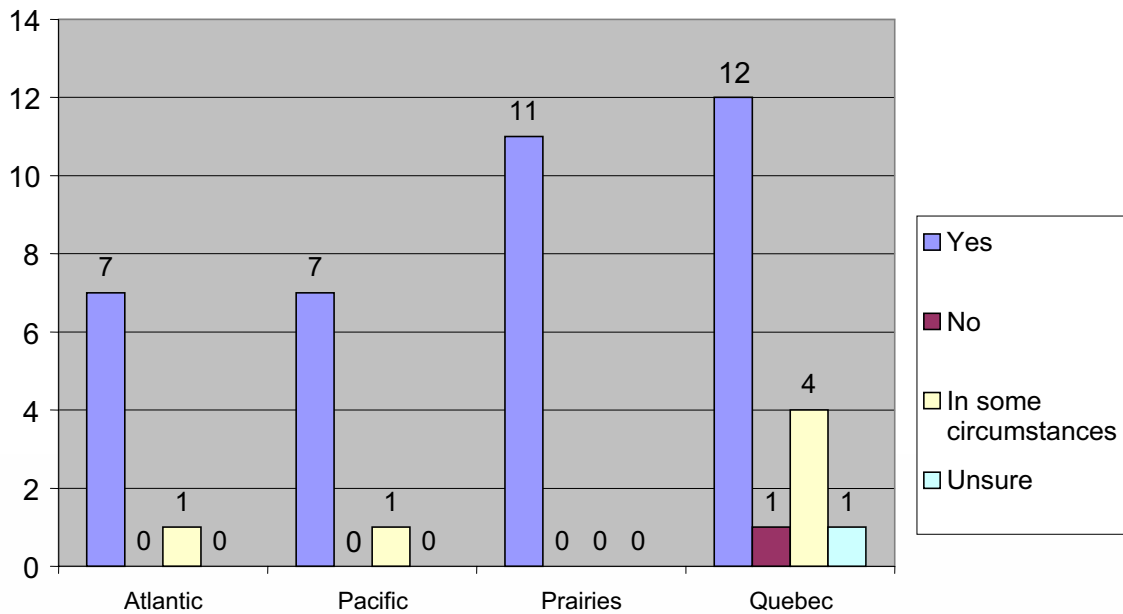


Figure 41: Work Alone Sites, Answer to Sidearms Question By Region



4.3 Arming Customs Officers – Our Suggested Plan

The Northgate researchers agree with the majority of Officers that their job requires an armed presence. However, there must be serious thought put into how Officers are armed. CBSA's roots are not of a law enforcement mindset, therefore, CBSA and CEUDA must recognize that not all Officers currently employed are capable of or inclined to carrying a sidearm. This reality should be approached candidly with a commitment that such employees will be appropriately accommodated.

With recommendations in place, it is relevant to suggest a method to arming such a large Agency. Echoing some Officers concern that arming the Agency should not be done in an expedited manner it is recommended that a phase-in process occur over time. That phase-in process should result in the mindset that the process will take time; 5 years is not unreasonable. CBSA, for many reasons, can not arm the majority of their workforce overnight. It will be a monumental task that requires planning and the government's fiscal investment into the safety of these Officers and the protection of the Canadian public.

Based on the analyses in this Report and drawing on Northgate's experiences and expertise in law enforcement as well as the data collected in this report, the following are recommended as guidelines to follow:

1. CBSA and CEUDA must work together to identify the highest Officer risk areas and craft priority solutions for them. Different measures at different POE can produce progress. For example, at large POE and airports, arming Flexible Response Teams would be a good start.
2. The arming of Officers does not become a mandatory requirement of Officers currently employed by CBSA.
3. All selected/volunteer Officers wishing to be "Designated Armed Officers" must complete a battery of testing, including psychological testing, to ensure appropriate standards are met in arming Officers.
4. Officers who choose not to be armed, or who fail any aspect of the training or testing, are permitted to retain their position with no adverse recourse taken against them.
5. CBSA makes it their policy goal, where arming has been authorized, that "Designated Armed Officers" must represent 50% of the workforce on every shift.
6. CBSA makes in mandatory that all shifts, at all POE, have a mandatory minimum number of two Officers. There will no longer be any work-alone locations.
7. CBSA must not provide preferential treatment to large border crossings when arming Customs Officers.

Recognized are President Jolicoeur's statements to the Senate Committee on National Security and Defence on October 31, 2005, wherein he stated CBSA is currently in

negotiations with the RCMP on establishing an armed presence at some of the larger border crossings. This action by CBSA recognizes the risks to its Officers, but focuses on the larger POE. It is easily foreseeable that CBSA may begin the arming process by again focusing on the larger POE; Northgate disagrees.

For large POE, the argument is that the higher traffic volume brings the greater chance that a deadly altercation can occur. For smaller crossings, the argument is that they do not have the luxury of a nearby responding police agency, nor do they have power in numbers. Which argument is correct is debatable, but when dealing with unpredictable human nature it should not be assumed that one argument prevails over the other. Moreover, the data in this Report supports the dangerousness of both sizes of POE. For those reasons, CBSA must not enter into a policy where the larger crossings are armed first, followed by the smaller locations.

8. RIOs and CIs should be staffed 100% with armed Officers as soon as possible. RIOs and CIs have experienced being left out of significant training, i.e. Use of Force. They must not be the last to be "Designated Armed Officers". They should be enveloped into the general training along with Border Services Officers.
9. Once a curriculum is established, all future prospective Border Services Officers must graduate as armed Officers.

4.4 Summary of Recommendations

1. CBSA should review the content and method of delivery of its mediation/tactical communication training provided at Rigaud to ensure it maximizes practicality and effectiveness for front-line Officers whose duties include designated Officer enforcement authority.
2. CBSA should implement a post-Rigaud graduation interview with respect to gaining insight into the effectiveness of the training provided at that facility.
3. Subject to an overriding duty to accommodate, a national standard for refresher course re-certification not longer than every two years should be implemented as a mandatory condition of employment for all designated Officers including a requirement that all Officers pass an objective performance level before being re-certified.
4. CEUDA should seek an independent examination of CBSA practices since 2002 with respect to refresher courses for Use of Force training.
5. Local Use of Force practice sessions should be implemented at individual POE, allowing Officers to hone their skills on at least a bi-annual basis.
6. Provision of Use of Force training to all RIOs and CIs should be an immediate priority for the CBSA.
7. An armed border patrol as part of the CBSA is required to enhance public safety by improving the capacity to apprehend deliberate port runners and conduct patrols of the vast unprotected areas between land border crossings in Canada.
8. Notwithstanding the recommendation on the arming issue, the escort and patrol units of the Windsor secondary warehouse should be armed or provided with an armed presence during operation.
9. Border Services Officers should not be allowing entry to known Armed and Dangerous persons. The Armed and Dangerous and Hostile Traveller Policies should be replaced by policies that combine Officer and public safety priorities.
10. CBSA should review staffing at all POE to ensure adequate and properly trained staff members are available to safely deal with enforcement incidents, including having more than one Officer available in any referral situation.
11. The practice of using students to perform duties of full time Officers should be immediately discontinued and replaced by a student program wherein students are assigned administrative duties and would function as additions but not replacements to enforcement activities.
12. CBSA should immediately institute a policy wherein all POE must be staffed with a minimum of two (2) non-student Officers.
13. CBSA should review the duties and caseloads assigned to RIOs and CIs and determine if appropriate staffing levels exist at each office.

