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Public Safety Sécurité publique
Canada Canada
Deputy Minister Sous-ministre
Ottawa, Canada
K1A 0P8

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JUL 24 2012
DATE:

File No.: 389087
RDIMS No.: 647341

MEMORANDUM FOR THE MINISTER

KANISHKA PROJECT CONTRIBUTION PROGRAM
SUMMARY OF ROUND TWO PROPOSALS

(Information only)

ISSUE

To provide you with an update on the Kanishka Project, in particular decisions made with respect to funding the second round of research projects.

BACKGROUND

The Kanishka Project Contribution Program was launched on January 25, 2012, with a public call for the first round of research proposals. On May 30, 2012, you and Minister Kenney announced the funded projects under the Kanishka Project resulting from this first round.

A second round of applications for funding under the Kanishka Project closed on April 30, 2012. The Kanishka Project Working Group, comprising national security subject matter experts from a number of Portfolio partners and other government departments, met to discuss the proposals received and make funding recommendations to the Steering Committee.

The Assistant Deputy Minister-level Steering Committee met on June 5, 2012, to review the recommendations from the Working Group and select projects to fund. Of note, a representative of the Air India Victim's Family Members Association co-chairs this committee and was present at the meeting.

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CURRENT STATUS

The Steering Committee approved five projects for funding, totalling \$709,000 over three fiscal years (leaving just under \$1M for the remaining life of the Project). The Steering Committee further approved a rank ordering of the recommended projects, to facilitate funding decisions.

The approved projects range in size and scope, with each contributing to an element of policy relevant research on terrorism and counter-terrorism. Below is a brief description of each approved project, presented in rank order, for your information:

Round 2 Approved Projects:

**1) Understanding and responding to terrorist threats to critical infrastructure
(Kevin Quigley, Dalhousie University)**

This project will examine how owners and operators of critical infrastructure understand terrorist threats, what issues influence the manner in which they respond, how they manage threats related to distinct but interdependent infrastructure sectors, and what lessons can be drawn in terms of resilience and cooperation. The approach pays particular attention to differences between complex regular risks (such as recurring natural disasters) and uncertain, potentially catastrophic risks (such as terrorism or rare and unpredictable natural disasters).

The project builds on a previous research project which interviewed 55 owners and operators of critical infrastructure, and which suggests critical infrastructure sectors focus much more on the former type of risk. This project now proposes to further analyze the transcripts and conduct new interviews, explore how owners and operators understand and manage uncertain risks, looking at terrorism in particular, and how these processes can be improved. The sectors to be examined are transport (marine, air and surface), agriculture, and dangerous chemicals.

Critical infrastructure protection and engagement with the private sector are key aspects of our approach to counter-terrorism and national security more generally, and understanding the factors that contribute to resiliency in this area will help inform robust policy responses. The Department will contribute up to \$90,800 to this project.

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**2) A system for measuring population response to a crisis in online social networks
(Derek Ruths, McGill University)**

In this proposal, the researchers propose to analyze real-time social responses to sudden or rapidly evolving social conditions relevant to the Kanishka Project, using data streams from the Twitter online social platform. Information gathered and measurements produced by the proposed system will provide insights into Canadians' responses to both terrorist and other events, in part through comparison with responses to other crises.

The research would show which topics are being discussed, how individuals feel about such topics, the geographic distribution of individuals, and their demographics (gender, age, educational level). This proposal will advance the objectives of the Kanishka Project as it directly addresses two research theme categories by informing our knowledge of collective dynamics and resilience, as well as perception and emotion. In addition, such research could contribute to a third research theme – organization and effectiveness – by helping to improve the ways in which government organizations engage with communities in mitigating, preparing, responding and recovering from crises.

It was acknowledged by the review bodies that such a proposal may prompt concerns about privacy, given that the research involves the collection and use of information from individuals. However, the reviewers were comfortable to approve the proposal given that the information used is public, the research will produce findings about populations and not individuals, and the project is being conducted openly and at arms-length from government. Moreover, the researchers are bound by an agreement with Twitter, which limits their use of information, in part to protect the privacy of Twitter users. The Department will contribute up to \$74,000 to this project.

**3) Cultural Competency training as a response to radicalization leading to violence
(Lead: Myrna Lashley, Lady Davis Institute for Medical Research and McGill
University; Partners: the University of Saskatchewan, the University of Quebec
in Montreal, Ryerson, and the Environics Institute)**

This proposal will assess how cultural competency training programs are perceived by police personnel to contribute to organizational performance on national security – e.g. activities with the communities; creation of tools specific to particular communities; hiring practices; reduction of perceptions of racial profiling. Further, this research will also examine community members' perceptions of such interactions with police.

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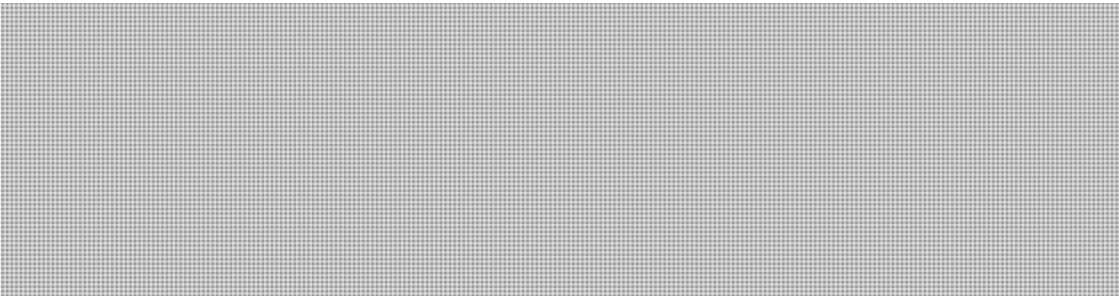

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Research is to be conducted in Montreal, Toronto and Saskatoon, and results are intended to provide information and recommendations on the value of cultural competency training relative to the national security needs of Canada, as well as the value of such training in promoting trust with communities.

The project is supported by key law enforcement organizations, and would contribute to enhancing front-line training – a major objective of the Kanishka Project.

Of note, the principal researcher in this case is Dr. Myrna Lashley, who is also the Chair of the Cross-Cultural Roundtable on Security (CCRS). Members of the CCRS are eligible to apply for funding as per the Terms and Conditions of the Project, and Dr. Lashley wrote to you in April 2012 to inform you of her intent to apply in full transparency.



Having considered these factors carefully, the Department is prepared to enter into a contribution agreement with Dr. Lashley for up to \$350,264.

4) Right wing extremism in Canada (Barbara Perry, University of Ontario Institute of Technology)

This research project will study the current state of right-wing extremist activity in Canada, to assess implications for national security and counter-terrorism. The project would consist of interviews with front-line officers, community organizers, and members of right-wing extremist groups, along with an examination of web content, court records and media. As well, officials responsible for national security will be interviewed at the beginning of the study, to ensure that efforts are focused on subject matter relevant to the Kanishka Project.

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The study will seek to: identify those right wing groups that plan, engage or incite violence; assess the frequency, nature and severity of the violence; and identify internal and external factors that might give rise to violence. The project will also seek to develop a law enforcement training module, with the assistance of law enforcement officers, based on the results.

Right-wing extremism in Canada is considered an under-studied field, and this proposal would close an important research gap. The Department will contribute up to \$77,304 to this project.

**5) Terrorist and extremist organizations' use of the internet for recruitment
(Garth Davies and Martin Bouchard, Simon Fraser University)**

This research project proposes to develop and implement a 'web-crawler' to gain a better understanding of terrorist organizations' use of the Internet for recruitment. This research builds on a previous project where the web-crawler was used to investigate child pornography, and the tool will be calibrated to be used in the context of terrorism.

The web-crawler proposed is a custom-written program that automatically browses the Internet, based on pre-set rules and specified criteria so as to identify relevant sites, and then collects information about the pages visited. This information, in turn, will help determine the prevalence of recruiting materials, offer insights into the process and nature of recruitment, and inform our understanding of who might be targeted for recruitment.

The principal investigators on this project have demonstrated success with a similar project in the past, and this study would not only produce original research but data that will serve as foundation for future academic analyses. It is important to note that all data gathered by this project will come from publicly accessible web pages, and that – given the sensitive subject matter – Simon Fraser University will nonetheless make use of existing, robust security measures to house and manage the data generated. The Department will contribute up to \$116,244 to this project.

Financial Implications:

As a result of commitments made in the first round, funds for fiscal year 2012-2013 are limited, and approved projects in round two currently exceed the amount available for this fiscal year. However, the Department is exploring options to address this budget shortfall.

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For instance, the Department has monitored the application intake to the funding opportunities through the Social Sciences and Humanities Research Council. Early uptake of this funding opportunity has been low, so the funds originally allocated to this funding mechanism (\$300,000) will be reallocated to the Kanishka Project Contribution Program (KPCP) for fiscal year 2012-2013.

In addition, as part of the regime to administer an ex gratia payment to families of the victims of Air India Flight 182, families may choose not to claim their payment and request that it be allocated to the Kanishka Project. All unclaimed funds would similarly be transferred to the KPCP. Families have until July 31, 2012, to make their claim, after which time the lead team will assess the amounts received via this mechanism.

Finally, the Department is exploring the option of re-profiling funds forward from later fiscal years. Doing so would allow the Department to capitalize on the early interest in the Kanishka Project and the need to fund quality research early in order to produce results within the five-year life of the Project. A balance would be sought to ensure that sufficient funds remain in future years of the Project while still meeting early commitments.

NEXT STEPS

While none of these recommended projects have yet been confirmed, the Department will begin to engage the approved recipients to initiate contribution agreements while the funding options above become clearer over the next month. Agreements would be initiated in the rank order above on the basis of available funds.

The initiation of the contribution agreements is within my delegated authority (or Assistant Deputy Minister in some cases), and progress will be closely monitored by the Strategic Policy Branch and the interdepartmental community.

As with the first round of projects, officials in the Communications Branch will work with your office to pursue options for announcing this second round of contributions, once agreements are in place. The announcement strategy will take into account the need to notify families of Air India victims in advance, and where possible include them in the event. The Kanishka Project Opening Conference, scheduled for the fall of 2012, may be a suitable announcement opportunity.

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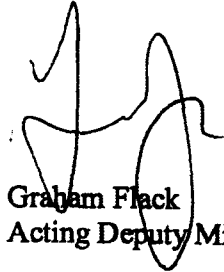
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The closing date for the next round of research proposals is October 31, 2012. We will continue to keep you apprised of the Kanishka Project.

This note will be shared with Mr. Richard Fadden, Director, Canadian Security Intelligence Service; Mr. Bob Paulson, Commissioner, Royal Canadian Mounted Police; and Mr. Myles Kirvan, Deputy Minister of Justice and Deputy Attorney General of Canada, Justice Canada, for their information. I am also sharing this note with the members of my executive committee.

Should you require additional information, please do not hesitate to contact me or Mr. Paul MacKinnon, Assistant Deputy Minister, Strategic Policy Branch, at 613-949-6435.



Graham Flack
Acting Deputy Minister

Prepared by: Tim Mowrey

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**Minister's Meeting with the Honourable Daniel Shewchuk,
Minister of Justice, Government of Nunavut; and
Mr. Norman Tarnow, Deputy Minister of Justice**

**Tuesday, May 8th, 2012
12:00 – 12:30 p.m.**

**Minister's Hill Office
306 Justice Building, 249 Wellington Street
Ottawa, ON**

PORTFOLIO PARTICIPANT:

- Doug Lang, *Deputy Commissioner, Contract and Aboriginal Policing
Royal Canadian Mounted Police*

BRIEFING MATERIALS:

1. Memorandum for the Minister
 - A. Minister's biography and territorial profile of Nunavut
 - B. Suggested talking points

TAB 1



Public Safety Sécurité publique
Canada Canada
Deputy Minister Sous-ministre
Ottawa, Canada
K1A 0P8

For your meeting with Honorable
Daniel Shewchuk, Minister of
Justice
On: Tuesday, May 8, 2012,
12:00 to 12:30

UNCLASSIFIED

DATE: ~~MAY~~ 07 2012

File No.: IS 5575/387605
RDIMS No.: 612832

MEMORANDUM FOR THE MINISTER

MEETING WITH THE HONOURABLE DANIEL SHEWCHUK,
MINISTER OF JUSTICE, GOVERNMENT OF NUNAVUT, MAY 8, 2012

(Information only)

ISSUE

You have a bilateral meeting scheduled with the Honorable Daniel Shewchuk, Minister of Justice, Minister Responsible for Nunavut Arctic College, and Minister of Human Resources for the Government of Nunavut, on Tuesday, May 8, 2012, from 12:00 to 12:30 p.m. at your Hill Office (306 Justice Building).

The Minister's biography and a territorial profile providing recent information about Nunavut are attached (**TAB A**).

BACKGROUND

Minister Shewchuk's office has indicated that he would like to focus on two issues during your meeting. The first is the challenges his Territory is facing with regard to correctional facilities. The Regional Director of Corrections for Ontario and other Correctional Service of Canada (CSC) officials are scheduled to meet with the Honourable Eva Ariak, Premier of Nunavut and Minister Shewchuk on May 7, 2012, at Fenbrook Institution to discuss Inuit Programs.

The second issue is the Aboriginal Community Constable (ACC) Program.

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Correctional Facilities in Nunavut

There are currently 66 offenders in CSC facilities who were sentenced in Nunavut. You and Minister Shewchuk recently agreed to extend the Canada - Nunavut Exchange of Services Agreement, which was set to expire on March 31, 2013, for an additional five years.

Spaces for federal inmates in half-way houses:

CSC had signed an agreement with Nunavut in March 2011, which supports the use of three Community Residential Facility beds at the Uttaqivik facility in Nunavut. This agreement was scheduled for review in the first quarter of fiscal year (FY) 2012/2013 in order to assess the actual bed utilization and future needs. Any new changes to the agreement requirements were intended to be negotiated pending the results of this review. In a March 8, 2012, letter from the Regional Deputy Commissioner for Ontario to the Director of Corrections for Nunavut, it was suggested that they meet to discuss a process for this review. Presently CSC is awaiting a response from the Territory in relation to this request.

CSC's Greater Ontario and Northern District Office have provided information on releases and bed space for Inuit offenders.

