



Customs and Immigration Union  
Syndicat des Douanes et de l'Immigration

February 10, 2011

Ms. Camille Therriault-Power  
Vice President, Human Resources Branch  
Canada Border Services Agency  
99 Metcalfe Street  
3<sup>rd</sup> Floor, Room 302  
Ottawa, ON K1A 0L8

By email: [camille.therriault-power@cbsa-asfc.gc.ca](mailto:camille.therriault-power@cbsa-asfc.gc.ca)

**Subject: CBSA Cancellation of Assistance to Police Agencies**

Dear Ms. Therriault-Power,

Thank you for your correspondence of January 28, 2011 through which you confirm that CBSA is a federally constituted law-enforcement agency with a defined statutory mandate that can and does include joint-force operations away from designated points-of-entry on matters within the CBSA mandate. We have always shared this interpretation and your confirmation of this Peace Officer status for our members in these circumstances will be most helpful, especially following the Government's recently announced intention to expand cross-border interdiction capacity including through the Shiprider program which, inexplicably, thus far excludes CBSA Peace Officers. We will be pleased to cite your confirmation of CBSA Officer's qualifying status.

As I trust you are aware, in previous communications with the Agency on this subject, we have repeatedly identified legal mechanisms through which CBSA Officers could participate in carrying-out assistance requests from other law-enforcement agencies. Rather than constructively addressing this issue, CBSA management has instead unilaterally chosen to "...cease providing assistance.." on such non-program legislation requests.

While we in no way agree with this disobliging decision, we do acknowledge management's right to make it. Of concern however is your assertion that acting otherwise is somehow a breach of the rule of law fundamentally enshrined in the Charter of Rights. This means you are suggesting past illegality on the part of CBSA who have participated in a countless number of such non-mandated joint-operations before this decision was made. The only alternative is that legal mechanisms do exist and were used for such past operations which would contradict the rationale you have provided for ceasing such operations. So which is it?

My comment about CBSA being similar to police organizations obviously references our law-enforcement/Peace Officer status in relation to our statutory mandate as well as our comparable training which includes such things as uncooperative handcuffing, and sidearm training identical to virtually all police forces (including the RCMP). I believe a like context existed for Mr. Pellerin-Fowlie's remarks about CBSA officers receiving such training.

.../2

We do not share your interpretation of the remarks regarding the value of intelligence work as the context of the discussion was about the operational work it supported. I would also remind you that it is CBSA management that intends to downgrade the Agency's local intelligence capacity pursuant to its cost cutting motivated Strategic Review. In that light, perhaps the Agency might consider reallocating its media monitoring budget to supporting the operational work of its Officers.

We were glad to see your confirmation that CBSA accepts that intelligence is vital to the CBSA role which hopefully means we can finally look forward to a proper biometric Lookout System, participation in the deployment of marine surveillance technology, and CBSA participation in the Shiprider program pursuant to the legislative mandate you have enunciated.

Once again, thank you for having articulated the Agency's position on these fundamentally important issues and for having thus provided us with the opportunity to comment them.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Ron Moran', with a stylized flourish at the end.

**Ron Moran**  
National President

c.c. Members of the CIU National Board of Directors