14. CBSA should dramatically and immediately increase the number of boats available to marine units across the country.
15. The Canadian government should create an armed Border Patrol responsible for policing the many waterways along the Canadian border, as well as the vast land mass that exists between ports of entry.
16. CBSA should ensure a new policing attendance arrangement at Walpole Island POE is negotiated.
17. Traveller access to firearms at airports should not be permitted prior to secondary examination by Border Services Officers.
18. All Border Services Officers involved or potentially involved in interdiction, inspection or enforcement interaction with the public, as described herein, should be armed.
19. Regional Intelligence Officers and Customs Investigators should be armed.
20. An investigation is required regarding the quality of batteries, radios and antennas used by Border Services Officers/POE to determine the causal factor into the poor communication capabilities of POE. Up-to-date technology regarding radio communication will assist Officers in performing their duties, as well as enhance their safety.
21. CBSA should investigate the adequacy of the PASS panic button system.
22. RIOs and CIs should have the most up-to-date communication systems made available to effectively allow communication with other Officers, as well as with local and federal police services. For rural areas, the use of satellite phones should be instituted if other technology is not reliable enough in these outlying areas.
23. The CBSA should ensure all Officers who have involvement or potential involvement, in interdiction, inspection, or enforcement have fitted, unexpired bulletproof vests.
24. CBSA should investigate site security at POE to ensure Officer and public safety.
25. Standard Operating Procedures must be developed by CBSA to properly handle the Officer and public safety concerns existent during and after large contraband seizures, especially guns, drugs, and currency.
26. CBSA, in conjunction with CEUDA, should conduct a national review of the Facilities and Equipment issues noted above and develop nationally applicable mandatory standards for all ports of entry or categories of ports of entry.
27. Notwithstanding the above recommendation, CBSA, in conjunction with CEUDA, should immediately enhance the Lookout Policy so as to maximize information

available to Officers at both primary and secondary inspection with a new Lookout system to include, at a minimum:

1. all persons for whom an arrest warrant exists (Canada/U.S./Interpol) who are noted as being considered armed and dangerous
 2. all persons who have been deported or ordered deported from Canada on security or criminality grounds
 3. all Interpol criminal inadmissible related information
 4. all Canadian, U.S. or Interpol information regarding wanted or suspected terrorists
 5. all Missing Children information (Canada/U.S./Interpol)
28. The computer databases within CBSA should be consolidated to provide Officers with one computer database that is complete and technologically advanced.
29. Access to CPIC should be raised to level 1.
30. RIO and CI vehicles should be equipped with all the appropriate safety and emergency equipment.
31. Ensuring an armed CBSA Officer presence at remote ports of entry should be an immediate priority as a matter of Officer safety and national sovereignty.

CHAPTER 5

Comparing the Northgate Data and Government of Canada Policy For Arming of Federal Law Enforcement Officer

Previous Chapters of this Report have provided details of Northgate's review of Officer duties including the safety risks inherent in their performance. Additionally, Northgate has detailed the significant evolution of public priorities at POE and tracked how that has impacted on the kinds of activities required to be undertaken by Officers. Through its Officer interviews and analysis of third party information Northgate has also clarified the current working conditions of Officers relevant to enforcement and officer safety. This specifically includes the sufficiency of armed police response and how such police agencies respond when they are able to do so.

As a result of this, Northgate has recommended that all Border Services Officers involved or potentially involved in interdiction, inspection or enforcement interaction with the public, as described herein, should be armed. This recommendation is made in full appreciation of the currently applicable, Government of Canada policy, *The Issuance of Firearms To Federal Law Enforcement Officers*. (November 2003), which precludes further firearms issuance to federal enforcement officers in the absence of "exceptional circumstances". The purpose of this Chapter is to provide an analytical match between the information gathered by Northgate in its Study to the delineated "special circumstances" of the Firearms Policy.

What follows, therefore, is a listing of the six special circumstance criteria followed by the Northgate gathered data that shows how it has been met.

Special Circumstances 1: There has been a substantial change in the department/agency's mandate or its operating environment, resulting in an increase in the risk of grievous bodily harm or death facing its law enforcement officers.

Northgate data in support:

1. Assignment of *Criminal Code* enforcement powers pursuant to *Bill C-18*
2. Enhancement of enforcement and security duties post 9/11
3. Smart Border Accord including greater emphasis on lookout interception
4. Assignment of greater enforcement priorities pursuant to National Security Policy
5. Recognition of Critical Infrastructure vulnerability through CIP Strategy (November 2004)
6. Increased enforcement role through Security Prosperity Partnership
7. Creation of amalgamated Ministry of Public Safety and Security with inclusion of POE responsibility
8. Creation of CBSA with increased interdiction responsibility for Officers
9. Increased public expectation with respect to drug and gun interdiction

10. Detailed criminal intelligence information regarding the increase in Organized Crime activity and presence at POE
11. Revelation of past reports recommending issuance of sidearms
12. Continuing armed police response and deployment in ongoing risk situations

Special Circumstances 2: There is clear and cogent evidence that its law enforcement officers are facing a realistic risk of grievous bodily harm or death in fulfilling their duties.

Northgate data in support:

1. Law enforcement risk studies referred to in Chapter 2
2. Armed nature of responding and deploying police agencies
3. Incident reports referred to in the Report as well as material not released or suppressed by CBSA/CCRA (Chapters 2, 3 and 4)
4. Third party decisions regarding arming of Officers in like circumstances referenced in Chapter 2
5. Recommendation in support of arming from CPPA
6. Inadequacy of safety equipment and facilities (Chapter 4)
7. Officer interview information (Chapter 4)
8. Identified lookout system deficiencies (Chapter 4)
9. Staffing shortages due to work alone or understaffed POE (Chapter 4)

Special Circumstance 3: It has considered all other possible means to protect law enforcement officers from the danger of grievous bodily harm or death in fulfilling their duties (e.g. self-defense training, issuance of protective vests, issuance of other defensive weapons such as batons and pepper spray).