- CSC has a contract for one bed at Mamisarvik in Ottawa. (No Statutory Release with Residency Conditions)(Average usage was 0.77 beds for FY 2011/2012);
- CSC has an agreement for three beds at Uttaqivik facility in Nunavut. (Average usage was 2.42 beds for FY 2011/2012);
- CSC is presently in negotiations for two additional beds in Rankin Inlet and one bed in Ilavut through a Memorandum of Understanding.

Exploring the possibility of using Fenbrook Institution's program for Inuit sexual offenders (Tupiq) in territorial facilities:

The Tupiq program is a highly innovative pilot project aimed at providing culturally-appropriate treatment for Inuit sex offenders incarcerated in federal correctional facilities. Inuit offenders who meet the program's eligibility criteria are transferred from throughout the federal correctional system to Fenbrook Institution, a medium-security federal penitentiary located in Gravenhurst, Ontario. There, they participate in an intensive 16-week treatment program. Developed in 2000, the program is a

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cognitive-behavioural, multi-model, high-intensity program designed for federal Inuit offenders who have offence histories relating to sexual violence. The program was developed, based on CSC's national program standards for sex offender treatment programs.

A 2009 report found that the Tupiq program had a completion rate of 97%, higher than the 73% completion rate of the Inuit offenders in a comparison group who had attended alternative sex offender programs and higher than the 63% completion rate in the national sex offender program. The report also demonstrated significantly lower rates of general recidivism and violent recidivism than the comparison group. This translated into a 45% reduction in general criminal recidivism and a 48% reduction in violent recidivism. Although the sexual recidivism rate for the Tupiq participants was less than half of that of the comparison group, this did not reach a level of significance because of reduced statistical relevancy.

The ACC Program

The ACC pilot program allows the Royal Canadian Mounted Police (RCMP) to attract, develop and retain persons with specific linguistic, cultural and community skills that go beyond those taught at Depot. This enables the RCMP to tailor its policing services to specific community-identified needs. The ACC pilot provides an opportunity for members of Aboriginal communities to return home as a RCMP officer and focus on crime prevention and community engagement activities in their communities.

ACCs also provide a unique service to the public through their knowledge of Aboriginal culture, their understanding of local community dynamics, and their understanding of traditional approaches to addressing disputes and other problems. ACCs may also, at times, be fluent in the local Aboriginal language of the community they are serving.

The recruitment standards and the steps to be followed during the recruitment process are, for the most part, identical to the regular member recruitment process. Taking the unique circumstances of candidates from remote and/or northern communities into account, the RCMP has waived the requirement for a grade 12 education and uses more culturally appropriate aptitude tests for the purposes of accepting candidates into this pilot.

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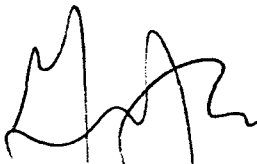
A 21-week course training standard has been developed for ACCs. ACCs receive exactly the same use of force, firearms, driving and police defensive tactics training as regular RCMP cadets. As the mandate of ACCs is different than that of a regular RCMP member, the ACCs are trained to perform initial response and basic, not advanced, investigative techniques. ACCs focus on community policing and engagement training, which assists them in successfully fulfilling their mandate.

As the cost of new housing for ACC graduates would be prohibitive for a pilot of this nature, candidates would already have established housing in their community prior to being accepted into the ACC pilot program.

In November 2010 the 1st ACC troop commenced training at the RCMP Training Academy in Regina, Saskatchewan. In April 2011, seven cadets graduated from the ACC training program. Currently there are four ACCs working in Manitoba, and an ACC working in Alberta, Northwest Territories and Nunavut.

Recently the RCMP decided to recruit a second troop of ACCs following strong support and continued interest from communities currently participating in the ACC pilot program. It is anticipated they will start their 21-week training program in early 2013.

Minister Shewchuk will be accompanied by his Deputy Minister of Justice, Mr. Norman Tarnow. Recommended talking points are attached for your consideration (**TAB B**).



Graham Flack
Acting Deputy Minister

Enclosures: (2)


Prepared by: Albanela Pérez-Suárez

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TAB A

Nunavut

The Honourable Daniel Shewchuk

	The Honourable Daniel Shewchuk Minister of Justice and Attorney General Executive Council Office P.O. Box 2410 Iqaluit, NU X0A 0H0	Appointed: November 21, 2011
		Tel: (867) 975-5024
		Fax: (867) 975-5044
		E-mail: dshewchuk@gov.nu.ca
Deputy Minister:	Norman Tarnow	(867) 975-

Daniel Shewchuk was elected on October 27, 2008, to represent the constituency of Arviat in the 3rd Legislative Assembly of Nunavut.

Prior to being elected to the Legislative Assembly, Mr. Shewchuk was employed for seven years by the Government of Nunavut's Department of Environment as a Wildlife Manager in the Kivalliq. He served as the Chair of the Department's Inuit Qaujimajangit Committee and as the Government of Nunavut's representative on the Beverly and Qamanirjuaq Caribou Management Board.

Mr. Shewchuk previously worked for the Government of Manitoba as a Conservation Officer in eight different communities. He is a former President of the Manitoba Conservation Officers' Association.

Mr. Shewchuk was appointed Minister of Justice, as well as Minister Responsible for the Nunavut Arctic College, on November 21, 2011. He is currently also Minister of Human Resources. Previously, he was Minister of the Environment.



NUNAVUT – TERRITORIAL PROFILE

MOST RECENT ELECTION: October 27, 2008

GOVERNING PARTY: Consensus Government (no single party governing)

PORTFOLIO	PREMIERE	DEPUTY PREMIERE
Government Leader	<p>The Honourable Eva Aariak Government Leader of Nunavut</p> <ul style="list-style-type: none"> • <i>Minister of Executive and Intergovernmental Affairs; Minister Responsible for the Status of Women; Minister Responsible for Immigration</i> 	<p>The Honourable Peter Taptuna Deputy Government Leader of Nunavut</p>
DEPARTMENT	MINISTER	DEPUTY MINISTER
Justice & Public Safety	<p>The Honourable Honourable Daniel Shewchuk Minister of Justice</p> <ul style="list-style-type: none"> • <i>Minister of Human Resources</i> 	<p>Mr. Norman Tarnow Deputy Minister of Justice</p>
Emergency Management	<p>The Honourable Lorne Kusugak Minister of Community and Government Services</p> <ul style="list-style-type: none"> • <i>Minister of Energy</i> 	<p>Ms. Kathleen Lausman Deputy Minister of Community and Government Services</p>

STRATEGIC CONSIDERATIONS (updated May 3, 2012)

Nunavut's main concerns remain around policing issues and the ability to balance the traditional needs of Aboriginal communities with the contemporary demands of public safety. The province wishes to see the expansion of the First Nations Policing Program to the North and to include more Inuit police officers. Other priorities include crime prevention, initiatives towards mental health and addiction, anti-alcohol abuse strategies and reducing the Territory's high crime rate.

Nunavut, along with six provinces and the two other territories, has signed an agreement-in-principle to renew its RCMP policing contract. The proposed RCMP Police Service Agreement took effect on April 1, 2012. Nunavut supports recommendations for an independent commission for complaints and oversight of the RCMP and for a direct voice for contract partners in the RCMP governance process. Nunavut has expressed concerns around RCMP infrastructure.

Children and youth were among Nunavut's top priorities for 2011-2012 and as such, the government will prepare legislation to create an independent child and youth representative. In March 2011, the Auditor General released its report on Nunavut's child protection system revealing several gaps in the system including staff shortages and an inability to collect vital information. The report states that Nunavut agreed with the findings and will assemble an action plan to address the problems.



NUNAVUT – TERRITORIAL PROFILE

Public Safety Canada (PS) officials collaborate with Nunavut on emergency management issues through the Regional Office that is located in Yellowknife, NWT and through the Government Operations Centre (GOC). Extreme weather and flooding, and limited road and rail services are key issues that affect emergency management.

SPEECH FROM THE THRONE (2011) – PUBLIC SAFETY HIGHLIGHTS

Nunavut's 2011 Speech from the Throne was delivered on February 28, 2011 and identified the top priorities for the next two years including children and youth, poverty reduction, community self-reliance, housing and capital projects. To this end, the government will:

- partner with communities to reduce poverty for those who have difficulty meeting their basic needs;
- make sure that the Nunavut Housing Corporation is equipped to complete the construction of the public housing units already committed; and
- develop a *Public Health Act*, a *Public Service Act* and legislation to create a Child and Youth Representative.

BUDGET 2011-12 – PUBLIC SAFETY-RELATED COMMITMENTS

- an additional \$1.2 million for the **RCMP**;
- an additional \$2.5 million for **legal aid**;
- an additional \$564,000 to the **Community Corrections program** to better support **adult and youth offenders on probation**;
- an additional \$5.9 million for the new **Rankin Inlet Correctional Centre**, which will provide traditional healing and Inuit living skills, reduce pressure on the Baffin Correctional Centre and allow for the return of inmates from other jurisdictions;
- an additional \$2 million for improved **mental health care**;
- an additional \$3 million to the **Income Support Program**, which pays for food and clothing allowances;
- the Department of Economic Development and Transportation will launch the **Country Food Distribution Systems** to improve the storage and distribution of traditional food;
- **The Nunavut Housing Corporation** will receive an additional \$11 million, including \$6 million in payments for utilities; and
- the Department of Executive and Intergovernmental Affairs will prepare legislation to establish the **independent Child and Youth Representative**.

FIRST NATIONS POLICING PROGRAM (FNPP) IN NUNAVUT (updated February 14, 2011)

- Although the FNPP has funded developmental projects in Nunavut in recent years, those projects have ended, and no further funding has been invested in Nunavut.
- As part of the comprehensive review of the FNPP, Public Safety met with officials from the Government of Nunavut in February 2010, where territorial officials strongly urged the Federal Government to consider



NUNAVUT – TERRITORIAL PROFILE

expanding the FNPP in the North. This has been a territorial preoccupation for many years and has been raised at Federal/Provincial/ Territorial Ministers' meetings.

DISASTER FINANCIAL ASSISTANCE ARRANGEMENTS (DFAA) (updated February 16, 2011)

There is currently one event for which the DFAA are in process:

- **2008 June Flood** – PS is waiting for territorial documentation to support a further payment.

To date no DFAA payments have been made to Nunavut.

PARTICIPATION AT FPT FORA (reviewed January 10, 2012)

Justice:

Nunavut hosted the most recent meeting of the Federal/Provincial/Territorial Deputy Ministers Responsible for Justice in Iqaluit, from June 20-22, 2011.

Issues sponsored at recent FPT Ministers and Deputy Ministers of Justice Meetings include Northern Issues and the FPT Working Group on Aboriginal Justice.

Regional Alliances:

- Partner in the Northern Premiers Forum with Yukon and Northwest Territories.
- Partner in the Western Premiers Conference with British Columbia, Alberta, Saskatchewan, Manitoba, Yukon and Northwest Territories.

Emergency Management:

Nunavut has not sponsored any agenda items in recent FPT meetings, but remains an active participant in all Public Safety/Emergency Management related forums.

TAB B



SUGGESTED TALKING POINTS
(For your meeting with Minister Daniel Shewchuk,
Nunavut

CORRECTIONS FACILITIES

General

- There are currently 66 offenders in Correctional Services of Canada facilities who were sentenced in Nunavut.
- I am pleased that the current Canada-Nunavut Exchange of Services Agreement has been extended for a period of 5 years.
- I understand that yesterday CSC officials met with you and the Honourable Eva Aariak, Premier of Nunavut to discuss Inuit programs at Fenbrook Institution.

Spaces for federal inmates in halfway houses

- CSC has a small number of beds for Inuit offenders under conditional release, including the 3 Conditional Release Facility beds at the Uttaqivik facility in Nunavut.

- CSC is presently in negotiations for 2 additional beds in Rankin Inlet and 1 bed in Ilavut through a Memorandum of Understanding.

Exploring the possibility of using Fenbrook Institution's program for Inuit sexual offenders (Tupiq) in territorial facilities

- As I am sure you heard yesterday, the Tupiq Program is delivered by trained and certified Inuit Correctional Program Facilitators and is Elder-assisted.
- The principal goal of the program is to reduce violent and sexual recidivism.
- This program was implemented at Fenbrook Institution in 2001, and a 2009 report indicated that Tupiq participants had significantly lower rates of general recidivism and violent recidivism than the comparison group.
- CSC would need to be consulted to determine if this program would be appropriate for delivery in Territorial facilities in its current format or if revisions are required.

THE ABORIGINAL COMMUNITY CONSTABLE PILOT PROGRAM

- I understand that one of the constables trained through the Aboriginal Community Constable Pilot program is now serving in Rankin Inlet, Nunavut.
- The Aboriginal Community Constable Pilot program demonstrates the RCMP's continued effort to provide policing services that are sensitive to linguistic and cultural needs by providing an opportunity for members of Aboriginal communities to return home as RCMP officers and focus on crime prevention and community engagement activities in their own communities.
- The program allows them to use their knowledge of Aboriginal culture, their understanding of local community dynamics, and their understanding of traditional approaches to addressing disputes and other problems.

- As you may know, following strong support and continued interest from communities currently participating in the Aboriginal Community Constable Pilot program, the RCMP has decided to recruit a second troop of Aboriginal Community Constables.
- It is anticipated they will start their 21-week training program in early 2013.
- I encourage you to put forward candidates to participate in this important and successful program.

If asked about Aboriginal Community Constable program entrance requirements:

- The standards and the steps to be followed during the recruitment process will be for the most part identical to the regular member recruitment process.
- However, considering the unique circumstances of candidates from remote and/or northern communities, the RCMP will continue to waive the requirement for a grade 12 education and use more culturally appropriate aptitude tests for the purposes of accepting candidates into this pilot.



Public Safety Sécurité publique
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Ottawa, Canada
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DATE: **MAR 28 2012**

File No.: IS 5759 / TOW-016249
RDIMS.: 584937

MEMORANDUM FOR THE MINISTER

**PROPOSED RESPONSE TO THE MINISTER MIKE NIXON,
MINISTER OF TOURISM AND CULTURE, AND MINISTER OF JUSTICE
OF YUKON, MARCH, 2012**

(Information only)

ISSUE

You will find attached a suggested letter to the Honourable Mike Nixon, Minister of Tourism and Culture, and Minister of Justice of Yukon, in response to his correspondence of February 22, 2012, in which he requested the status of operating hours at Little Gold Creek Port of Entry (POE) on the Yukon/Alaska border.

