



## OPEN LETTER

January 10, 2006

The Honourable Anne McLellan  
Minister of Public Security and Emergency Preparedness  
House of Commons  
Ottawa, Ontario  
K1A 0A6

**RE: *A View from the Front Lines Report***

Dear Minister,

Please find attached an unaltered copy of *A View From the Front Lines* commissioned by the Customs Excise Union Douanes Accise (CEUDA) and completed by the Northgate Group. As you know, 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, as well as by yourself, to take the necessary steps 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 continue to be denied side arms.

As you also know, in 2002, 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, provided to you personally, that the ModuSpec Report had actually been *altered* on the issue of arming the border and a steadfast refusal by CBSA to conduct a proper study, CEUDA resolved to ensure front-line officers were heard and that the Government and the public were provided with an accurate and unaltered analysis into this important subject. You will recall that we discussed all of this with you in the summer of 2005 and urged you to direct CBSA to join us in this study. Regrettably, you declined this offer and instead refused all participation and co-operation in this

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analysis. Given what Northgate has uncovered, this disinclination to co-operate from CBSA is more understandable although clearly, in our view, less justifiable on your part. Hopefully after you read the Report you will appreciate that we were indeed giving you sound advice.

The Northgate Report makes 31 recommendations, highlighted by recommendations to:

- Arm Border Services Officers,
- Arm Regional Customs Intelligence Officers
- Arm Customs Investigators
- Create an Armed Border Patrol
- End work alone circumstances

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 as actions that indicate a deliberate intent to mislead the public on the issue of the need for side arms.

Evidence uncovered and reported in the Northgate Report 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 side arms 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

In response to this disturbing evidence and the public ramifications of it, the Customs Excise Union Douanes Accise has taken the extraordinary step of asking the Auditor General of Canada to conduct an institutional and operational audit of CBSA actions on these issues. We are aware of the significance of such a request but the misconduct and deficiencies uncovered are such that the intervention of such an independently empowered investigation is clearly essential. We note that you have personally been present with CBSA officials while inaccurate information has been supplied to Parliamentarians.

We also want to direct your attention specifically to Chapter 1 wherein the legal obligations of the employer with respect to providing accurate information are detailed. The present letter will serve as formal notice that CEUDA will pursue every legal remedy available to it to ensure the provisions of the law are complied with in relation to the protection of our members. You will be receiving further issue specific notice from us regarding officer safety issues given much of the uncovered information has never been provided by the employer as, we believe, is required by law in just about every case. Further, CEUDA will take all legal steps available to prevent interference with our members performing their legal duties. We presume you share our determination to ensure that the law is enforced on behalf of Canadians but you need to be absolutely clear that we will not tolerate any further unlawful interference, whatever the source.

We hope you will take the time to carefully review the Northgate Report. It is the most comprehensive and detailed Border Officer interview and analysis ever undertaken in Canada. Unlike the ModuSpec Report relied upon by you and your CBSA officials, it is presented to you unaltered by the people that commissioned it in the first place. We are able to do that because we believe the truth is the most powerful advocate.

Should you remain in a position to deal with these matters following January 23<sup>rd</sup>, 2006, CEUDA remains willing to work with you constructively to do what's right for front line and inland CBSA officers and Canadians.

Sincerely,

Ron Moran  
National President

Copy: Mr. Alain Jolicoeur  
President  
Canadian Border Services Agency