Northgate data in support:

1. Alteration of ModuSpec Report by CCRA and failure to supply relevant material identifying need for firearms to ModuSpec
2. Internal CSID Reports and Audit Canada report recommending supplying sidearms due to inadequacy of other equipment
3. Internal CCRA/CBSA reports indicating refusal to consider sidearms in any circumstances
4. Failure to supply complete or accurate risk information by CBSA to Part II *Canada Labour Code* work refusal proceedings (Chapter 1)
5. Inadequacy of Use of Force refresher training (Chapter 4)
6. Inadequacy of vests (Chapter 4)

Special Circumstance 4: It has determined that it would not be feasible, desirable or practical to alter the law enforcement duties to reduce the risk to an acceptable level.

Northgate data in support:

1. Acceptance of law enforcement priority by CBSA, Public Safety and Emergency Preparedness Canada and National Security Policy and Agency and Ministerial statements (Chapter 2)
2. *Bill C-18* and assignment of *Criminal Code* duties

3. Government of Canada obligations through bi-lateral agreements with US such as Smart Border Accord, Security Container Initiative, Security Prosperity Partnership (Chapter 2)
4. *Bill C-26* and statement of priorities for CBSA
5. Unacceptable negative public safety and security consequences

Special Circumstance 5: It has determined that it would not be feasible, desirable or practical for police to perform the identified enforcement duties.

Northgate data in support:

1. Inadequacy of police response identified through Officer interviews (Chapter 4)
2. Inadequacy of RCMP resources available identified by 2005 Auditor General Report and closure of detachments in Quebec (Chapter 2)
3. Endorsement of Officer arming by CPPA (Chapter 2)
4. Police responses to Northgate requests for information (Chapter 4)

Special Circumstance 6: On the basis of a balanced risk assessment, the issuance of firearms is the only way to achieve a net gain for the safety of law enforcement officers or the public.

Northgate data in support:

1. Officer interviews (Chapter 4)
2. Third party reports (Senate, Moduspec, Coalition for Secure and Trade Efficient Borders, CAVEAT, Vancouver Transit Police, Australian Customs arming, IAASP)
3. Law Enforcement Officer Safety studies (Chapter 2)
4. Internal CCRA and Audit Canada Reports (Chapter 2)
5. Part II of the *Canada Labour Code* (Chapter 1)

Conclusion

There is ample evidence to demonstrate that the “special circumstances” required by the Government of Canada to proceed to arm Border Services Officers, Regional Intelligence Officers and Customs Investigators with the CBSA have been met.

CHAPTER 6

Other Public Interest Issues

6.1 Introduction

During the course of the Northgate Study, a number of issues were identified that are not directly linked to the need for sidearms, but which have relevance to the capacity of Officers to carry out their enforcement duties. In each instance, they were raised by Officers themselves, out of concern that the public safety and security of Canadians was potentially being jeopardized by the practices described below. Some of these issues have been identified in earlier Chapters where relevant to the specific matters under discussion, but they are collected in this Chapter for ease of reference.

The issues identified were outside the original mandate of the Northgate Study. Their public importance is such, however, that it is recommended that further independent investigation of them is appropriate.

6.1.1 The Border Management Plan (BMP)

As noted in Chapter 4, several Officers in different Regions of the country described the existence of the BMP as being the dominant factor in how they were directed to perform their duties. Although the BMP is acknowledged by the CBSA, all efforts by CEUDA or Northgate to obtain copies or local versions of it have been unsuccessful. After the issue was raised by CEUDA during the study, CBSA took specific steps to restrict access to BMP materials.

Notwithstanding such efforts, Northgate obtained a BMP spreadsheet for one Region that confirms what Officers reported: namely a detailed set of numerical quotas for all of commercial, traffic air and marine inspection. Numbers of examinations are recorded by month and recorded in percentages achieved at year end. There is no indication anywhere on the spreadsheet of the *results* of such examinations; simply of their having been done or not. This was a specific concern of the Auditor General in her 2001 Review of the CCRA as reported in Chapter 8 at paragraph 8.43.

Although random searches are clearly part of any enforcement strategy, achieving pre-determined numerical targets as an exclusive measure of success, irrespective of results, is counter productive. It also can lead to what several Officers identified as the source of their frustration: ignoring intelligence-based enforcement to achieve the numerical quotas put in place. Both the Minister and CBSA President, Alain Jolicoeur, denied that this was taking place in their testimony before the Senate Committee on National Security and Defence on October 31, 2005, although they have yet to provide the details promised before Committee.

6.1.2 BMP and Manager Bonuses

Several Officers also had a disturbing suggestion for why the BMP was such a priority at certain locations, which, if accurate, clearly exacerbates the situation. According to some Officers, individual managers received personal bonuses based, at least in part, on their achieving the BMP quotas. Offering personal enrichment for achieving such results is unwise to say the least. Experience has shown that personal bonuses for decision makers in a law enforcement environment are a recipe for corruption of the enforcement mandate. At the same Senate hearing referenced above, Mr. Jolicoeur denied the link between the BMP and bonuses but confirmed the existence of a previous and ongoing manager bonus system within the CBSA and its predecessor. It should be noted that CBSA has consistently refused to provide any information on this subject to a variety of CEUDA requests.

6.1.3 Manager Bonuses and Staffing Issue

Several Officers across different Regions of the country expressed outright anger at their perception that full time staffing levels were kept lower than required due to managers receiving bonuses if expenditures, including staffing costs, were minimized.

6.1.4 The 'Honour' System for Commercial Truck Clearance at Windsor Bridge

Chapter 4 details this practice, which, co-incidentally, was also the subject of specific criticism (paragraph 8.34) by the Auditor General in her 2001 Report. While the Report deals with the Officer safety issues, Officers in Windsor correctly identified this as an enormous public security deficit that requires immediate correction.

6.1.5 Various Operational Issues

During the Study, several operational issues were raised by Officers from all Regions of the country. They are presented below in no specific order but all present significant security and safety issues for both the general public and Officers. Specifically these matters, which require closer examination, include:

1. Release of Canadians without action for whom arrest warrants exist

CBSA policy in this area defers decision-making on whether to execute the warrant (and proceed to release or detain thereafter) to police agencies, resulting in the unrestricted release of individuals into Canada for whom criminal warrants exist. Public policy aside, several Officers expressed concern regarding civil liability in the event that such a person commits further crimes after their release.