The proposed letter is enclosed (**TAB A**). Minister Nixon's letter is also attached for your consideration (**TAB B**). Furthermore, you will find the letter that your counterpart, Janet Napolitano, from the U.S. Department of Homeland Security addressed to you on March 1, 2012 (**TAB C**), in which you are informed that the U.S. government concurs with our request of restoring the hours of service at the POE.

William V. Baker

Enclosures: (3)

Prepared by: Albanela Pérez-Suárez

Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8

The Honourable Mike Nixon, M.L.A.
Minister of Tourism and Culture
Minister of Justice
Whitehorse, Yukon Y1A 2C6

Dear Minister Nixon,

Thank you for your correspondence of February 22, 2012. It was a pleasure to meet with you in the context of the Yukon's participation in the Winterlude festival.

I would also like to thank you for the opportunity to discuss various issues of common interest, including the new, seasonal hours of service at the Little Gold Creek Port of Entry (POE) on the Yukon/Alaska border.

I appreciate that this matter remains a concern to residents and businesses in Dawson City. I am therefore pleased to announce that Secretary Janet Napolitano, my counterpart at the U.S. Department of Homeland Security, has informed me that her government concurs with our request to restore the hours of service at the Little Gold Creek POE to the pre-2011 hours of 9:00 a.m. to 9:00 p.m. (Pacific Standard Time).

The restored hours will be in effect for the 2012 opening of the POE.

Once again, thank you for bringing your concerns on this issue to my attention.

Yours sincerely,

Vic Toews, P.C., Q.C., M.P

Canada

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Office of the Minister
Box 2703, Whitehorse, Yukon Y1A 2C6

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PUBLIC SAFETY CANADA

February 22, 2012

The Honourable Vic Toews P.C., Q.C., M.P.
Minister of Public Safety
Ottawa, Canada
K1A 0P8

Dear Minister Toews:

It was a pleasure meeting with you in Ottawa while our Yukon contingent was taking in Winterlude's Yukon Days.

Thank you for meeting with me and discussing issues of mutual interest.

The Government of Yukon has actively been seeking some resolution to the new operating hours at Little Gold Port of Entry. Residents and businesses in Dawson City are following the file closely.

I was encouraged to hear your positive statements regarding this issue and look forward to hearing more from you in the near future.

Thank you again for the opportunity to meet with you.

Best regards,

Mike Nixon
Minister of Tourism and Culture

MCU

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AGENCY	MO	
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FILE No.	8000-7 <i>h</i>	
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**of the Access to Information
de la Loi sur l'accès à l'information**

**Pages 223 to / à 225
are withheld pursuant to sections
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**of the Access to Information
de la Loi sur l'accès à l'information**

**Pages 243 to / à 245
are not relevant
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Canada Border Services Agency

Agence des services frontaliers du Canada

Sec. Serv. PS/Serv. Sec. SP
Received / Reçu
JUN 20 2012

PROTECTED A

For information

CANADA BORDER SERVICES AGENCY PEAK PERIOD TRAVELLER VOLUME: TRENDS & MITIGATION STRATEGIES

For the Minister

PURPOSE

To outline the operational demands faced by the Canada Border Services Agency (CBSA) during peak periods and the proactive strategies in place to mitigate these pressures.

ISSUE

CBSA expects an increase in traveller volume based on a number of factors, including: a strong Canadian dollar; an increase in cross-border shoppers; and, the June 1, 2012 increase in personal exemptions. The Agency is ready to manage these volumes through the implementation of proactive mitigation measures included in the National Peak Periods Strategy.

BACKGROUND

The CBSA's service standards are that no traveller arriving at a land port of entry (POE) should wait in line more than 10 minutes from Monday to Thursday, and no more than 20 minutes Friday to Sunday and on holidays. The standard for air travellers is 20 minutes throughout the week. The Agency meets these service standards approximately 98 per cent of the time; however, the remaining two per cent when the Agency does not meet these standards causes aggravation for the travelling public and stakeholders. Minor delays do not cause significant issues; however, when wait times approach 60 minutes, concerns are raised, and regional management must report the incident to headquarters so the Agency can ensure that all steps are being taken to address the excessive border wait times (BWT).

Summer is the CBSA's busiest season at the POEs (see Annex A). During the peak summer months of May, June, July and August, the CBSA processes close to 40 per cent of the total annual traveller volumes, the majority of which enter Canada through land POEs. During fiscal year 2010-2011, the average processing time for a traveller at land POEs was 37 seconds. The average processing time is determined from the initial scanning of the traveller's documents in Integrated Primary Inspection Line system (IPIL), until a release/refer decision is rendered by the border services officer. It is important to note that not all POEs have IPIL capability, and that 37 seconds is the average processing time per traveller at IPIL equipped lanes only. The Agency maintained the 37 second processing time during the summer of 2011, and continues to do so this fiscal year.



T.D. No.
No. T.D. TON-018379
File No.
No. Dossier 8000-1
C.C.
DM COE SPB DG LRB

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Since 2009, the CBSA has experienced an increase in the volume of travellers entering Canada. In fiscal year 2011-2012, the number of travellers was 6.1 per cent higher than the previous fiscal year and 13.9 per cent higher than two years ago. During the summer of 2011, traveller volumes at the 22 busiest land POEs rose by 10.4 per cent and performance against the traveller BWT service standard fell by only 2.7 per cent compared to 2010. At the eight busiest airports of entry, traveller volumes rose by 4.6 per cent and performance against the BWT standards improved by 1.2 per cent compared to 2010. Volume at the 19 busiest commercial land ports was equivalent to 2010 levels, while performance against the BWT service standards improved by 0.5 per cent compared to 2010 levels.

The overall success of the 2010 and 2011 Summer Action Plans was recognized by the Agency's stakeholders. For example, following the summer of 2011 and the 2012 Victoria Day long weekend, the CBSA received congratulatory letters from bridge authorities in the Southern Ontario Region. This feedback reiterated the successful implementation of the proactive action plans and recognized that the Agency's efforts were resulting in an improved border crossing experience for travellers and commercial vehicles entering Canada.

STATUS

Building on the success of the 2010 and 2011 Summer Action Plans, the CBSA has developed a new year-round action plan, the National Peak Periods Strategy. This new Strategy incorporates mitigation measures for three peak periods: summer (May to September) at land and air POE; postal operations (October to December) at the three mail processing centers; and, air charter peak period (November to March) at air POE.

Through the implementation of the Strategy's mitigation measures, the Agency is maximizing our POE capacity and increasing the CBSA officer resources available during periods of peak traveller and commercial volume to maintain service standards.

These mitigation measures include: having additional staff on duty during peak periods, accomplished through the tactical use of overtime, relocating staff to busier POE, managing leave and training, and limiting CBSA officer annual leave during expected peak periods; ensuring that all available lanes are open when required, by forecasting peak periods; promoting the use of trusted traveller and trader programs; encouraging eligible air travellers to use the Automated Border Clearance program (currently available at Vancouver International Airport and at Pierre Elliot Trudeau International Airport in Montreal); and, providing travel tips and advice to travellers through a national communications plan which supports the National Peak Periods Strategy and includes wait time updates through Twitter messaging and the CBSA website.

In order to implement the expanded scope of the National Peak Periods Strategy, the CBSA will allocate \$12.1 million for fiscal year 2012-2013.

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Long BWT are often the result of traffic volume exceeding the capacity of CBSA facilities. In order to address such infrastructure limitations, the CBSA has successfully added inspection lanes at land POEs, including:

- Redeploying two temporary PIL booths to Lacolle, Québec, at a cost of \$240K, funded through the CBSA's capital budget allotment;
- Building one extra lane at Prescott, Ontario, as part of a \$19.3M reconstruction, funded via the Economic Action Plan;
- Building three extra lanes at Queenston-Lewiston, Ontario that will be operational in June 2012, at a cost of \$316K (Section 6 of the *Customs Act* requires owners to provide POE facilities including utilities and property management); and,
- Building four extra lanes at Pacific Highway, British Columbia, as part of a \$21.1M reconstruction, funded via the Economic Action Plan.

Based on an analysis of traveller volume and BWT during the 2012 Victoria Day long weekend, these infrastructure investments provide additional processing capacity and noticeable service improvements. At the 22 busiest land POEs, traveller volume was up 10.4 per cent over the same period in 2011 and 32.8 per cent higher than 2010 levels. Despite this increase in volume, performance against the BWT service standard was 93.5 per cent, an improvement over the same period in 2011 (90.7 per cent) and equivalent to 2010 (93.3 per cent). If these rising volumes are indicative of what the Agency will experience during the upcoming summer peak period, this increase in volume will exceed the capacity of some POEs and will result in BWT beyond the Agency's service standards.

There are rare occasions when surging volume at our busiest land POE can cause BWT in excess of 120 minutes. For example, during the busy 2012 Victoria Day long weekend, only three of the busiest land POE experienced BWT in excess of 120 minutes. These delays occurred during expected peak periods when all inspection lanes were open. It is important to note that the number of occurrences where wait time exceeded 120 minutes was equivalent to the 2011 Victoria Day long weekend, despite a 6.1 per cent increase in traveller volumes.

NEXT STEPS

The National Peak Periods Strategy is now in place. Mitigation measures for the summer peak period are being implemented across the CBSA in order to maintain the BWT service standards. An evaluation framework has been developed, through which the Agency will measure the effectiveness of the plan by monitoring and analyzing BWTs performance, traveller and commercial volumes, enforcement activities and the impact of increased personal exemptions.

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The CBSA is confident that the measures being taken will ensure that excessive wait times for returning Canadians and visitors at the border over the summer peak period will be kept to a minimum.



JUN 20 2012

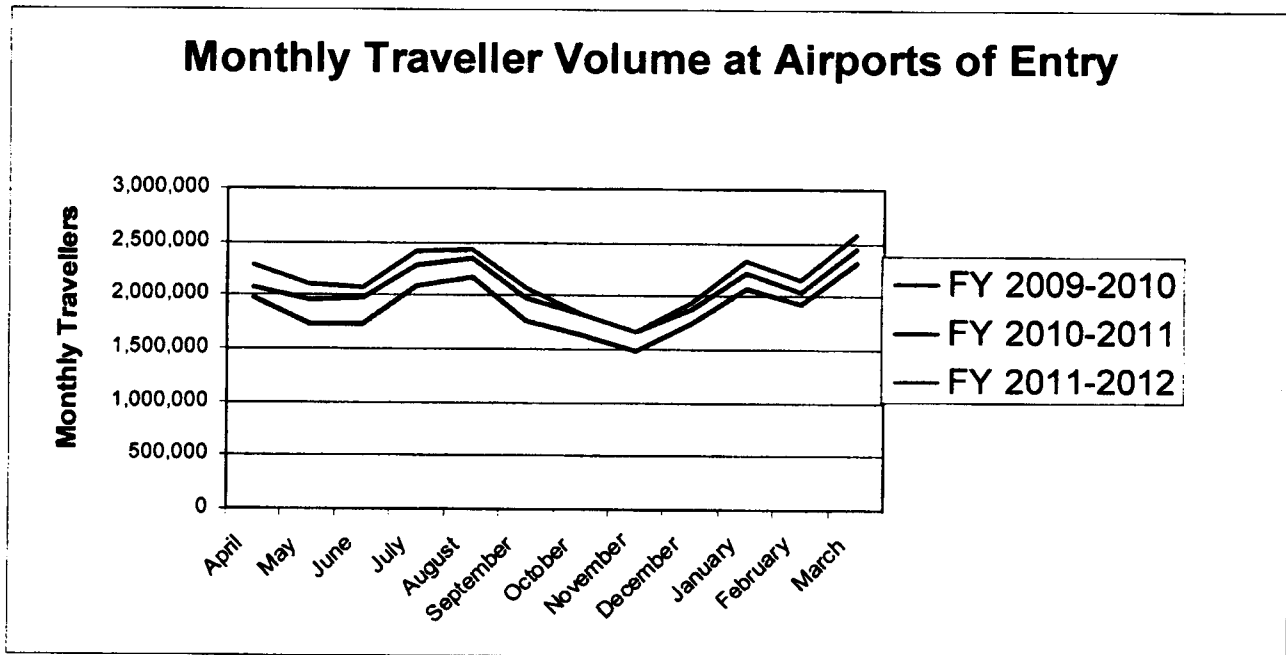
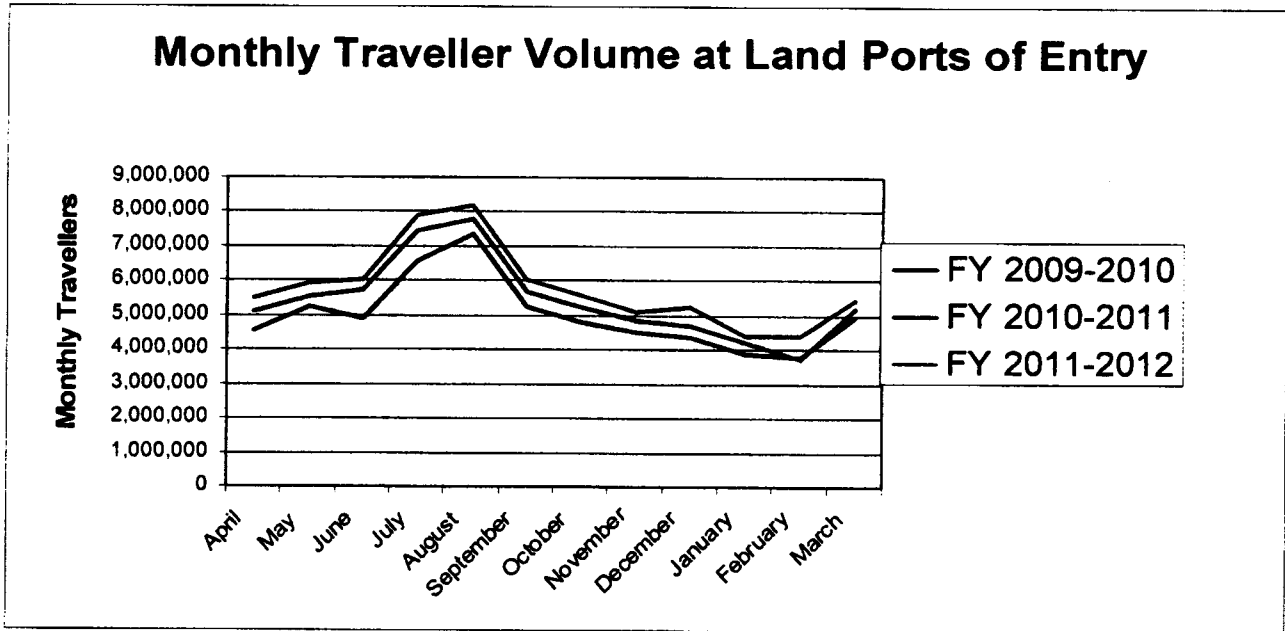
Luc Portelance
President

ATTACHMENT:

1. **ANNEX A: Monthly Traveller Volume**

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ANNEX A: Monthly Traveller Volume



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Canada Border Services Agency / Agence des services frontaliers du Canada

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JUL 11 2012

For information

EVALUATION OF THE CANADA BORDER SERVICES AGENCY ENFORCEMENT TEAMS

For the Minister

T.D. No. / No. T.D. TW-018781
File No. / No. Dossier 8000-1
C.C. DM COS SPB DG LPS

PURPOSE

The attached Executive Summary from the program evaluation report on the Canada Border Services Agency (CBSA) enforcement teams is scheduled for posting on the CBSA's external website in July 2012. The publication of program evaluation reports is required by Treasury Board policy.

