



## OPEN LETTER

January 10, 2006

Ms. Sheila Fraser  
Auditor General of Canada  
240 Sparks Street  
Ottawa, Ontario  
K1A 0G6

**Re: Request for Audit of Practices of Canadian Border Services Agency**

Dear Ms. Fraser,

Please find attached a copy of *A View From the Front Lines*, a study commissioned by the Customs Excise Union Douanes Accise (CEUDA) and completed by the Northgate Group. The Report was commissioned by CEUDA in July 2005 in order to obtain an extensive, independent study of whether the risks inherent in the duties of Border Services Officers, Regional Intelligence Officers and Customs Investigators would justify the issuance of side arms. As the Report details, the Northgate Study was centered on extensive interviews of front-line and inland Officers in all Regions of the country, and included intensive review of related and third party materials.

The Northgate Report was undertaken as a result of a continuing refusal by the CBSA to provide side arms to officers notwithstanding the dramatic evolution of Officer duties at the Ports of Entry to an enforcement focus. This evolution was accentuated in July 2000 when Customs Officers were empowered to enforce the *Criminal Code* including arresting dangerous and violent persons, dealing with drunk drivers and encountering criminal fugitives many of whom are considered by the police as 'Armed and Dangerous.' Unlike their police counterparts, Customs Officers were denied side arms. In 2002 and under contract to Canada Customs, ModuSpec carried out a limited risk analysis on occupational health and safety issues in Customs which resulted in an imprecise 70-page final report that had a mere 2-page discussion on the complicated question of side arms.

Amidst growing reports, including one from a Senate Committee, that the ModuSpec Report had actually been altered on the issue of the need for an armed presence at the border along with a steadfast refusal by the CBSA to conduct a proper study, CEUDA resolved to ensure front-line officers were heard and that Government was provided with an accurate and unaltered analysis into this important subject.

During the course of the study, Northgate also uncovered evidence pertaining to the conduct of the CBSA suggesting serious public safety and security deficiencies as well actions that indicate a deliberate intent to mislead the public on the issue of the need for side arms. These are specifically articulated in Chapter 6 of the Report wherein

.../2

Northgate notes its detection of disturbing evidence of CBSA practices. Having no authority to address these matters, Northgate nevertheless viewed them as being of such public importance that it recommended that CEUDA seek their investigation and resolution by an independent and appropriately empowered authority. Having reviewed the information, our National Executive has reached the same conclusion and accordingly, is requesting that your Office conduct an Institutional and Operational audit of CBSA practices in the matters detailed in the Report and summarized below.

The first areas of concern relates to the institutional integrity of the CBSA in its actions pertaining to officer and public safety issues. CEUDA is not in any way seeking involvement of your Office on the ultimate officer safety issue as there are laws and processes in place to resolve this which are currently engaged. Rather, it is the nature of the conduct of a government agency, the CBSA and CCRA before it, in dealing with the discharge of its public mandate, including interactions with Parliamentarians, the public and legal entities that are of concern. To be blunt, Northgate has discovered documentary evidence which suggests a deliberate pattern of behaviour intended to misinform and mislead persons with respect to side arms and safety issues. Specifically this includes:

- Alteration of ModuSpec's report removing the recommendation for an armed presence at the border;
- Suppression of three separate reports (2 from CCRA and 1 from Audit Canada) recommending the arming of Customs Officers;
- Withholding of relevant reports recommending sidearms for Customs Officers from HRSDC Labour Officers investigating work refusals by Customs Officers;
- Providing inaccurate information to Parliamentarians in Committee; and
- Ordering destruction of a report about threats and harm to Customs Officers without authority or justification for doing so.

Previous examinations of various Agencies, Programs and Departments from your office have been invaluable in ensuring that the public, and the people they elect to represent them, receive trustworthy and accurate information. The evidence of deliberate misconduct by CBSA/CCRA officials in this regard, in our view, clearly warrants the examination that only your office can bring.

We are also deeply disturbed to report that CBSA is running 'inspection' systems that are clearly counter productive to public security. This conclusion is supported by both documentation and Officer interviews. Ironically, two of these matters, the Border Management Plan (BMP) and the Windsor Bridge Commercial Examination facility are matters which you have previously identified as problematic in earlier Reports. We regret to advise that the deficiencies you identified in 2001 have not been remedied and indeed are worse.

Information received suggests that CBSA/CCRA has operated a managerial 'bonus' system where individual managers received personal financial benefit for meeting BMP quotas and for reducing staffing costs. Such a system in a law enforcement environment invites corruption of the enforcement mandate which is precisely what the Northgate study suggests may be ongoing. Both Northgate and CEUDA lack the authority to resolve this issue with CBSA, but you should be aware that all of our repeated requests for information on this subject from CBSA have been denied. Additionally, on October 31, 2005, after these concerns were raised by the Senate Committee on National Security and Defence, CBSA President Alain Jolicoeur admitted the existence of the BMP and manager bonuses but denied their linkage. With the greatest of respect, in light of the incontrovertible evidence of a repeated lack of candour, that denial is not sufficient.

The second general area of concern deals with more precise individual examples of operational policies and actions that are contrary to public safety and security. Although not necessarily germane to sidearms or officer safety, Northgate's team of analysts, all of whom have extensive law enforcement backgrounds, felt obliged to bring them to our attention. One of the Northgate analysts is a former Crown Prosecutor whose legal background was especially helpful in identifying and framing the deficiencies and the alternatives that are inexplicably not being utilized by the CBSA. He is the primary author of Chapter 6 and, if you so wish, CEUDA can arrange to have him assist in working with your Office on the specifics of the issues in question.

We fully appreciate the significance of this request and do not make it lightly or without regard to the consequences. The women and men that we represent are proud to serve the Canadian public and that includes alerting appropriate authorities such as your Office when the public interest is jeopardized as we believe to be the case with the actions of the Border Service in these matters.

You may be assured of our complete co-operation including provision of all documents we have obtained and information from individual officers who can assist in your investigations. We completely understand that to get the right answers you need to be able to ask the right questions, and we are resolved to assist in whatever fashion possible to ensure this is achieved.

Sincerely,

Ron Moran  
National President