2. Release and permission of entry into Canada for non Canadians guilty of attempted gun, drug and currency smuggling despite Immigration and Refugee Protection Act (IRPA) criminal inadmissibility

Several Officers in all Regions of the country reported CIC practice (with some exceptions) was to usually permit entry to Canada for Americans, notwithstanding their having been found with undeclared guns or currency or small amounts of drugs, and notwithstanding their criminal inadmissibility under s. 36(2)(d) of the *IRPA*. Several Immigration Officers took the opportunity to speak with Northgate during the interviews and suggested that an amendment to the Act was required to deal with such circumstances, by creating a removal and inadmissibility order for a three to six month period.

3. *Breath technicians certified but unused, creating defense to Section 253(b)*

The CBSA has installed breathalyzer instruments at several ports of entry and arranged for the certification of select Officers as technicians capable of operating the instrument and administering tests of suspected impaired drivers. For unknown reasons, these Officers are forbidden from exercising that authority. Instead, breath technicians from the POE's responding police agency must attend to conduct the tests. This creates a potential delay while trained police personnel arrive which Northgate was advised has already resulted in some criminal charges being dismissed.

4. *No tracking of U.S. hunting firearms entering Canada despite creation of documents to do so*

Officers in all Regions of the country reported an absence of any system to confirm that rifles and shotguns brought into Canada by Americans actually leave the country again, despite a system being supposedly in place following the enactment of *Bill C-68*.

5. *Need for provincial peace officer status*

Several Officers across the country reported the benefit of their having provincial peace officer status, so they would be entitled to issue 24 hour driver's license suspensions and enhance their vehicular surveillance capacity issues (license plates and speed).

6. *Needless Section 107 restrictions that impair inter agency co-operation*

Several Officers identified the need for clarification and modification, if necessary, to ensure relevant information that they obtain can be shared with their enforcement partners to better protect Canadians, especially in relation to organized crime issues.

6.1.6 CBSA Systemic Issues

Throughout the course of the Northgate Study, a number of issues pertaining to the manner in which the CBSA discharges its public responsibilities arose. Many have direct impact on Officer safety as well as the ultimate safety and security of Canadians and, as such, are presented here.

1. Bridge Operator interference with enforcement actions tolerated by CBSA as enunciated in Chapters 2 and 4.
2. CANPASS (in Victoria) run by students with insufficient CPIC access for screening, thus jeopardizing Officer and public safety.
3. CANPASS permitting enrollment of criminally inadmissible persons.
4. Change to Lookout systems that restrict entry of relevant information so as to prevent work refusals, again jeopardizing Officer and public safety as enunciated in Chapter 4.
5. Deficiency in the automated electronic export control system, facilitating organized criminal activity.

6. Needless CPIC deficiencies for Officers, including clearance and access restrictions as enunciated in Chapter 4.
7. PALS plate reading system is deficient, resulting in absent or deficient information regarding port runners.
8. Failure to equip Marine Enforcement Units with boats

6.1.7 Conclusions

Although the Northgate study was focused on Officer safety and assessing the need for sidearms, these matters were raised by Officers out of a real concern for the safety and security of Canadians. Northgate recommends an independent investigation into the matters detailed in this Chapter.

APPENDIX I

The Northgate Group Overview



Northgate is a private security intelligence firm whose associates are seasoned professional intelligence and security officers from reputed international intelligence, law enforcement and military institutions: RCMP, CSIS, U.S. and Canadian Justice Departments, among others. Its people share decades of experience in their respective fields of counter intelligence, counter terrorism, criminal investigation and criminal law. Assisted by an extensive and exclusive network of international security and intelligence specialists located globally, Northgate delivers intelligence assessments and Threat and Risk Analyses (TRA) to corporations and government organisations in Canada and around the world.

The experience of Northgate's associates brought a profound understanding of the customs and border control challenges. In addition to having law enforcement backgrounds, the researchers assigned to the Study have specific experience with the Officers interviewed in the Study, and understand their realities.

APPENDIX II

Documentation Review

For confidentiality purposes, Northgate omitted or did not provide detailed descriptions of various documents in the following list. However, a separate List of Documents Reviewed containing a detailed description of all documents is being provided to CEUDA separate from this Report.

A. The Moduspec Reports

King/Nymark/Burkeholder Correspondence regarding Alteration of ModuSpec Report by CCRA, August 2003.

ModuSpec Phase I Report – Customs Officers and Superintendents.

ModuSpec Phase II Report – Customs Officers and Superintendents.

ModuSpec Phase III Report (Working Copy) – Customs Officers and Superintendents.

ModuSpec Phase III Report (Final Copy) – Customs Officers and Superintendents.

ModuSpec Phase I Report – Regional Intelligence Officers and Customs Investigators.

ModuSpec Phase III report – Regional Intelligence Officers and Customs Investigators.

“*Working for ModuSpec*”, from ModuSpec website, accessed December 26, 2005.

B. Firearms Studies

Firearms Issue Analysis Paper, Parks Canada, August 24, 1999.

Law Enforcement Officers Killed and Assaulted, 2003. FBI, U.S. Department of Justice, November 2004.

Police Use of Force in America, 2001. International Association of Chiefs of Police, publish date unknown.

Review of Force Option Requirements of Greater Vancouver Transportation Authority Police Service Designated Constables, Justice Institute of British Columbia, December 14, 2004.

Use of Force By Police: Overview of National and Local Data, U.S. Department of Justice, October 1999.

C. CEUDA Reports and Submissions

CEUDA letter from Ron Moran to Paul Burkeholder regarding Part II CLC Reform, September 15, 2005.

CEUDA Submission to the Standing Senate Committee on National Security and Defence, April 7, 2005.

CEUDA Submission to the Standing Senate Committee on National Security and Defence, October 31, 2005.

"Report Called For Guns at Border", CEUDA media release, March 26, 2003.

D. Relevant Government of Canada Macro Policy Materials

Canada-U.S-Mexico Security Prosperity Partnership, July 2005.

Critical Infrastructure Protection Strategy, October 2004.

National Security Policy, May 2004.

Smart Border Accord, December 2001.

E. Relevant Third Party (NGO) Reports

CAVEAT Report, 1995.

Coalition for Secure and Trade Efficient Borders Report, July 2005.

Criminal Intelligence Services Canada Annual Reports (2003-5).

International Association of Airport and Seaport Police (IAASP) Materials regarding seaport security and policing.

Memorandum from Derek Leebosh, Environics Research to Focus Canada Omnibus Clients, January 10, 2002.

Statistics regarding Peace Officers Killed in Line of Duty, Canadian Association of Chiefs of Police, accessed via website December 1, 2005.

F. Parliamentary Proceedings and Reports

Auditor General Report, 2001.

Auditor General Report, 2005.

Borderline Insecure, June 2005, Senate Committee on National Security and Defence.

C-18 and Summary.

C-26 and Summary.

Canada's Coastlines: The Longest Under-Defended Borders in the World, Volume 1 and 2, October 2003, Senate Committee on National Security and Defence.