ISSUE

The purpose of the evaluation was to examine the relevance and performance of the CBSA enforcement teams. Overall, the evaluation found that the deployment of enforcement teams at ports of entry (POEs) meets an ongoing need and is consistent with and aligned with CBSA priorities. However, the evaluation also identified several areas for improvement.

BACKGROUND

Enforcement teams consist of highly trained Border Services Officers (BSOs) and superintendents who focus on the enforcement of acts and regulations administered by the CBSA. The CBSA has dedicated about 230 full-time employees to 23 enforcement teams across Canada. The teams are separate from regular primary and secondary inspection operations, allowing them to be flexible and mobile and to respond to risks both at and away from POEs. When required, they are also used to augment core primary and secondary inspection operations at POEs.

Although performance information was available for only six of 23 enforcement teams, the data suggest that the use of enforcement teams is an efficient means of enforcing border legislation as measured by cost per enforcement action. As well, these teams tend to exhibit higher success rates (e.g. proportion of examinations that resulted in enforcement actions) than those achieved through regular line operations. By organizing BSOs into enforcement teams, POE management is better able to focus on high-risk travellers and goods. Management makes resource allocation decisions based on perceived risk, balanced against the need to ensure facilitation of legitimate travellers and trade.

While the deployment of enforcement teams generally aligns with the identified border risks, there are a number of high-risk POEs that are without an enforcement team. The evaluation noted that there were no national policies or guidelines to provide direction on the establishment of enforcement teams, and that operational direction and support from headquarters for enforcement teams is limited.

Based on these findings, the evaluation recommended that the CBSA clarify accountabilities at headquarters for providing functional direction to enforcement teams, and that it monitor enforcement team activities and results to assess effectiveness and better advise on resource allocation decisions.

STATUS

CBSA senior management concurs with the study's findings and recommendation. A management action plan (MAP) has been developed to implement a process to monitor and assess the effectiveness of the teams and inform resource allocation decisions. The MAP will be completed as scheduled by the end of October 2012. The first milestone, communicating the lead for policy development and functional support, was completed at the end of February 2012. The second milestone, identifying an implementation plan for monitoring and assessing the effectiveness of teams and advising of resource allocation decisions, was completed in June 2012.

NEXT STEPS

The Executive Summary from the evaluation report will be posted on the CBSA's external website in July 2012. Media lines (attached) have been prepared to address potential enquiries by the media.



Luc Portelance
President

JUL 10 2012

ATTACHMENTS

1. **Media Lines: Evaluation Study of CBSA Enforcement Teams**
2. **CBSA Enforcement Teams Evaluation Study Executive Summary**



Media Lines CBSA Enforcement Teams Evaluation Study

Issue

The Canada Border Services Agency (CBSA) enforcement teams are used to augment, but not replace, core primary and secondary inspection operations at ports of entry (POEs). An Evaluation Study was conducted on CBSA enforcement teams from January to September 2011. The purpose of the evaluation was to examine the relevance and performance of the CBSA enforcement teams.

Key Messages

The CBSA enforcement teams are used to augment, but not replace, core primary and secondary inspection operations at ports of entry (POEs).

Enforcement teams provide the CBSA with flexibility in responding to border-related risks, indicators, and highly developed concealment methods.

The Evaluation Study recommended that the CBSA clarifies accountability for functional direction to enforcement teams and monitor enforcement team activities and results in order to facilitate the assessment of effectiveness and to inform resource allocation decisions.

The CBSA agrees with the findings of the evaluation and a management action plan has been developed.

The Programs Branch within the CBSA will be the lead for policy development and functional support.

The Programs Branch will develop an implementation plan for monitoring and assessing the effectiveness of the enforcement teams and advising of resource allocation decisions.

The Programs Branch will implement a monitoring and assessment process in collaboration with the Operations Branch.

Strong internal evaluation capacity helps to ensure transparency, due diligence, and sound decision making.

This report demonstrates the value of independent, objective, and timely internal evaluations. The CBSA continues to work to strengthen this capacity.





Evaluation Findings

The evaluation found that enforcement teams at POEs meet an ongoing need, provide the CBSA with flexibility in responding to border-related risks, and are efficient in enforcing border legislation.

The evaluation also identified certain areas for improvement with respect to the clarity of enforcement team policy and guidance provided to the regions, and recommended that:

The Programs Branch, in consultation with Operations Branch, clarify accountability for functional direction to enforcement teams and monitor enforcement team activities and results in order to facilitate the assessment of effectiveness and to inform resource allocation decisions.

Management Response:	
Agreed. Programs Branch supports the recommendation.	
Key Milestones:	Completion Date
Programs Branch has been identified as lead for policy development and functional support. This will be communicated by February.	February 2012
Programs Branch will identify an implementation plan for monitoring and assessing the effectiveness of the teams and informing resource allocation decisions. Activities will include: <ul style="list-style-type: none"> • General approach and scope to be defined at the POE Program Management Table • Key success factors and measures to be identified • Assessment methodologies to be determined • Input from regions and operations via "mode" committees and service working groups 	June 2012
Border Programs Directorate will implement a monitoring and assessment process in collaboration with Operations Branch. Activities will include: <ul style="list-style-type: none"> • Implementation plan to be presented and approved by POE Program Management Committee • Regions to be engaged and familiarized with the monitoring processes and their roles and responsibilities • Integration of the process into the Process Monitoring Framework 	October 2012

Prepared by:	In consultation with:	Approved by:
Maja Graham Communications Officer Programs and Operations Communications 613-957-6029	Scott MacIntosh Communications Officer Corporate Communications 613-952-2853	Alec Attfield, A/DG Border Programs Ken MacKillop, DG Communications



Infocapsules

Étude d'évaluation des équipes d'exécution de l'ASFC

Enjeu

Les équipes d'exécution de l'Agence des services frontaliers du Canada (ASFC) servent à compléter, mais pas à remplacer, les opérations relatives aux inspections primaires et secondaires de base aux points d'entrée. Une étude d'évaluation a été menée sur les équipes d'exécution de l'ASFC de janvier à septembre 2011. Le but de cette évaluation était d'examiner la pertinence et le rendement des équipes d'exécution de l'ASFC.

Messages clés

Les équipes d'exécution de l'Agence des services frontaliers du Canada (ASFC) servent à compléter, mais pas à remplacer, les opérations relatives aux inspections primaires et secondaires de base aux points d'entrée.

Les équipes d'exécution confèrent à l'Agence la souplesse nécessaire pour faire face aux risques liés à la frontière, pour réagir aux indices et pour trouver les méthodes de dissimulation les plus ingénieuses.

L'étude d'évaluation recommandait que l'ASFC clarifie la responsabilisation en matière d'orientation fonctionnelle des équipes d'exécution et surveille leurs activités et résultats afin de faciliter l'évaluation de leur efficacité et d'éclairer les décisions en ce qui a trait à l'allocation des ressources.

L'ASFC est d'accord avec les résultats de l'évaluation et un plan d'action de gestion a été élaboré.

La Direction générale des programmes au sein de l'ASFC sera responsable d'élaborer des politiques et de fournir un soutien fonctionnel.

La Direction générale des programmes élaborera un plan de mise en œuvre pour surveiller et évaluer l'efficacité des équipes et éclairer les décisions en ce qui a trait à l'allocation des ressources.

La Direction générale des programmes mettra en œuvre une procédure de surveillance et d'évaluation avec la collaboration de la Direction générale des opérations.

Une capacité solide en évaluation interne permet d'assurer la transparence, la diligence requise et la logique décisionnelle.

Le rapport fait ressortir l'importance d'avoir un service d'évaluation interne indépendant et objectif et qui sache intervenir à temps. L'ASFC continue de renforcer cette capacité.

Résultats de l'évaluation





L'évaluation a révélé que les équipes d'exécution aux points d'entrée répondent à un besoin permanent, confèrent à l'Agence la souplesse nécessaire pour faire face aux risques liés à la frontière et sont efficaces pour appliquer la législation frontalière.

L'Agence a identifié des secteurs nécessitant d'être améliorés concernant la clarté des politiques relatives aux équipes d'exécution et du soutien fonctionnel fournis aux régions, et a recommandé que :

La Direction générale des programmes, en collaboration avec la Direction générale des opérations, clarifie la responsabilisation en matière d'orientation fonctionnelle des équipes d'exécution et surveille leurs activités et résultats afin de faciliter l'évaluation de leur efficacité et d'éclairer les décisions en ce qui a trait à l'allocation des ressources.

Réponse de la direction	
Accepté. La Direction générale des programmes appuie la recommandation.	
Éléments essentiels	Date d'achèvement
La Direction générale des programmes a été identifiée comme responsable de l'élaboration des politiques et du soutien fonctionnel. Cela sera communiqué d'ici le mois de février.	Février 2012
La Direction générale des programmes développera un plan de mise en œuvre pour le suivi et l'évaluation de l'efficacité des équipes et la prise de décision éclairée en matière d'affectation des ressources. Ces activités comprendront : <ul style="list-style-type: none"> • L'approche générale et la portée seront définies à la table de gestion des programmes des points d'entrée; • Les mesures et facteurs de succès clés seront à préciser; • Les méthodologies d'évaluation sont à décider; • Les commentaires provenant des régions et des opérations se feront au moyen de comités organisés par 'mode' et de groupes de travail sur les services. 	Juin 2012
La Direction des programmes frontaliers mettra en œuvre un processus de suivi et d'évaluation en collaboration avec la Direction générale des opérations. Ces activités comprendront : <ul style="list-style-type: none"> • Un plan de mise en œuvre sera présenté et approuvé par le comité de gestion des programmes des points d'entrée; • Les régions seront impliquées et familiarisées avec le processus de suivi ainsi qu'avec les rôles et responsabilités; • Le processus sera intégré au cadre de suivi des processus. 	Octobre 2012

Préparé par : _____ En consultation avec : _____ Approuvé par : _____

ASFC CBSA

<p>Maja Graham Agente des communications Programme et Opérations Communications 613-957-6029</p>	<p>Scott MacIntosh Agent des communications Communications organisationnelles 613-952-2853</p>	<p>Alec Attfield, DG/ des Programmes frontaliers Ken MacKillop, DG des Communications</p>
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CBSA
PROTECTION • SERVICE • INTEGRITY

ASFC
PROTECTION • SERVICE • INTÉGRITÉ

Canada Border Services Agency (CBSA) Enforcement Teams

PROTECTION

SERVICE

INTEGRITY



Evaluation Study

Executive Summary
February 9, 2012

SERVICE

PROTECTION

INTÉGRITÉ

Program Evaluation Division
Internal Audit and Program
Evaluation Directorate



EXECUTIVE SUMMARY

Background

The Canada Border Services Agency's (CBSA) mandate is to facilitate the movement of legitimate travellers and goods and to detect and interdict those travellers and goods that pose a threat to Canada. The CBSA fulfills this mandate by providing integrated border services that support national security, public safety and economic prosperity priorities.

In total, the CBSA has dedicated about 230 FTEs to 23 enforcement teams across the country which translates to approximately 4% of all Border Service Officers (BSOs) and superintendents in the regions.¹ CBSA enforcement teams² are used to augment, but not replace, core primary and secondary inspection operations at ports of entry (PoEs). These teams are separate from regular primary and secondary operations, allowing them to be flexible and mobile, and to respond to risks both at and away from the Port of Entry (PoE). In general, BSOs on enforcement teams conduct specific enforcement activities and focus on the detection and interdiction of high-risk people and goods.³

Enforcement teams exist across all modes of transportation but are typically assigned to air, land, and mixed-mode units. Most of the enforcement teams work in the air mode. In this mode, teams at Canada's major airports generally work in either the traveller or commercial goods stream but in smaller airports the teams tend to work in both streams. Teams that operate only in the land mode are typically referred to as Flexible Response Teams (FRTs) and perform activities in the traveller or commercial stream or both. FRTs typically work out of one PoE but there are some that conduct their activities at multiple PoEs in the district. Enforcement teams that operate on a seasonal basis are usually deployed across multiple modes.

The purpose of the evaluation was to examine the relevance and performance of the CBSA enforcement teams. This evaluation was completed in accordance with the Treasury Board Directive on the Evaluation Function, and the research was conducted from January to September 2011.

Evaluation Methodology

The evaluation incorporated multiple lines of evidence, including analysis of CBSA operational statistics, performance and expenditure data. A review of documents pertaining to design, delivery,

¹ As of March 31, 2011 there were a total of 6,043 BSOs and superintendents working in the regions. Source: G11 statistics.

² For this evaluation, enforcement teams were defined as dedicated groups of BSOs and superintendents that have been formed to focus on the enforcement of Acts and regulations administered by the CBSA. While certain teams across the country self-identify as "enforcement teams", others identified more with the term "flexible" to categorize these dedicated groups of officers.

³ The definition utilized for this evaluation meant that certain groups of officers that work in teams were scoped out of the research. For example, marine teams that conduct vessel rummage, cruise ship clearance and container examinations were not considered enforcement teams for the purpose of the evaluation as they provide a primary/secondary function tailored to the operational environment at a marine PoE. Officers dedicated to specific detection equipment, such as the Mobile Vehicle and Cargo Inspection System (VACISTM) were not included since their main focus is the operation of specific detection technology. Detector Dog Service (DDS) teams were also considered out of scope as these support enforcement teams as an additional detection tool.

