



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



January 28, 2011

Mr. Ron Moran  
National President  
Customs and Immigration Union  
1741 Woodward Drive  
Ottawa, ON K2C 0P9

Dear Mr. Moran,

This letter refers to recent media coverage of statements made by members of the CIU National Executive with respect to the Canada Border Services Agency's decision to cease providing assistance to law enforcement agencies when not related to its program legislation. In light of these reports, I thought I would take this opportunity to clarify whether you were misquoted and to correct any misinterpretations that might have been conveyed.

As you know, according to our Charter of Rights and Freedoms, Canada was founded upon principles, which include the Rule of Law. This fundamental principle of our society requires that public agencies and their officers must adhere to the laws passed by Parliament, including those which set out their mandate and authorities<sup>1</sup>. In this context, you were quoted as stating that: "We are a law and order operation just like other police forces."<sup>2</sup> In this context, there is an important distinction to be made between the Agency providing assistance to law enforcement agencies, at their request, in a manner which falls outside of its legislated mandate and the Agency, in the course of acting within the parameters of its legislated mandate, agreeing to collaborate with one or more police forces in the context of a joint forces operation. It appears from the media coverage we have reviewed that this distinction may not have been fully grasped.

The CBSA's mandate and its officers' authorities permit appropriate joint forces operations, but these do not make the CBSA a federal police force nor do they give the agency a license to carry-out those domestic law enforcement activities,

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<sup>1</sup> The CBSA's legislative mandate is set out in the *Canada Border Services Agency Act* and the authorities of CBSA officers are set out in several federal statutes, including the *Customs Act* and the *Immigration and Refugee Protection Act*.

<sup>2</sup> Sun Media, December 27, 2010.

which fall outside its mandate and which are more correctly the purview of local police forces. Unlike the Royal Canadian Mounted Police, CBSA officers do not have a broad statutory mandate to preserve and maintain the public peace, prevent crime in general, and prevent offenses against all laws of Canada and its provinces. The CBSA's December 23, 2010 decision simply brings the Agency's practices in line with the mandate and authorities provided for by law.

The difference in legislated mandates is also reflected in the training provided to our officers, which, contrary to your assertions, is not the equivalent to that provided to police officers essentially for this reason. The reported statement "SMYTH: You have the same training as, as the cops. PELLERIN-FOWLIE: That's right."<sup>3</sup> is therefore incorrect.

In addition to the above, we were also distressed to read the statement made by Steve Pellerin-Fowlie regarding "people who have died on duty, and, but not that weapons were necessarily involved"<sup>4</sup>, which as you know, is without foundation and misleading to the public. The safety of our officers is and will always be of prime importance to the Agency. We were also particularly struck and disappointed by the comment attributed to your organization, which belittles the importance of the work carried-out by our dedicated intelligence officers (e.g. "The union VP said those agents will now be stuck in a backroom role gathering intelligence."<sup>5</sup>). On this point, we disagree with the views expressed by your organization and must reiterate our organization's conviction that the intelligence function is vital and central to the provision of integrated border services.

I trust that the above helps clarify the points raised and will prevent any erroneous or misleading statements from being reported in the media in the future. I am available to discuss the issues further, at your convenience.

Sincerely,



Camille Therriault-Power  
Vice-President,  
Human Resources Branch

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<sup>3</sup> CKNW Radio (Vancouver), December 27, 2010.

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<sup>5</sup> Sun Media, December 27, 2010.