Canadian Security Guide Book 2005 Edition, December 2004, Senate Committee on National Security and Defence.

Defence of North America: A Canadian Responsibility, September 2002, Senate Committee on National Security and Defence.

Hansard House of Commons Debates December 15, 2004.

Hansard Proceedings of Commons Sub Committee on National Security re C-26 (February 1, 2005).

Hansard Proceedings of Senate Committee on Defence and National Security re Bill C-26 (October 31, 2005).

National Emergencies: Canada's Fragile Front Lines, Volume 1, 2, and 3, March 2004,

Senate Committee on National Security and Defence.

Recommendations, June 2002, Senate Committee on National Security and Defence.

The Myth of Security at Canada's Airports, January 2003, Senate Committee on National Security and Defence.

G. Statutory and other Legal Materials

Canada Labour Code.

Criminal Code.

Customs Act and Regulations pursuant thereto.

HRDC 905 Form re Instructions to Investigating Officers on Work Refusals.

HRDC Ruling Walpole Island, November 1998.

Immigration and Refugee Protection Act and Regulations pursuant thereto.

John King complaint re. Incomplete Consideration of relevant info by ModuSpec (July 2003).

King and Waugh v. CCRA (13 January 2005) PSSRB.

Martin and PSAC v. Government of Canada [2005] FCA 156.

Verville v. Canada [2004] FCA 767.

Work Refusal by Customs Officers at Douglas/Pacific Highway, BC, July 2005.

Work Refusal by Customs Officers at Ft. Erie, ON, August 18, 2005.

Work Refusal by Customs Officers at Niagara Falls, ON August 31, 2005.

Work Refusal by Customs Officer at Roosville, BC, November 30, 2004.

H. Canadian Border Services Agency (CBSA) and other Government of Canada Policies and Materials

ADM Sub Committee on Safety of Federal Law Enforcement Officers, May 31, 2001.

Armed and Dangerous Lookout, Standard Operating Procedures, Northern Ontario February 2005.

ATIP Response. Total Number of Criminal Code Warrants on CPIC (204,050), November 4, 2005.

ATIP Response. Total Number of Criminal Code Warrants Where Armed and Dangerous or Violence Flags on CPIC (33,742), November 4, 2005.

ATIP Response. Totals and Specifics of Contraband Seizures Since 2000.

Border Protest Contingency Plan – Sombra Port of Entry.

Border Protest Contingency Plan – Walpole Island Port of Entry.

CBSA Criminal Code Incidents, July 2000-July 2005.

CBSA internal memorandum, subject line: *“Working Alone During Silent Hours”*, November 16, 2005.

CBSA Job Description- Border Services Officer.

CBSA Job Description- Customs Investigator.

CBSA Job Description- Regional Intelligence Officer.
 CBSA National Statistics, June 2005.
 CBSA Use of Force Policy and Procedures, July 30, 2004.
 CCRA Armed and Dangerous Lookout Policy, April 2000.
 CCRA Armed and Dangerous Lookout Policy, October 2001.
 CCRA Criminal Code Incident Report- E641, undated.
 CCRA National Port Risk Assessment (Northern Ontario) June 15, 2003
 CCRA Policy on Arrest, undated
 CMC Briefing June 18, 2001, re. Pending ModuSpec Analysis.
 Criminal Code Incident Report Form.
 Customs Combined Report, October 29, 2003.
 Discussion Paper on the Need for and Appropriateness of Compliance Tools in the
 Customs Environment, prepared by CBSA Contraband & Intelligence Services
 Directorate, February 1999.
 D'Ombrain Inc. Report extract, July 2000.
 Email from management regarding Section 107 warning to Officers for Northgate Study,
 August 2005.
 Government wide study re. Safety of Federal Law Enforcement Officers and Firearms
 acquisition, July 2001.
 Implementation Plan for new Customs Officers Powers.
 Memorandum from Rob Wright to Elinor Caplan re. Arming Customs Officers and the
 pending ModuSpec Analysis Report, 2002.
 PALS Bulletin, October 2005.
 POE Immigration Officer National Risk Assessment -Consulting and Audit Canada, June
 1999.
 Policy Fact Sheet: Pursuing Travellers Fleeing CBSA Facilities, November 25, 2004.
 Policy Governing the Issuance of Firearms to Federal Law Enforcement Officers,
 November 19, 2003.
 Revised Armed and Dangerous Lookout instructions, September 2005.
 Standard Operating Procedures, Northern Ontario, Reports of Unauthorized Crossings,
 undated.
 Statements of Alain Jolicoeur and Deputy Prime Minister Anne McLellan to the Senate
 Committee on National Security and Defence, October 31, 2005.
 Synopsis of "A Preliminary Study into the Implications of Arming Customs Officers",
 prepared by Internal Affairs Division, August, 1983.
 Synopsis of "Enhancement of Officer Safety Through Expanded Training and Equipment
 Issuance", prepared by Special Enforcement Operations, Enforcement Directorate, April
 1993.
 Synopsis of "The Arming of Customs Enforcement Officials: An Assessment", prepared
 by Special Enforcement Operations, Enforcement Directorate, February 1993.

Use of Force and Compliance Tools in the Customs Environment, July 1999/February 23, 2000.

Use of Force Incident Summaries, August 2000-May 2001.

I. Relevant CBSA Operational Data and Reports

Border Wait Times, accessed via CBSA website, May 25, 2005.

CBSA Training Materials, undated.

Distance from POE to Responding Police Agency, Canada-wide.

Intelligence and Investigation Officers. Total Number of Officers, by Region, per the CCRA 2004 diskette.

Kingman Report, undated.

Memorandum to All Rainbow Bridge CCRA Staff: Re. Incidents of Friday February 14, 2003.

Prosecutions and Seizures, CBSA website, accessed multiple times in 2005.

RCMP Be-On-The-Lookout For (BOLO) Report, Piney, MB, November 5, 2005.

U.S. CBP Fax to Canadian CBSA officers re Armed and Dangerous, September 13, 2005.

U.S. Treasury Report re. Pigeon River Murderer incident, 1998.

J. Other Relevant Materials/Clippings

Media Clippings

"American Arrested After Border Scuffle", *Broadcast News*, November 16, 2005.

"Bomb Found in Van at Border", *Windsor Star*, Windsor, Ontario, October 22, 2005.

"Bomb Threat Closes Customs", *Observer*, Sarnia, Ontario, unknown date.

"Border Database Incomplete", *National Post*, August 16, 2005, page A4.

"Calls for Guns at Border", *National Post*, June 15, 2005.

"Canadian Ports a Haven for Organized Crime: Report", *Ottawa Citizen*, May 14, 2005.

"Cocaine Mules Not Afraid: Cop", *Toronto Sun*, April 24, 2004.