CBSA ASFC

planning and governance (including CBSA Customs Enforcement Manual, People Processing Manual, etc.) was also conducted. One-on-one and group interviews were conducted with key stakeholders including CBSA management at National Headquarters (NHQ) and the regions as well as BSOs on enforcement teams. In addition, site visits were conducted in the Atlantic, Quebec, Greater Toronto Area, Windsor/St. Clair, Niagara/Ft. Erie and Pacific regions.⁴ Information on enforcement teams in regions for which there were no site visits, was gathered via telephone interviews with regional CBSA staff. The evaluation also used two case studies as a means to identify and describe the activities of selected teams and to illustrate the results of these operations.

Key Conclusions and Recommendations

Overall, the deployment of enforcement teams at PoEs meets an ongoing need and is consistent with and aligned to the CBSA priorities, as the Agency is the only organization with jurisdiction at Canada's PoEs. By organizing officers into enforcement teams, PoE managers are able to focus enforcement resources on high-risk travellers and goods. Enforcement teams provide the Agency with flexibility in responding to border-related risks, indicators and highly developed concealment methods.

Agency statistics concerning traveller and commercial processing and enforcement indicate that risks and threats are still prevalent and continue to require enforcement activities. Overall, the Agency averaged 5.7 million traveller examinations per year over the period 2008-2009 to 2010-2011, which resulted in an annual average of 84,000 enforcement actions. Over the same period, there was an average of 253,000 commercial examinations per year and 33,000 enforcement actions.⁵ While the examination and enforcement data is collected for some enforcement teams, it is not available on an agency-wide basis and, therefore the overall contribution of enforcement teams to these figures is not known.

There are no national policies or guidelines to provide direction with respect to the deployment of enforcement teams, these decisions are determined by regional managers. The evaluation found that the deployment of enforcement teams generally aligns with risks identified in the 2010 CBSA Port Risk Assessment Report. However, there are a number of high risk PoEs without an enforcement team and a few medium risk PoEs that have them. In total, 18 of the Agency's 23 enforcement teams operate at high-risk PoEs while 5 are located at medium-risk PoEs. In general, regional managers at the medium risk PoEs reported that the flexibility of enforcement teams were used to meet CBSA responsibilities away from the PoEs that could not be addressed through regular line operations⁶.

Officers on enforcement teams have access to the equipment, tools and systems they need for their duties. In addition, they have the skills and knowledge to effectively carry out their work. There are some logistical challenges in training delivery that managers attempt to mitigate with rotation, job-shadowing and locally developed team orientations.

⁴ The locations were chosen based on the number and variety of enforcement teams and JFOs, traffic volume and levels of risk.

⁵ In the customs environment, enforcement action refers to the levying of a sanction, seizing goods, ascertaining forfeiture, detaining or arresting a person, or any like occurrence. Source: CBSA Enforcement Manual, Part 11, Glossary.

⁶ These responsibilities would include responding to Telephone Reporting Centre (TRC) referrals, compliance monitoring in airports and marinas, as well as remote area border crossing sites.

Overall, enforcement teams in all modes have good working relationships with internal and external partners. However, there are some persistent issues in the air mode that require ongoing attention. For example, officers on air teams indicated that they sometimes experience difficulty trying to access secure areas within airports despite the fact that this is required for them to conduct their duties. Regional managers reported they work with stakeholders on a regular basis to resolve these issues. For example, in one region this problem has been addressed through an agreement between district management and the Airport Authority that allows BSOs with specific shoulder flashes (indicating membership on the enforcement team) rapid access to these areas.

Regional management structures for enforcement teams are clear and team members understand their roles, responsibilities and reporting requirements. However, operational direction and support from headquarters for enforcement teams is limited. The evaluation found that it is not always clear which areas within NHQ are responsible for monitoring performance or providing guidance to enforcement teams. Senior management at NHQ interviewed identified a need for greater NHQ engagement with respect to enforcement teams. Specifically they noted a need to identify training requirements for officers on teams, ensure alignment of team activities with Agency policy in order to support consistent delivery, and the need for more consistent performance measurement.

There is evidence to suggest that the use of enforcement teams enhances CBSA's ability to enforce border legislation and regulations. Although information was available for only 6 of 23 enforcement teams, the data shows that these teams tended to exhibit higher success rates (e.g., proportion of examinations that resulted in enforcement actions) than those achieved through regular line operations. As well, as measured by cost per enforcement action, the use of enforcement teams is an efficient means of enforcing border legislation. With the exception of one enforcement team, all teams for which data were available for the evaluation registered lower costs per enforcement action than that of the overall passenger or commercial operations in which they operate.

Regional managers make resource allocation decisions based on perceived risk balanced with the need to ensure facilitation of legitimate travellers and trade. However, there are no national policies or guidelines to provide direction with respect to the deployment of enforcement teams. Interviewed managers considered the current level of resourcing to be the minimum necessary for enforcement activities, with little scope for increasing team activities given the need to ensure the adequate staffing of line operations. Decision making as to the best use and level of resources to dedicate to enforcement teams would be aided by better articulation of Agency objectives/goals for the use of these teams, and more robust performance reporting and monitoring.

In light of these findings it is recommended that:

Recommendation 1

The Programs Branch, in consultation with Operations Branch, clarify accountability for functional direction to enforcement teams and monitor enforcement team activities and results in order to facilitate the assessment of effectiveness and to inform resource allocation decisions.



Management Response:	
Agreed. Programs Branch supports the recommendation.	
Key Milestones:	Completion Date
Programs Branch has been identified as lead for policy development and functional support. This will be communicated by February.	February 2012
<p>Programs Branch will identify an implementation plan for monitoring and assessing the effectiveness of the teams and informing resource allocation decisions. Activities will include:</p> <ul style="list-style-type: none"> • General approach and scope to be defined at the POE Program Management Table • Key success factors and measures to be identified • Assessment methodologies to be determined • Input from regions and operations via "mode" committees and service working groups 	June 2012
<p>Border Programs Directorate will implement a monitoring and assessment process in collaboration with Operations Branch. Activities will include:</p> <ul style="list-style-type: none"> • Implementation plan to be presented and approved by POE Program Management Committee • Regions to be engaged and familiarized with the monitoring processes and their roles and responsibilities • Integration of the process into the Process Monitoring Framework 	October 2012



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July 11, 2012

The Honourable Vic Toews, P.C., Q.C.
Minister of Public Safety
269 Laurier Avenue West, 19th floor
Ottawa, Ontario
K1A 0P8

Dear Minister Toews:

You will find enclosed, for your information, a Statement of Cooperation that was recently signed between the Canada Border Services Agency (CBSA) and the Royal Canadian Mounted Police (RCMP). The purpose of this agreement is to promote a more collaborative and cooperative relationship in delivering on our shared mandate of protecting Canada's borders.

The Statement of Cooperation is a by-product of a concerted effort to build on our long history of cooperation by better aligning our two organizations, from both a strategic and operational perspective. A Joint Executive Committee (JEC) has been established, which meets semi-annually to identify challenges and areas of interaction between the two organizations where greater collaboration and cooperation are needed.

As co-chairs of the JEC we tasked our respective executive teams to develop a work plan built on four key pillars: governance; policy and program harmonization; coordinated operations; and information sharing. The Statement of Cooperation is the first key deliverable under the governance pillar. Progress is being made on all four pillars and we are confident that our two organizations are moving towards a more cohesive approach to border management that supports Canadians. These efforts are also aligned with the spirit of the Beyond the Border Action Plan, which calls for greater collaboration amongst law enforcement agencies.

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No. T.D. Tow-018861
File No.
No. Dossier 8000-1
C.C. No. (N) - DN-COS-SPB
DG-LPB

.../2

We would be pleased to discuss further any of the work being done between the CBSA and the RCMP at your convenience.

Yours sincerely,

Luc Portelance



**President
Canada Border Services Agency**

Bob Paulson



**Commissioner
Royal Canadian Mounted Police**

2012-07-11

Date

2012-07-13

Date

Enclosure: Statement of Cooperation between the Canada Border Services Agency and the Royal Canadian Mounted Police

TAB 1



Statement of Cooperation

Between

The Canada Border Services Agency (CBSA)

And

The Royal Canadian Mounted Police (RCMP)

PREAMBLE:

The Canada Border Services Agency (CBSA) and the Royal Canadian Mounted Police (RCMP) are significant contributors to the national security, public safety and economic prosperity of Canada. We share responsibility for protecting Canada's borders and our long-standing relationship is built on mutual respect and complementary roles and responsibilities.

We encourage dynamic inter-agency cooperation in identifying and managing future risks and threats, and seek to regularly assess our performance against our collective priorities, remaining flexible, proactive and responsive to emerging threats.

STATEMENT:

The purpose of this statement is to clearly describe expectations for managing the relationship between our organizations. It reflects our complementary mandates and the criticality of enhancing our relationship and collaborating to achieve outcomes for Canadians. We do enjoy a strong and effective operational relationship on many key programs/initiatives.

This statement confirms our desire for greater cooperation at the strategic, operational and tactical levels, as well as a desire to work closely to resolve common issues. This can be accomplished by better understanding the mandate and mutual importance of each agency and agreeing to work in partnership to provide mutual assistance. This will result in: reduced interagency gaps; improved communication at all levels; enhanced service delivery to all Canadians; and ultimately, strengthened border security.



We strive to work more closely to address 21st century challenges and threats, such as terrorism, proliferation, cyber security, human smuggling and trafficking, fraud, contraband, and organized crime through the creation of diverse and effective collaborative efforts.

We will achieve this by promoting effective and responsible information sharing to further investigations, support operations and develop actionable intelligence, utilizing our extensive network (domestic and international) of internal and external resources; those that exist beyond, along and within our borders. These resources will contribute to pushing the borders out by ensuring the security and prosperity of Canada, Canadians and our allies and interests in a competitive and complex environment, and we will reflect this as our paramount intention in our day-to-day operations. By facilitating strategic placement and utilization of resources along the travel/border continuum, we will effectively maximize our security capacities while re-directing resources to areas/sectors where potential threats emerge.

MANDATES:

The CBSA and RCMP have a shared responsibility for securing Canada's borders. Combined, our mandates are not limited to the physical and political boundaries surrounding Canada and its territories but also include international partners (foreign countries and organizations) and transit points to Canada; the land, air and maritime borders, including those at and between the ports of entry (POE)s; and investigative, intelligence and enforcement activities in Canada and abroad. Responsibility for these various aspects of border security is administratively assigned through legislation and regulations, MOUs and other agreements between our organizations. This ensures that the implementation of policy is consistent with, and reflects the realities of, our current operating environment and a national approach to our working relationship.

MECHANISMS FOR JOINT SENIOR MANAGEMENT MEETINGS

A Joint Executive Committee (JEC) has been formed and is co-chaired by the President of the CBSA and the Commissioner of the RCMP. The JEC will provide oversight and strategic guidance, representing their respective agencies but working as a group to reach integrated goals. The JEC will meet at least annually.

In addition, a Joint Working Group (JWG) has also been formed and is co-chaired by the Vice-President, Operations Branch of the CBSA and the Deputy Commissioner Federal Policing of the RCMP, to develop a high level work plan which will serve as a roadmap to strengthen the CBSA-RCMP relationship. The JWG meets regularly to monitor the progress of the work plan and provide regular updates to the JEC on key activities and initiatives.



EXPECTATIONS FOR MANAGEMENT TO BE PROACTIVE IN FOSTERING INTERACTIONS BETWEEN THE CBSA AND THE RCMP

Both agencies have committed to finding more effective solutions to cooperate, collaborate, communicate and integrate service delivery without adversely affecting each other's mandate by: actively participating in meetings at all management levels regionally and at HQ; participating in established working groups; site visits; domestic/international cooperation and interagency cooperation with foreign governments; and having contact points throughout the regions/divisions and headquarters.

The CBSA and the RCMP agree to provide operational support, service delivery, and assistance to each other related to the assigned responsibilities of the other agency without working outside of either agency's mandate or legal authority. Both agencies recognize that at times, resources or other circumstances may delay or prevent a response to calls for assistance.

CONFLICT RESOLUTION

Both agencies will cooperate without adversely affecting each other's mandate. De-confliction geared towards reducing and minimizing negative impact and potential problems stemming from our complementary roles and responsibilities must be ongoing.

Potential conflicts must be identified and addressed in the first instance at the regional/divisional level. If a resolution cannot be achieved at this level it is moved up the chain of command within each agency's HQ. Frequent interactions at all levels are vital to ensure open dialogue aimed toward the resolution of conflict.

CROSS-TRAINING BETWEEN AGENCIES

We will continue to work together to jointly create programs and protocols specific to the development of our employees when working in a collaborative environment, resulting in a more effective partnership. Pursuant to our respective mandates, this can include, but is not limited to: joint training and awareness sessions; cross training; secondments, joint forces operations and joint field work; and the crafting of a national training strategy.



CONCLUSION

The CBSA and RCMP must collaborate effectively, at all levels, to strengthen border security and enhance our collective efforts to combat cross-border crime and threats to the security of Canada. In fact, Canadians and our federal government expect no less. Through mutual respect and transparent dialogue at all levels, our goal is to maintain and improve the CBSA and RCMP relationship.

President
Canada Border Services Agency

Commissioner
Royal Canadian Mounted Police

2012.07.03

Date

2012-07-03

Date



Canada Border Services Agency / Agence des services frontaliers du Canada

Sec. Serv. PS/Serv. Sec. SP
Received / Reçu
JUL 17 2012

PROTECTED A
For information

PRELIMINARY DETERMINATION OF DUMPING WITH RESPECT TO CERTAIN LIQUID DIELECTRIC TRANSFORMERS FROM THE REPUBLIC OF KOREA

For the Minister

PURPOSE

To provide information concerning the preliminary determination of dumping with respect to certain liquid dielectric transformers from the Republic of Korea (Korea).

ISSUE

On July 23, 2012, the Canada Border Services Agency (CBSA) is making a preliminary determination of dumping respecting certain liquid dielectric transformers from Korea.

Provisional duties, ranging from 16.9% to 72.7%, will be imposed on all imports of subject goods from Korea as of July 23, 2012.

If there is media attention on this issue, it is expected to be factual reporting of the decision.

BACKGROUND

Canadian industry has the legislated right to be protected from unfairly priced imports including goods that have been dumped. Dumping occurs when goods are sold to importers in Canada at prices that are less than their selling prices in the exporter's domestic market or at unprofitable prices.

The investigation follows a complaint filed on March 2, 2012, by ABB Inc. of Varennes, Quebec, and CG Power Systems Canada Inc. of Winnipeg, Manitoba (complainants). The complainants represent a major proportion of the Canadian industry for certain liquid dielectric transformers. There is evidence that the imports of subject goods from Korea are being dumped and that the Canadian manufacturers are being injured as a result. The injury indicators cited by the complainants include price depression and price suppression, lost sales, lost revenues and decreased employment levels.

T.D. No.
No. T.D. 10W-018944
File No.
No. Dossier 8000-1
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DM, LOS, SPB, DG, LPB

PROTECTED A

On June 22, 2012, the Canadian International Trade Tribunal concluded its preliminary inquiry, determining that there is evidence that discloses a reasonable indication that the dumping of certain liquid dielectric transformers from Korea has caused injury or is threatening to cause injury to the domestic industry (Member Downey dissenting).

The results of the dumping investigation involving Korea reveal that 100% of the goods exported to Canada during the Period of Investigation were dumped by an estimated weighted average margin of 17.0%, expressed as a percentage of export price. During the period from October 1, 2010 to March 31, 2012, imports of subject goods from Korea totaled approximately \$66 million.

STATUS

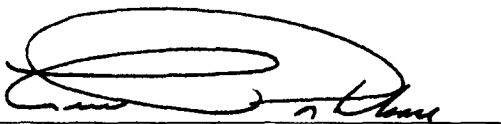
The CBSA has a legal requirement to advise key stakeholders of this decision. Letters will be sent out to key parties and the decision will be posted on the CBSA Web site. The current communications approach is to issue a news release only at the initiation of a dumping investigation. In this case, the news release, issued on April 23, 2012, referred the media to the CBSA Web site for details respecting subsequent decision points. Decisions of this type are generally reported in financial and trade publications, but coverage is usually factual in nature. It is anticipated that the Canadian industry will be pleased by the CBSA decision.

NEXT STEPS

A preliminary determination of dumping is being made concerning certain liquid dielectric transformers from Korea. Imports of certain liquid dielectric transformers from Korea, released from customs on or after July 23, 2012, will be subject to provisional anti-dumping duties to offset the harmful effects of dumping of the imported goods.

A *Statement of Reasons*, a public document containing details of the investigation, will be available on the CBSA Web site by August 7, 2012.

The CBSA's investigation regarding certain liquid dielectric transformers from Korea will continue and a final decision will be made by October 22, 2012. The Tribunal will also continue its inquiry and make a final decision respecting injury by November 20, 2012.



Luc Portelance
President

JUL 16 2012

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THE FOLLOWING DOCUMENT IS PROTECTED IN ITS
ENTIRETY UNTIL JULY 23, 2012, THE DECISION DATE
FOR THIS CASE.

LE DOCUMENT SUIVANT EST PROTÉGÉ EN TOTALITÉ
JUSQU'AU 23 JUILLET 2012, LA DATE DE DÉCISION POUR
CE CAS.

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Canada Border Services Agency

Agence des services frontaliers du Canada

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Received / Reçu
JUL 17 2012

PROTECTED B

For information

INITIATION OF DUMPING AND SUBSIDY INVESTIGATIONS WITH RESPECT TO CERTAIN UNITIZED WALL MODULES FROM CHINA

For the Minister

PURPOSE

To provide information concerning the initiation of dumping and subsidy investigations concerning certain unitized wall modules from the People's Republic of China (China). Unitized wall modules are aluminum engineered fenestration products which form the building envelope or facade for multi-story buildings, which facade is commonly referred to as curtain wall or window wall.

ISSUE

On July 16, 2012, the Canada Border Services Agency (CBSA) is initiating investigations under the *Special Import Measures Act*, respecting the alleged injurious dumping and subsidizing of certain unitized wall modules originating in or exported from China.

A preliminary decision regarding the dumping and subsidizing will be made within 90 days of the initiation of the investigations, i.e. by October 15, 2012.

BACKGROUND

Canadian industry has the legislated right to be protected from unfairly priced imports including goods that have been dumped and/or subsidized. Dumping occurs when goods are sold to importers in Canada at prices that are less than their selling prices in the exporter's domestic market or at unprofitable prices. Subsidizing occurs when goods imported into Canada benefit from foreign government financial assistance.

The investigations follow a complaint filed on May 24, 2012, by Allan Window Technologies of Concord, Ontario, Ferguson Neudorf Glass Inc. of Beamsville, Ontario, Flynn Canada Ltd. of Mississauga, Ontario, Inland Glass & Aluminum Ltd. of Kamloops, British Columbia, Oldcastle Building Envelope of Concord, Ontario, Sota Glazing Inc. of Brampton, Ontario, Starline Architectural Windows Ltd. of Langley, British Columbia and Toro Aluminum of Concord, Ontario (the Complainants). The Complainants and the other producers of unitized

T.D. No. -
No. T.D. TOW-018946
File No.
No. Dossier 8000-1
C.C.
DIA COS SPB DG/JPB

PROTECTED B

wall modules who have expressed their support for the complaint represent a major proportion of the Canadian unitized wall modules industry. The annual Canadian market for this product is valued at approximately \$402 million. There is evidence that the imports of subject goods from China are being dumped and subsidized and that the Canadian manufacturers are being injured as a result.

STATUS

Public notices, including a News Release, are issued at the time of initiation. Decisions of this type are generally reported in financial and trade publications, but coverage is usually factual in nature.

NEXT STEPS

Once the investigations are initiated, the Canadian International Trade Tribunal (Tribunal) will conduct a preliminary inquiry into whether the evidence discloses a reasonable indication that the dumping and subsidizing of the subject goods has caused injury and will render a preliminary decision on injury by September 14, 2012. If the Tribunal concludes that the evidence does not disclose a reasonable indication of injury, the investigations will be terminated.

The CBSA will conduct investigations into the question of dumping and subsidizing and will render preliminary decisions within 90 days of the initiation of the investigations, i.e. by October 15, 2012. Exporters in China, vendors and importers of the subject goods will be given an opportunity to provide information to the CBSA in the course of this investigation.

The Government of China will also be given the opportunity to provide information to the CBSA relating to the alleged subsidy programs under investigation.

If dumping and/or subsidizing are found, and there is a preliminary determination of injury, temporary duties will be applied on imports pending a final decision.



Luc Portelance
President

JUL 16 2012

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ENTIRETY UNTIL JULY 16, 2012, THE DECISION DATE FOR
THIS CASE.

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JUSQU'AU 16 JUILLET 2012, SOIT LA DATE DE DÉCISION
POUR CE CAS.

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Canada Border Services Agency

Agence des services frontaliers du Canada

Sec. Serv. PS/Serv. Sec. SP
Received / Reçu

JUL 17 2012

CONFIDENTIAL

For information

s.15(1) - Int'l
s.21(1)(a)
s.21(1)(b)

2012-2013 CANADA BORDER SERVICES AGENCY INTERNATIONAL NETWORK

For the Minister

PURPOSE

To inform you of proposed changes to the Canada Border Services Agency's (CBSA) International Network.

ISSUE



BACKGROUND

The CBSA's International Network provides an effective liaison, intelligence collection, interdiction and early warning capability essential to the Agency's risk-based border management approach. Consequently, operational coverage of countries with direct flights, customs liaison opportunities, maritime smuggling trends, and intelligence reporting are the key elements taken into consideration when looking at possible modifications to the existing network.

STATUS



T.D. No.	
No. T.D.	TOW-018945
File No.	8000-1
No. Dossier	
C.F.	DN, COS, PB, DG, LRB

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**is withheld pursuant to sections
est retenue en vertu des articles**

15(1) - Int'l, 21(1)(a), 21(1)(b)

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de la Loi sur l'accès à l'information**



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JUL 24 2012

For information

AUDIO-VIDEO MONITORING AND RECORDING

For the Minister

T.D. No.	
No. T.D.	TOW-019132
File No.	
No. Dossier	8000-1
C.C.	DJ, COS, SPB, DG, SPB
	LPB

PURPOSE

To provide you with background information on the use of audio-video monitoring and recording technology by the Canada Border Services Agency (CBSA), to highlight the interaction with the Office of the Privacy Commissioner (OPC) that has occurred to date, and to advise of the planned way forward.

ISSUE

Recent media coverage regarding the CBSA's use of audio-video technology has been critical of the use of audio monitoring and has called into question the Agency's policy on the Overt Use of Audio-Video Monitoring and Recording Technology (AV Policy).

BACKGROUND

Legal Authorities

The Canada Border Services Agency (CBSA) has been mandated by Parliament to provide "integrated border services that support national security and public safety priorities" under section 5 of the *Canada Border Services Agency Act*. Subsection 5(1) specifies that the CBSA will fulfill this mandate by administering and enforcing the program legislation listed in section 2, which includes the *Customs Act*, *Customs Tariff Act*, the *Immigration and Refugee Protection Act*, the excise statutes and various statutes governing the import and export of food, plant and animal products.

Section 4 of the *Privacy Act* allows federal government departments to collect "personal information", which may include an audio or video recording, as long as it "relates directly to an operating program or an activity of the institution." The CBSA is authorized by and complies with the *Privacy Act* by collecting, via audio and video recordings, information that supports its ability to administer and enforce program legislation and fulfill its legislated mandate.

The information collected through video recording is vital to the CBSA and may be used as evidence to ensure officer and public safety, to support seizures or prosecutions, and to substantiate or refute complaints regarding officer conduct. This enables the Agency to carry out its mandate and protect its assets and staff in CBSA service areas.

The use of Overt Audio-Video Monitoring and Recoding Technology at CBSA Ports of Entry

For many years, the CBSA has been using closed-circuit television (CCTV) cameras as an integral part of its security framework and its operations management. As this technology has developed, the CBSA has employed increasingly sophisticated monitoring and recording devices, including the recent deployment of audio-capable equipment to certain locations. The use of this technology helps to ensure the integrity of the Canadian border and the health and safety of the CBSA's employees and that of the travelling and Canadian public. The use of overt audio-video monitoring and recording technologies increases the CBSA's ability to meet its mandate and its ability to protect the public, its employees and its assets. The CBSA also uses video recordings to investigate complaints from the public about officer conduct and to monitor the level of service that CBSA officers are providing to the travelling public.

Drivers for the Implementation of an Audio-Video National Policy

In June 2006, then CBSA President Alain Jolicoeur appeared before the Senate Committee on National Security and Defence, where the issue of port running (individuals who cross the border without reporting to the CBSA) was brought to the spotlight. Senators raised serious concerns about the risks posed by port runners, and as a result, in August 2006, the CBSA completed a strategy to address this issue. This strategy envisioned a multi-layered approach, including increasing the CBSA's response capacity and the use of newer video technology to combat this issue.

Following the death of Mr. Robert Dziekanski in October 2007, then Minister Stockwell Day wrote President Jolicoeur expressing his concern that footage of the incident had inadvertently been erased. As a result, then CBSA Executive Vice-President Stephen Rigby requested an in-depth review of areas under CBSA control at the Vancouver International Airport. The purpose of this review was to get a full picture of the CBSA's involvement in the incident and to address concerns relating to national standards of retention. Five recommendations were made as a result of that review, among which was the following: "More cameras will be installed to provide an expanded coverage of the CBSA's area at the Vancouver International Airport." All action items in the report were to be implemented at all CBSA areas in all international airports across Canada.

s.21(1)(a)

s.21(1)(b)

s.23

At about the same time, the CBSA [REDACTED] In response to this, an Integrity and Professional Standards Strategy was developed and launched in May 2008. Among the measures to be taken pursuant to that Strategy was implementation of electronic surveillance at primary inspection booths and in secondary areas.

The Audio-Video Pilot

In July 2008, a decision was made to pilot audio-video technology at two land border ports of entry (Cornwall and Pacific Highway). The objective of this pilot was to test the equipment and evaluate its usefulness in terms of detecting non-compliance and assessing officer conduct. It was viewed as a first step to an anticipated national roll-out of consistent audio-video monitoring systems. Equipment was procured and installed only at Cornwall in November 2008; however, it was decided that the audio capability would not be activated until a Privacy Impact Assessment (PIA) could be submitted to the OPC. A draft PIA was submitted in April 2009, and the OPC provided its feedback in December 2009. The OPC was informed at that time that the pilots were not going forward and consequently the PIA was not finalized. In fact, the CBSA never authorized the use of audio capability beyond interview rooms.

In April 2009, the Science and Engineering Directorate was asked to estimate the cost of national implementation of standard audio-video equipment. A Class-D estimate was completed [REDACTED]

[REDACTED] The plans for the pilots were cancelled in September 2009 until more in-depth policy [REDACTED] could be completed and a strong national strategy developed. A decision was made to procure new audio-video equipment gradually as old equipment requires replacement or as new installations are put into place.

The Comptrollership Branch is currently exploring a national procurement strategy for audio-video equipment. Modern monitoring and recording technology on the market today is readily equipped with both video and audio recording capacity. Given the intention to expand the program to include audio when the necessary policy analysis is completed and the privacy impact is assessed, much of the new equipment that has been purchased has an audio capacity. However, that capacity will not be activated until you provide direction to do so.

Discussions with the Minister of Public Safety

In a memo dated April 17, 2008, then Minister Stockwell Day, requested that the CBSA conduct a review of all Agency processes and policies regarding the use of cameras. On May 26, 2008, then CBSA President Alain Jolicoeur provided an update on the development of a national policy on the Agency's use of cameras and retention of recordings.

On August 20, 2008, Mr. Jolicoeur's successor, Mr. Stephen Rigby, provided then Minister Stockwell Day with a briefing note to update him on the installation of CCTV cameras at land border ports of entry to detect port runners. A third briefing note was provided to Minister Van Loan on October 2, 2009, outlining the Agency's plans with respect to improving courtesy at the border. The note attached a presentation, which outlined in more detail, the activities and timelines including plans relating to audio-video monitoring.

I have attached a copy of the material referenced above as well as some ministerial correspondence that also referenced the development of the CBSA policy (see tab 2).

Privacy in Air Travel Audit

Work on the AV Policy was not treated as a priority between December 2009 and August 2010. It resumed when the OPC advised the CBSA, in a letter dated September 24, 2010, of an upcoming audit of travellers' privacy at Canada's international airports, called *Privacy in Air Travel*. Although the focus of this audit was to be on the Canadian Air Transport Security Authority, the OPC advised that they would also be reviewing the use of CCTV by the CBSA.