"Customs Nabs U.S. Shooting Suspect", *Niagara Falls Review*, Niagara Falls, Ontario, August 26, 2005.

"Customs Shooting Suspect Also a 'Ringleader'", *Chatham Daily News*, Chatham, Ontario, July 6, 2001.

"Even Thin Ice Doesn't Stop Illegal Immigrants", *Detroit Free Press*, Detroit, Michigan, February 17, 2000.

"Mounties Pulled from Border Patrol in Quebec", *Montreal Gazette*, November 28, 2003.

"Ohio Man Who Ran Border to See Girlfriend Goes to Jail", *Beacon Journal*, Akron, Ohio, November 18, 2005.

"Oregon Mother Looks for Answers in Son's Death", *Rockford Register Star*, Rockford, Oregon, November 22, 2005.

- "Pipe Bomb Suspect Remains Behind Bars", *CBC News* website, July 14, 2005.
- "Poll Results: Should Canada's Border Guards be Armed?", *Globe and Mail*, March 29, 2005.
- "Port Workers Found Guilty of Importing Drugs", *Chronicle Herald*, Halifax, NS, May 8, 2004.
- "Roosville Customs Officer's Death Sparks Controversy", *Cranbrook Daily Townsman*, Cranbrook, BC, November 2, 2004.
- "Slaying Rattles Customs Officers", *Associated Press*, May 4, 2005.
- "Smuggled Guns Blamed for Rise in Violence", *Ottawa Citizen*, August 15, 2005, Page A4.
- "Smuggler's Lethal Secret Buried With Him", *Vancouver Sun*, Vancouver, BC, February 23, 1995.
- "Smuggling Suspect Won't Talk", *London Free Press*, London, Ontario, February 10, 2000.
- "St. Clair River: A Smuggling Hot Spot", *Observer*, Sarnia, Ontario, July 27, 2001.
- "Tasers Seized at Coutts Crossing", *Edmonton Sun*, July 30, 2005.
- "The Troll Under the Bridge", *Forbes*, November 15, 2004.
- Untitled article on Earl Linebaugh and Melissa Harris, *Tampa Tribune*, Tampa, Florida, July 23, 1998.
- Untitled article on Earl Linebaugh and Melissa Harris, *St. Petersburg Times*, St. Petersburg, Florida, August 15, 1998.
- "U.S. Police Cross-Border Chase Sparks Probe", *Toronto Star*, February 21, 2004.

Canadian and U.S. Law Enforcement

50 Busiest Land Ports of Entry, U.S. Department of Homeland Security, accessed via DHS website, May 25, 2005.

Fisheries and Oceans website, accessed December 30, 2005, <http://www.dfo-mpo.gc.ca/>.

Florida Department of Corrections website, Inmate search on Melissa A. Harris, DC#: 153829, accessed November 2, 2005, 11:10 a.m.

Florida Department of Corrections website, Inmate search on Earl D. Linebaugh, DC#: 124582, accessed on November 2, 2005, 11:20 a.m.

Illinois Department of Corrections website, Inmate search on Jeffery Suddeth, N80803, accessed October 27, 2005, 1:35 p.m.

"New York Fugitive Apprehended at Border", Press Release U.S. Customs and Border Protection, December 16, 2004.

New York State Department of Correctional Services website, Inmate search on Vladimir Kulakov, DIN#: 97B0938, accessed October 27, 2005, 2:45 p.m.

"Two Arrested for Gun Possession at Peace Bridge", Niagara Regional Police Service, August 13, 2005.

U.S. Customs email regarding assistance to Canadian ports of entry, September 13, 2005.

Other

Amtrak Train Schedule, Seattle, Washington to Vancouver, British Columbia, obtained August, 2005.

“Canada Customs Call Upon Police to Secure Cornwall Border Crossing”, CEUDA News Release, November 22, 2005.

“CEUDA Members Threatened at Gunpoint”, *CEUDA Rapport*, December, 1991.

“Customs Edict: Let Criminals Enter Canada: Directive Attacked”, CEUDA News Release, April 10, 2002.

APPENDIX III

Questionnaires Used During Study

Questionnaire (BORDER SERVICES OFFICER)

1 – What is your position with the Canada Border Services Agency?

- A. Student
- B. Border Services Officer
- C. Regional Intelligence Officer
- D. Customs Investigator
- E. Superintendent
- F. Chief of Operations
- G. District Director
- H. Regional Director
- I. Other _____

2 – How long have you been an employee of CBSA/CCRA?

- A. less than 12 months
- B. 1-3 years
- C. 4-10 years
- D. 11-14 years
- E. 15 or more years

3 – Age

- A. less than 26 years old
- B. 26-40 years old
- C. 41-50 years old
- D. 51 years or older

4 – Please describe whether you have received operational training or policy instructions in the following areas:

	Initial Training at Rigaud (Yes or No)	Use of Force Training (Yes/No/Year)	In-service Training (Rate – never, annual, biannual, monthly, etc) Year of refresher of Use of Force	Policy and Procedure or other instructions from Management (Yes or No)
Mediation/Tactical Communication				
Soft /Hard Hand Control				
O.C. Spray				
Baton				
Border Runner/Port Runner				
Hostile Traveller/Armed & Dangerous				

5 – Referring to the table in question #4, if you answered yes to “instructions from management” please describe the instruction you received.

6 – Assuming all of your activities are divided into the following three categories, provide the percentage of your average day that you spend completing duties in the three categories: (Should total 100%)

(The identification of duties in the following table are non-exhaustive and are meant to give the interviewee a better grasp of how Northgate has categorized their typical daily activities)

Daily Activity	% of Your Avg. Day	Do you feel your duties in this category have changed in the last Five (5) years? (No Change, Increased, Decreased)
<p><u>Tax Collection</u></p> <ul style="list-style-type: none"> - Questioning travellers, inspection and examination of goods, conveyances and products to determine any corresponding duties, taxes, fees and levies - Assess and collect federal/provincial duties, taxes, fees, and levies - Completion of paperwork for collection of duties, taxes, fees and levies - Gathers information and inputs data into CBSA database re: duty/tax issues - Process claims for GST rebates 		
<p><u>Law Enforcement/Interdiction of Goods and People/Security</u></p> <ul style="list-style-type: none"> - Questioning travellers, inspection and examination of goods to determine illegal activity, prohibited goods, seizure of goods - Determine a traveller's admissibility to Canada - Investigate/make decisions to accept or refuse individuals seeking entry into Canada - Suppress illegal activity, unlawful migration and trafficking of people - Track and apprehend persons who have been deemed to be inadmissible or are suspected of criminal or other unlawful activities - Enforcement of Criminal Code - Secondary interviewing of travellers to identify criminal activity, terrorists, etc - Physical security duties related to the PIL and Canadian border - Establish, maintain interaction with stakeholder organizations and law to maintain border integrity and security - Gather information and input data into CBSA database re: enforcement issues - Prepares reports documenting the results of interviews, investigations, seizures, or detentions. - Duties related to the detention of travellers (well being of detainee) - Confiscating firearms, other contraband and maintaining continuity of evidence 		
<p><u>Administrative</u></p> <ul style="list-style-type: none"> - Filling out all paperwork (excluding paperwork for collection of duties, taxes, fees and levies) - Attend or conduct trainings or workshops, including mentoring of students or new employees - Acquiring goods and services for the agency and gas/maintenance of vehicles 		

7 – Do you believe the staffing levels within your particular Port of Entry are:

- A. Overstaffed
- B. Staffed accordingly
- C. Understaffed

8 – Please specify the specific duties that you perform and relate the types of interactions you have with persons that, in your view, have risk of injury potential.