The CBSA was engaged throughout the course of the audit and a copy of the draft AV Policy was provided to the OPC on October 14, 2010 to assist in its understanding of the CBSA's use of CCTV. The audit findings were shared with the CBSA on March 24, 2011. On April 20, 2011, the CBSA provided the approved AV Policy to the OPC to assist in the drafting of their final audit report and committed to completing a PIA. Work on this document is in process.

The draft audit findings were formally communicated to the CBSA by letter on July 7, 2011. The CBSA responded to these findings with a management action plan and an updated copy of the AV Policy on July 28, 2011. On September 19, 2011, the OPC offered ten recommendations following its review of the AV Policy. The OPC indicated that it would follow up on its recommendations in two years as a part of its normal audit cycle (see tab 1).

AV Policy Implementation

The AV Policy was presented to the various CBSA governance committees and was notionally approved on March 31, 2011, pending Customs and Immigration Union (CIU) consultation. The CIU was consulted in the summer of 2011, and the final policy was issued on August 15, 2011. Policy amendments were made in December 2011 to incorporate the comments and feedback received from the OPC (see tab 1), and the policy was published on the CBSA's intranet website. Publication of the policy did not, however, authorize the activation of audio recording outside of interview rooms. Please note that the CBSA continues to use this technology for the purposes of taking formal statements, but only with the subject's consent.

STATUS

In late June 2012, the use of AV technology by the CBSA became a topic of public and media discourse following a series of articles highlighting the upgrade of equipment being undertaken by the CBSA at the MacDonal Cartier International Airport (MCIA) in Ottawa. CBSA management at MCIA disseminated an email to all staff to notify them of the equipment replacement and to inform them that audio capacity will not be activated at this time. This email was subsequently provided to the media and prompted a comment from the OPC declaring that they were unaware of the policy and had serious concerns regarding the privacy of travellers. In follow-up media coverage, a spokesperson for the OPC was quoted as saying that they had been provided with a draft copy of the AV Policy and had commented on a draft PIA in 2009.

In reaction to the media attention and in response to enquiries from your office, CBSA regions were asked to provide a report on all the locations where audio-capable equipment is currently in service. Regions were also asked to inform Headquarters of any instance where audio capacity has been activated. Based on this survey, it was determined that the only CBSA office where audio capacity was enabled was at the Robert Stanfield International Airport in Halifax. The technology was deactivated immediately. It should also be noted that audio capacity was twice connected in error by installation crews at the Port of Cornwall; once in the administration area in December 2010 and once in the secondary area in January 2011. As soon as the error was detected, the audio was disabled and all audio recordings were immediately destroyed. More fundamentally, the survey highlighted an inconsistency in the type of audio-video equipment installed and the purpose for which it was to be used. Consequently, CBSA will review our overall audio-visual program; clarify its objectives and legal framework, establish national standards for the type and use of this technology, and remove any installations that fall outside of these standards.

A national memorandum was issued to all Regional Directors General on June 19, 2012, to formally advise them that under no circumstances will audio equipment be activated unless notified to do so by the Vice-President of the Operations Branch (see tab 3). A directive was also issued to advise that all acquisitions of audio equipment will cease until a policy decision is made by the Agency to move forward with this capability.

A briefing was held with your staff on June 25, 2012, at which time the question of authorities and privacy was discussed at length. [REDACTED]

COMMUNICATIONS CONSIDERATIONS

A proactive approach to internal communications is required to provide clarification concerning the CBSA's use of AV technology; and to ensure front-line staff is equipped with the tools they need to effectively manage enquiries. Public communications/media relations will remain reactive, with a goal of moving to a more proactive footing to enhance clarity around CBSA's actions to date and plans going forward, pre-empting expected coverage generated by recently received Access to Information Requests. Future messaging will emphasize the rationale for monitoring, reiterate our commitment to respecting privacy rights, and clarify the current status of video at airports as well as instances of audio activation.

Additionally, we will continue to work with the OPC to accurately reflect the status of the PIA in any public communications.

NEXT STEPS

We will continue to work with the OPC on the PIA. The CBSA will undertake a review of our overall audio-visual program; clarify its objectives and legal framework, and establish national standards for the type and use of this technology. We will arrange a meeting with your office in the fall to present this work and seek your guidance on the Agency's future direction.



JUL 24 2012

Luc Portelance
President

ATTACHMENT(S)

1. Copies of correspondence between CBSA and OPC
2. Copies of Briefing Notes and Ministerial Correspondence
3. Copy of Directive

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1. a) Letter from the Officer of the Privacy Commissioner of Canada (OPC) – July 7, 2011
- b) Response from the CBSA to the OPC – July 28, 2011
- c) Management Action Plan (MAP) on Privacy in Air Travel – OPC
- d) Response from OPC to CBSA MAP on Privacy and Air Travel Audit – OPC
2. a) BN for the Minister – Update on the Status of the Use of Cameras Policy – May 26, 2008
- b) BN for the Minister – Closed Circuit Television Camera Installation at Ports of Entry –
 Status Update – August 20, 2008
- c) BN for the Minister – Border Courtesy – October 2, 2009
- d) Ministerial Correspondence on the CBSA Policy on the Overt Use of Audio-Video
 Monitoring and Recording Technology
3. a) Memo addressed to Regional Directors General on Audio –Visual – June 19, 2012

TAB 1

TAB A



Canada Border Services Agency
Agence des services frontaliers du Canada

JUL 28 2011

Mr. Steven Morgan
Director General, Audit and Review
Office of the Privacy Commissioner of Canada
112 Kent Street, Suite 300
Ottawa, ON K1A 1H3

Dear Mr. Morgan,

Thank you for your letter of July 7, 2011, advising us of the draft results of the Audit of Privacy and Air Travel. We would like to take this opportunity to provide your office with more information on how the Canada Border Services Agency (CBSA) intends to respond to the concerns you have raised.

Info Source

The CBSA has been working with Treasury Board Secretariat to register a Personal Information Bank (PIB) for audio-video recordings under Info Source. The title of this PIB will be Overt Audio-Video Surveillance and its bank number will be CBSA PPU 1104. The CBSA has developed a Class of Records for audio-video recordings: CBSA BPD 1101.

Signage

The CBSA is working to develop consistent signage that will be posted in all areas where audio-video monitoring and recording takes place. This signage will contain a privacy notice containing information on the purposes for which personal information may be disclosed and will provide a contact number for further information.

Policy on the Overt Use of Audio-Video Monitoring and Recording Technology

The CBSA has finalized its *Policy on the Overt Use of Audio-Video Monitoring and Recording Technology* and intends to implement this policy by July 31, 2011. This implementation will ultimately regularize the retention period of audio-video recordings. Due to the diversity of technology employed by the CBSA for audio-video monitoring and recording, it will take some time to ensure that all transitory records are maintained for the required 30-day period. However, all recordings deemed to be operational in nature (e.g. those that are used for an administrative purpose, or may be required for further action on the part of the CBSA, or can reasonably be expected to be required for court purposes) will be required to be retained for a minimum of two years in accordance with the *Privacy Regulations*. The requirement to retain operational records for a minimum of two years will be effective immediately upon the implementation of the policy.

The policy also requires the use of audio-video monitoring logs for any access to audio-video recordings and any copying or disclosure of records made. This requirement will be effective immediately upon the implementation of the policy.

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Canada

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- 2 -

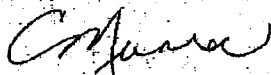
We would also like to address the issue of the collection of personal information by third parties that is shared with the CBSA. In many locations, third parties (e.g. airport authorities, bridge authorities) collect personal information by way of audio-video surveillance systems that are placed in CBSA areas. This, however, does not mean that the CBSA has entered into any contractual arrangement with the third party for the collection of such information. The third party which collects the information is ordinarily the facility owner, and is collecting this information for its own purpose.

This being said, the CBSA recognizes the value of entering into agreements with the operators of third party equipment in order to regularize information sharing and ensure that information pertaining to CBSA business is not disclosed without our prior consent. Therefore, the CBSA will enter into mutually satisfactory agreements with facility owners with regard to their collection of personal information in CBSA areas. In addition, should the CBSA enter into any contractual arrangement regarding the collection of personal information by a third party in the future, it will certainly take the *Taking Privacy into Account Before Making Contracting Decisions* document into account before doing so.

For your review, you will find the finalized *CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology* as well as the Management Action Plan with regard to these issues enclosed.

Thank you once again for the opportunity to respond to the issues raised in your audit. Should you have any questions, or concerns about the information provided in this letter or its attachments, please do not hesitate to contact me.

Sincerely,



Cathy Murroe
Vice President, Programs Branch
Canada Border Services Agency

cc: Richard Hill, Director General, Internal Audit and Program Evaluation, CBSA

Enclosures:

1. CBSA Management Action Plan
2. Policy on the Overt Use of Audio-Video Monitoring and Recording Technology

000739

TAB B

**Office of the
Privacy Commissioner
of Canada**

112 Kent Street
Ottawa, Ontario
K1A 1H3
Tel.: (613) 995-8210
Fax: (613) 947-6850
1-800-282-1376
www.privcom.gc.ca

**Commissariat
à la protection de
la vie privée du Canada**

112, rue Kent
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Tél.: (613) 995-8210
Fax: (613) 947-6850
1-800-282-1376
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JUL 07 2011



PROTECTED B

Mr. Richard Hill
Director General
Canada Border Services Agency
191 Laurier Avenue West
Ottawa, Ontario K1A 0L8

Dear Mr. Hill:

Further to our letter to Mr. Stephen Rigby dated September 24th, 2010, we wish to inform you of the draft results of our audit work on Privacy and Air Travel. The objective of our audit was to assess whether the Canada Border Services Agency (CBSA) was adequately managing the personal information of air travellers captured by closed circuit television (CCTV) within CBSA controlled areas at airports. We examined the procedures, policies and practices governing the collection and retention of CCTV images as well as how the captured images are safeguarded at eight Canadian international airports.

Although not in place during the course of our audit, staff at your Agency informed our audit team that CBSA will complete and register the use of CCTV with Info Source. Info Source supports the federal government's commitment to facilitating access to information regarding its activities and is a source to assist individuals exercise their rights under the *Privacy Act*. Institutions are responsible for providing comprehensive, accurate and up-to-date descriptions of their functions, programs, activities, related information holdings and collections of personal information for the Info Source publications on an annual basis. Please inform our office once this has been completed.

We were shown a draft of a national CCTV policy being developed by the CBSA and were informed that it would be finalized in the spring of 2011. It is requested that we be advised once this has been completed. The adoption of this policy will help address a number of areas requiring attention that we noted during the course of our examination work. For example:

- When examining the collection of CCTV images, we found that an airport authority was operating a CCTV system in a controlled area on CBSA's behalf without a written agreement. Further, staff at the CBSA informed us that management decisions regarding access, use and disclosure rested with the airport authority and not CBSA.

RECEIVED BY I.A.

JUL 13 2011

REÇU PAR LA V.I.

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000741



-2-

The Treasury Board Secretariat (TBS) published "Taking Privacy into Account Before Making Contracting Decisions" that provides guidance to help ensure that personal information is managed in accordance with federal legislation and policy.

We recommend that an agreement be put in place that reflects the TBS guidance and that the draft CCTV policy be strengthened to ensure that when an airport authority operates a CCTV in a controlled area on CBSA's behalf that it be mandatory that a written agreement be required between the CBSA and the third party;

- We also found that the use of signage to inform the travelling public that their image is being recorded as well as a relevant point of contact at CBSA was not in place at all airports. Being open and transparent about the collection of traveler's personal images will assist individuals in exercising their rights under the *Privacy Act*;
- When we examined the retention periods of personal information collected by CCTV at the airports we found they were not consistent. We noted that retention periods varied between a few days to several months for images collected on the various CCTV systems we examined. We found that there was no retention policy set for images that were extracted from the CCTV systems. We recommend that a retention schedule be set and consistently applied; and
- We noted that CBSA does not consistently keep logs of video that is extracted from CCTV in response to an incident. Ensuring that logs of extracted video are in place will help provide assurance to the CBSA that these videos are being retained and managed properly.

In conclusion, addressing our findings and recommendations will bring the CBSA in compliance with the collection and retention requirements of the *Privacy Act*.

It is requested that you provide a written response by July 22nd. Please indicate whether you accept our findings and recommendations and include your Management Action Plan to address these issues. As well, please indicate whether there are any factual areas that require additional clarification in this letter. Once it is finalized, an updated letter will be sent to your President.

.../3




-3-

I would like to thank your staff for the cooperation extended to our team during the course of this audit. As part of our methodology, we follow-up with auditees two years after the completion of an audit engagement to review the status of the recommendations we have issued. Should you have any questions or concerns, please do not hesitate to contact me at 613-996-2252.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven Morgan".

 Steven Morgan, P. Eng.
Director General
Audit & Review Branch

TAB C

Programs Branch

July-2011

Privacy and Air Travel Audit - OPC

Recommendation - 3 That the retention periods of personal information collected by audio-video recording technology be consistent.

Management Action Plan: *The CBSA will implement the CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology which requires that recordings that are or may be used for any administrative purpose must be retained for a minimum of two years in accordance with the Privacy Regulations. This requirement comes into effect immediately upon implementation of the policy. - July 2011.*

The policy requires that transitory recordings be retained for a minimum of 30 and a maximum of 45 days and then must be destroyed. For audio-video recording equipment that is capable of meeting this requirement, it becomes effective immediately upon the implementation of this policy.

Any audio-video recording equipment that is in use prior to the implementation of the policy that is not capable of meeting the retention requirement for transitory recordings will be allowed to remain in use. When such equipment is replaced, it must be replaced with equipment that is capable of meeting the retention requirement.

Self Assessment Level 0 - Initial Input	Lead DG: Maureen Tracy Director:	Original Expected Completion Date: July-2011	Expected Completion Date: July-2011
---	--	--	---

June 30, 2012 Update:

See below for draft text provided by PPMD. Please review, update and verify:

Management Action Plan	Milestone Dates	Progress
Implement the CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology which requires that recordings that are or may be used for any administrative purpose must be retained for a minimum of two years in accordance with the Privacy Regulations. This requirement comes into effect immediately upon implementation of the policy.	August 2011	On August 15, 2011, the Canada Border Services Agency (CBSA) implemented its Policy on the Overt Use of Audio and Video Monitoring and Recording Technology (AV Policy). The policy requires that transitory recordings be retained for a minimum of 30 and a maximum of 45 days and then must be destroyed. For audio-video recording equipment that is capable of meeting this requirement, it becomes effective immediately upon the implementation of this policy. Any audio-video recording equipment that is in use prior to the implementation of the policy that is not capable of meeting the retention requirement for transitory recordings will be allowed to remain in use. When such equipment is replaced, it must be replaced with equipment that is capable of meeting the retention requirement.