9-Regarding safety, please comment on the adequacy of the equipment and facilities provided (radios, cameras, vests, duty belts, vehicles/boats, interview rooms, cells, information access, other).

10 – In the last three (3) years, how many times do you feel you've encountered an actual or potential threatening or risk of injury situation during an interaction with a traveller?

11 – Have you experienced a change in the frequency of actual or potential threatening or risk of injury interactions in the last 12 months? If so, describe the change.

12 – What police agency do you call for assistance?

13– In the last five (5) years, how many times have you been involved in a situation where police assistance was called for required reasons (impaired drivers, warrants, etc)? For emergency situations (i.e. backup)?

14 – In your personal experience with police assistance, what has been their average response time in the last five (5) years?

- A. less than 20 minutes
- B. 21-45 minutes
- C. 46- 90 minutes
- D. More than 90 minutes

15 – In the last 5 years, has there been a situation(s) where the police response time did not adequately meet the urgency of the situation?

- A. Yes
- B. No

16 – In the last 2 years has police response time in urgent situations:

- A. Remain unchanged
- B. Improved
- C. Worsened

17 – Do you believe the duties performed by Border Services Officers have potential hazards and risks of injury that warrant the issuing of firearms?

- A. Yes
- B. No
- C. In some circumstances (explain)
- D. Unsure

18 – Please provide any opinion, insights or suggestions you have on the issues of border security, officer safety, or the carrying of firearms by employees of the CBSA?

Questionnaire (REGIONAL INTELLIGENCE OFFICER/CUSTOMS INVESTIGATOR)

1 – What is your position with the Canada Border Services Agency?

- J. Student
- K. Border Services Officer
- L. Regional Intelligence Officer
- M. Customs Investigator
- N. Superintendent
- O. Chief of Operations
- P. District Director
- Q. Regional Director
- R. Other _____

2 – How long have you been an employee of CBSA/CCRA?

- F. less than 12 months
- G. 1-3 years
- H. 4-10 years
- I. 11-14 years
- J. 15 or more years

3 – Age

- E. less than 26 years old
- F. 26-40 years old
- G. 41-50 years old
- H. 51 years or older

4 –Please describe whether you have received operational training or policy instructions in the following areas:

	Initial Training at Rigaud (Yes or No)	Use of Force Training (Yes/No/Year)	In-service Training (Rate – never, annual, biannual, monthly, etc) Year of refresher of Use of Force	Policy and Procedure or other instructions from Management (Yes or No)
Mediation/Tactical Communication				
Soft /Hard Hand Control				
O.C. Spray				
Baton				
Border Runner				
Hostile Traveller/Armed & Dangerous				

5 – Referring to the table in question #4, if you answered yes to “instructions from management” please describe the instruction you received.

6 – Do you believe the staffing levels within your particular Port of Entry, intelligence/investigative unit are:

- D. Overstaffed
- E. Staffed accordingly
- F. Understaffed

7 – Please specify the specific duties that you perform and relate the types of interactions you have with persons that, in your view, have risk potential.

8 – Regarding safety, please comment on the adequacy of the equipment and facilities provided (radios, cameras, vests, duty belts, vehicles/boats, interview rooms, cells, information access, other).

9 – In the last three (3) years, how many times do you feel you’ve encountered an actual or potential threatening or risk of injury situation during an interaction with a traveller/suspect?

10 – Have you experienced a change in the frequency of actual or potential threatening or risk of injury interactions in the last 12 months? If so, describe the change.

11 – Have you ever refrained from certain job duties because they have inherent risks you are not willing to undertake without the use of a firearm? If yes, please explain.

12 – Do you believe the duties of a CBSA Officer (RIO/CI) have inherent potential hazards and risks of injury that warrant issuing a firearm?

- A. Yes
- B. No
- C. In some circumstances (explain)
- D. Unsure

13 – Please provide any opinion, insights or suggestions you have on the issues of border security, officer safety, or the carrying of firearms by employees of the CBSA?

APPENDIX IV

Letter from CBSA to Northgate and CEUDA, November 3, 2005 and August 12, 2005



Nov. 3 - 2005

Mr. Gregory B. Thompson
Senior Associate
The Northgate Group
700 Silver Seven Road, Suite 100
Ontario, Canada K2V 1C3

Dear Mr. Thompson:

I am replying to your letter to Mr. Alain Jolicoeur dated October 18, 2005 concerning your request to interview senior management personnel on the CEUDA campaign with respect to arming of officers.

In case that you are not already aware, we have presented our position on this campaign to Ron Moran, the President of CEUDA in a letter to him dated August 12, 2005.

A copy of this letter is attached and it continues to reflect our position on the matter.

Yours sincerely,



Paul Burkholder
Vice President
Human Resources Branch

Attachment

Canada



Canada Border
Services Agency Agence des services
frontaliers du Canada

AUG 12 2005

Mr. Ron Moran
National President
Customs Excise Union Douanes Accise
1741 Woodward Drive
Ottawa, ON K2G 0P8

Dear Mr. Moran:

This is in reply to your letter dated July 20, 2005 to the Honourable A. Anne McLellan on the subject of the Northgate Group Proposal to Review Sidearms for Customs Officers. As this matter falls within the purview of the Canada Border Services Agency (CBSA), the Minister has referred your letter to this office for reply.

The health and safety of CBSA employees is an important priority for the Agency and the federal government overall. We appreciate that it is also a priority with CEUDA and other unions representing our employees. As you know, the Federal Budget 2005 allocated \$139 million to implement the CBSA job hazard analysis (JHA) recommendations for front-line border services officers. CBSA management is working to implement these recommendations as soon as possible.

While we recognize your particular interests in a new study specifically related to the arming of border services officers, the independently-conducted JHA conducted by Moduspec was a very thorough and comprehensive analysis which concluded that the "present tools provided to customs officers are adequate to enforce their responsibilities" and that "[c]arrying a firearm would not reduce the risks to [customs inspectors]". Any suggestion that the report was "altered", beyond the normal process of comments and consultation that takes place during the conduct of such an evaluation is incorrect. I also note that your proposed study would be based on a contract procured solely by CEUDA, outside of the government's contracting regulations and with no prior involvement of CBSA management.

.../2

Canada

- 2 -

Given our policy position on this issue, the implementation of the current JHA already underway, and our contracting concerns, it would therefore not be appropriate for CBSA to participate in your proposed study or to allow Northgate representatives access to CBSA worksites.

In response to your request for information under the *Access to Information Act*, the CBSA takes all requests made pursuant to the Act and to the *Privacy Act* very seriously. We endeavour to respond to all requests in a timely manner and in accordance with legislative requirements.

It is clear that our dedicated workforce takes its responsibility to protect Canadians very seriously. The CBSA, in turn, is committed to ensuring the health and safety of its workforce and to ensuring front-line officers have the tools and training they require to fulfil their vital role. Notwithstanding our different perspectives on this particular subject, I look forward to continuing our work together ensuring the safety and health of our employees.

Sincerely,


for Alain Jolicoeur
President

APPENDIX V

Environics Research Results

MEMORANDUM

To: Focus Canada Omnibus Clients

From: Derek Leebosh, Environics Research

Date: January 10, 2002

Re: **Results of Focus Canada Omnibus Questions (FC14)**

Here is a set of tables for the questions Environics ran on your behalf on our Focus Canada National Omnibus survey. This survey of 2,030 Canadians 18 years of age and over was carried out by telephone between December 17, 2001 and January 6, 2002. Results to a survey of this size can be considered accurate to within plus or minus 2.2 percent, nineteen times out of twenty.

Let me know if there appear to be any errors in the tables, or if you require any additional cross-tabs. I will send you bound copies with a methodology in the next couple of weeks.

THE POLICE CANADA REPORT 2001-4 (R05086)
PSPC - Customs and Excise

89.E Currently, Canadian customs officers are not armed. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree that customs officers screening goods and people at marine and land border points of entry between Canada and the U.S. should be armed?

	GENDER		A G E				MARITAL STATUS		KIDS <18 AT HOME		LANGUAGE AT HOME		RELIGION		NON-BRIT IMMIGRANT			TENURE				UNION MEMBER	
	Male	Female	18 to 29	30 to 44	45 to 59	60 or more	Single	Married	Yes	No	Eng lish	Fre nch	Cath	Prot	Ath/ Ag	Eur/ ope	Oth er	Own	Rent	Yes	No	Pri vate Sect	Pub lic Sect
	TOTAL																						
UNWEIGHED SAMPLE	2030	975	1055	361	694	538	386	794	1220	768	1255	1475	478	799	670	437	71	109	1431	574	399	88	282
WEIGHED SAMPLE	2030	974	1056	436	654	456	436	846	1169	743	1281	1468	471	792	660	444	87	134	1375	630	374	80	264
Strongly agree	33	38	29	34	37	32	28	32	34	35	32	34	31	35	34	30	37	30	33	32	36	45	33
Somewhat agree	27	26	29	32	27	24	26	30	26	29	27	27	30	29	25	28	20	30	26	30	30	31	29
Somewhat disagree	15	14	16	16	13	15	17	14	15	15	14	16	15	14	17	17	16	15	15	13	11	14	14
Strongly disagree	22	21	22	16	19	27	25	19	24	19	23	22	21	18	23	25	22	22	22	21	19	14	22
DK/NA	3	2	4	2	2	3	6	3	3	2	3	3	2	2	4	2	3	3	3	2	-	3	

	EMPLOYMENT STATUS				OCCUPATION						HOUSEHOLD INCOME					EDUCATION							
	Full Time	Part Time	Home mak er	Un empl oyed	Work ing Ret ired	Prof Adm. Wm.	Tech S.P. OSB	Off. Sale Serv	Sk/ Semi Skill	Un- Work	Less than \$20K	\$20K to \$30K	\$30K to \$40K	\$40K to \$60K	\$60K to \$80K	Less than H.S.	Or than H.S.	Comm Coll	Some Univ	Univ Deg.			
	TOTAL																						
UNWEIGHED SAMPLE	2030	923	189	110	103	370	583	373	205	288	303	164	261	260	274	406	252	294	284	364	621	223	523
WEIGHED SAMPLE	2030	907	172	111	99	396	565	383	198	280	293	139	261	258	265	396	249	316	265	368	613	224	548
Strongly agree	33	34	26	39	39	29	27	21	32	33	46	38	38	33	37	31	32	27	41	42	36	29	20
Somewhat agree	27	26	29	26	33	25	31	30	28	26	26	37	25	31	26	25	32	25	28	29	29	22	27
Somewhat disagree	15	15	21	8	12	15	18	19	21	18	9	8	13	15	17	15	18	14	10	13	16	18	17
Strongly disagree	22	22	19	22	15	26	22	28	17	20	18	13	20	18	18	27	17	30	18	13	16	29	33
DK/NA	3	2	5	5	-	4	3	3	2	3	1	3	4	3	3	2	2	4	4	2	3	2	3

	REGION				SUB-REGIONS						COMMUNITY SIZE					FED. POLITICAL PREFERENCE							
	Atl. Prov	Que bec	Ont ario	West em Can.	West Tor onto	Van cou real ver	Man. Sask	Alb erta	B.C.	Can. excl Que	1 Mill +	100K to 1 Mill	5K to 100K	Less than 5K	Lib.	P.C.	NDP	CA	Bloc Que.	Uncl.			
	TOTAL																						
UNWEIGHED SAMPLE	2030	239	500	554	737	182	200	115	130	132	230	245	1530	497	533	476	524	746	276	188	213	116	395
WEIGHED SAMPLE	2030	165	512	759	594	325	284	125	77	67	184	266	1518	734	450	431	416	772	277	178	200	114	381
Strongly agree	33	44	30	34	31	30	25	26	34	42	33	26	34	28	31	37	39	32	38	32	39	35	30
Somewhat agree	27	29	30	24	28	26	30	25	19	29	33	28	26	28	26	28	28	29	28	26	28	31	25
Somewhat disagree	15	11	17	15	14	12	19	15	15	14	14	13	14	15	15	13	15	14	15	11	12	14	18
Strongly disagree	22	16	21	22	23	26	24	29	26	12	17	30	22	26	25	19	15	23	17	29	18	21	21
DK/NA	3	-	2	4	4	5	2	5	6	3	3	3	3	4	2	2	3	2	1	2	3	1	6

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