Self Assessment: Level 5- complete	Lead DG/Director: Maureen Tracy/ Maria Romeo	Expected Completion Date: August 2011
--	--	---

Extension Request (if required):

Progress to date:

Planned Action to Fully Address Recommendation:

Rationale for Extension (explain why original deadline was not met):

Planned Action to Fully Address Recommendation:

Programs Branch

July-2011

Privacy and Air Travel Audit - OPC

Recommendation - 4 That the CBSA keep logs of video that is extracted from audio-video recording equipment in response to an incident.			
Management Action Plan: <i>The CBSA will implement the CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology which requires that audio-video logs be implemented to capture any access to, copying or disclosure of recordings for any purpose. In addition, a template of an audio-video log is provided in the policy. July 2011</i>			
Self Assessment Level 0 - Initial Input	Lead DG: Maureen Tracy Director:	Original Expected Completion Date: July-2011	Expected Completion Date: July-2011
June 30, 2012 Update: See below for draft text provided by PPMD. Please review, update and verify:			
Management Action Plan <i>Implement the CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology which requires that audio-video logs be implemented to capture any access to, copying or disclosure of recordings for any purpose. In addition, a template of an audio-video log is provided in the policy.</i>	Milestone Dates August 2011	Progress On August 15, 2011, the Canada Border Services Agency (CBSA) implemented its Policy on the Overt Use of Audio and Video Monitoring and Recording Technology (AV Policy). This policy requires that audio-video logs be implemented to capture any access to, copying or disclosure of recordings for any purpose. In addition, a template of an audio-video log is provided in the policy.	
Self Assessment: Level 5- complete	Lead DG/Director: Maureen Tracy/ Maria Romeo	Expected Completion Date: August 2011	
Extension Request (if required): Progress to date: Rationale for Extension (explain why original deadline was not met): Planned Action to Fully Address Recommendation:			

TAB D

OCT 04 2011
REÇU PAR LA V.I.



SEP 19 2011

Ms Cathy Munro
Vice President, Programs Branch
Canada Border Services Agency
191 Laurier Avenue West, 19th floor
Ottawa, ON K1A 0L8

Dear Ms Munro:

Thank you for your letter of July 28, 2011, responding to recommendations pursuant to our audit of audio-video surveillance technology (CCTV) used by the Canada Border Services Agency (CBSA) at Canadian airports.

We have reviewed your responses to our four recommendations, the attached CBSA Management Action Plan and *CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology*. We have also been in touch with CBSA officials to consult further on the Action Plan and recently implemented *Policy*.

We sought clarification on the reasons for delay in CBSA implementation of OPC recommendations 1 and 2. According to the information you have provided, it is our understanding that delays may be encountered by CBSA when negotiating memoranda of understanding with aerodrome operators for sharing or accessing CCTV technology, and in the development and placement of signage in airports.

For the purposes of recommendation 3, we have completed our review of the *Policy*, and have provided our input to address additional areas of concern which include, but are not limited to, the following points:

- We were not able to locate any reference to CBSA's policy on the covert use of audio-video surveillance;
- We recommend that the security designation for CCTV recordings be identified within the *Policy* to ensure appropriate handling and protection of personal information;

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- A specific and consistent retention period for all audio-video recordings collected by or on behalf of CBSA, whether by CBSA owned and controlled equipment or by equipment owned by third parties should be established;
- We recommend CBSA develop a clear and specific definition of what constitutes a transitory record, as it pertains to audio-video recordings, as the definition referenced in the policy lacks clarity in this regard;
- We recommend that a specific protocol for the disposal of surplus or end-of-life audio-video equipment be developed by CBSA to ensure adequate controls are in place to protect personal information. We would direct your attention to the OPC Audit Report *Personal Information Disposal Practices in Selected Federal Institutions*, which can be accessed on our website at http://www.priv.gc.ca/information/pub/ar-vr/ar-vr_piaip_2010_e.cfm;
- For the purposes of openness and transparency, we recommend that CCTV signage specifically note that an area is under surveillance, the purpose for the collection, the retention period during which requests for access may be made, and contact information for such requests;
- The *Policy* should be revised to reference or include a Privacy Breach Protocol to be used in the event of inadvertent or inappropriate disclosure;
- That MOUs between CBSA and law enforcement bodies are compliant with Treasury Board Secretariat's "Guidelines on Preparing Information Sharing Agreements Involving Personal Information" which can be found at TBS's website at <http://www.tbs-sct.gc.ca/atip-aiprp/isa-ee/isa-ee01-eng.asp>.

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-3-

- CBSA should establish and implement a plan for oversight, including regular audits for compliance with the *Policy*; and
- The OPC had some concerns regarding the meaning and context of certain wording in paragraphs 16, 30, 34, 70 and 75. These concerns have been identified with CBSA representatives for clarification and/or correction to mitigate the risk of misinterpretation.

These issues, among others, have been communicated to CBSA by OPC staff to help ensure a policy which adequately addresses the areas of collection, use, disclosure, retention, and disposal of personal information obtained through audio-video surveillance.

I would like to take this opportunity to thank you for your cooperation in this process, and to remind you that as part of our standard methodology, we will follow up within two years of completion of the audit engagement to review the status of our recommendations.

Should you have any questions or comments, please do not hesitate to contact me at (613) 996-2252 or Dan Bourgeault at (613) 947-7248.

Sincerely,

Steven Morgan, P. Eng.
Director General
Audit & Review Branch

c.c. Richard Hill
Director General
Audit and Evaluation

TAB 2

TAB A



MAY 26 2008

SECRET

BRIEFING NOTE FOR THE MINISTER

(For Information)

UPDATE ON THE STATUS OF THE USE OF CAMERAS POLICY

SUMMARY OF KEY ISSUES

- This briefing note is in response to your May 12, 2008 memorandum requesting that the Canada Border Services Agency (CBSA) provide you with a new Agency-wide camera policy.
- An Agency working group is conducting internal and external consultations to develop a comprehensive national policy and guidelines on the use of cameras.
- Recognizing an urgent need for an updated video-recording retention policy, the CBSA has drafted an interim directive for regional distribution.
- This interim video-recording retention policy will be provided by June 30th, 2008 after expedited consultations have been completed.

Background:

The CBSA is currently relying on the legacy Canada Revenue Agency (CRA) *Guide For Closed Circuit Television (CCTV) Surveillance in Support of Security Activities*. However, this legacy CRA policy does not account for digital technology and is tailored specifically "for the purpose of enhancing the security of accessibility to Agency (CRA) facilities." A new policy is required to properly address current digital technology and provide greater detail with respect to the destruction of video recordings. Accordingly, a working group was formed in February 2008 to develop a CBSA-specific policy on the use of cameras.

The term 'cameras' is intended as an umbrella for all types of technology that could be used to monitor or survey by capturing images and/or sound. Such technologies are rapidly developing and it may be unrealistic to attempt to anticipate future innovations. Policies and guidelines on the use of cameras must be capable of functioning with any such technologies.

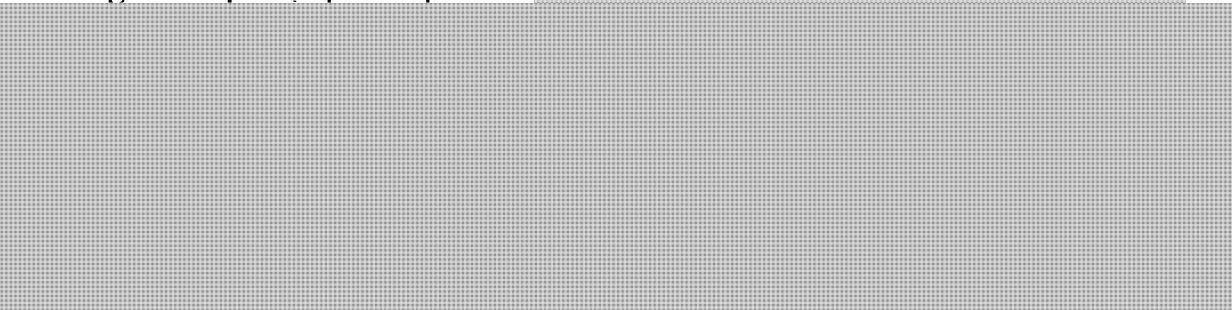
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SECRET

Considerations:

The incident at the Vancouver International Airport involving Robert Dziekanski and the erasure of the surveillance footage according to current policy has highlighted the need for an updated CBSA policy on the management of surveillance video footage. Given this incident, the need for an updated policy is viewed as urgent.

Camera policies and guidelines must be in compliance with Canada's privacy regime, including the *Charter of Rights and Freedoms*. Charter jurisprudence is constantly evolving and requires updated policies



The CBSA camera policy should also be consistent with relevant Treasury Board Secretariat guidelines and complement the comparable policies of the CBSA's internal and external partners. To this end, the CBSA Cameras Working Group has canvassed colleagues at the Royal Canadian Mounted Police, Correctional Services Canada, the Treasury Board Secretariat and the Office of the Privacy Commissioner for relevant and comparable policies.

The Working Group is integrating the requirements of these comparable policies into a preliminary CBSA policy on video-recording retention to be used for consultation purposes and finalized by the end of June. Further consultations will include the Canadian Air Transport Security Authority, Transport Canada, and the port authorities.

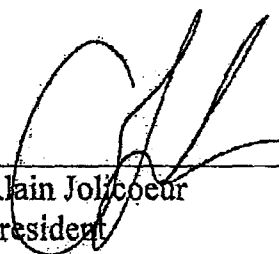
The CBSA is also surveying its regional offices to determine current practices relating to the use of cameras, and to canvass operational needs in order to better inform broad policy on this matter.

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Next Steps:

The Agency is developing an interim video-recording retention policy to ensure that recordings of critical incidents such as the events at the Vancouver International Airport are not destroyed while they may contain information still of value. The CBSA will provide you with the interim video-recording retention policy by June 30th, 2008 after expedited consultations have been completed.

The CBSA Cameras Working Group will continue towards developing a comprehensive national cameras policy, particularly in the key areas of privacy and security through survey and consultations with the regions, government partners and external stakeholders.



Alain Jolicoeur
President

TAB B



Canada Border
Services Agency

Agence des services
frontaliers du Canada

AUG 20 2008

PROTECTED

BRIEFING NOTE FOR THE MINISTER

(For Information)

CLOSED CIRCUIT TELEVISION CAMERA INSTALLATIONS AT PORTS OF ENTRY - STATUS UPDATE

SUMMARY OF KEY ISSUES

- As a result of issues associated with port running, a Canada Border Services Agency (CBSA) working group recommended that closed circuit television (CCTV) cameras be installed at ports of entry (POE) in land.
- Measures have been taken by the CBSA to install CCTV cameras at 65 POEs. Currently, 34 CCTV cameras have been installed in the Quebec Region alone.
- By the end of 2008, it is expected that the CBSA will have enhanced CCTV camera monitoring capacity at 65 ports of entry across Canada.

Background:

In fall 2006, a Canada Border Services Agency (CBSA) working group examined the issue of port running and explored options to decrease the number of occurrences. The working group proposed that CCTV cameras be installed at POEs in land to capture evidence for enforcement action against transgressors.

There are 65 POEs in land which require CCTV camera installations. Initially, the CBSA had identified the requirement for enhanced, high-resolution CCTV cameras at 33 land border crossings (including two in Quebec). However, prior to the recommendation, the Quebec Region had initiated a separate process to install new CCTV cameras at their remaining 32 POEs. As a result, new camera systems have now been installed at all 34 POEs in Quebec.

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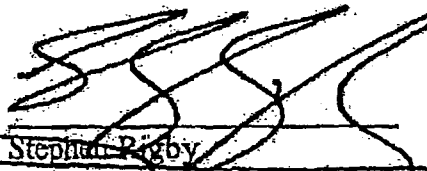
Considerations:

With regard to the remaining 31 ports of entry in the other regions, the recent sale of the manufacturing company originally selected to supply the CCTV cameras has raised serious questions regarding warranty issues and placed the CBSA in a very precarious situation. Following the advice of Public Works Government Services Canada (PWGSC), the Agency decided to cancel the purchase and seek a new supplier.

Next Steps:

A suitable new system has now been identified and the PWGSC contracting process has been re-initiated. The remaining 31 POEs are scheduled to have new cameras installed by the end of 2008.

At the completion of the initiative, the CBSA will have enhanced CCTV monitoring capacity at 65 POEs.


Stephen Pigby
President

Attachment:

1. Camera Installation Update Aug 1, 2008

TAB C



Canada Border Services Agency / Agence des services frontaliers du Canada

delivered to MD on 2009-10-02

CBSA-09-01911
 Canada Border Services Agency
 President's Office
 SEP 28 2009 @ 3:34
 Agence des services frontaliers du Canada
 Bureau du Président

ROUTING SLIP / BORDEREAU D'ACHEMINEMENT

ACTION REQUIRED / MESURE REQUISE

Name and Telephone Number / Nom et numéro de téléphone	Initials / Initiales	Decision / Décision	Signature	Information	Comments / Observations
Minister / Ministre The Honourable Peter Van Loan L'honorable Peter Van Loan President / Président		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Rigby		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Executive Vice-President / Premier vice-président Luc Portelance	<i>(Signature)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice-President / Vice-présidente Barbara Hébert	<i>PH</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director General / Directrice générale Maureen Tracy	<i>MD</i>	Date: SEP 25 2009			
Director / Directrice Susan Kramer	<i>SK</i>	Date: 24 SEP 09			
Manager / Gestionnaire Sandra Toulouse	<i>ST</i>	Date: September 24, 2009			
Originator / Auteur Gregg Smith	<i>GS</i>	Date: September 24, 2009			

Subject / Objet: Border Courtesy - Briefing for the Minister

The CBSA is working on improving courtesy at the border. The enclosed briefing note was requested by the President to update you on the CBSA's work in these areas.

OP2009-046

Canada Border Services Agency
 Operations Branch, V.P.'s Office

4148
 SEP 28 2009

Agence des services frontaliers du Canada
 Direction générale des opérations, Bureau du V.P.



DIRECTOR GENERAL'S OFFICE
 BUREAU DU DIRECTEUR GÉNÉRAL

SEP 25 2009

Operational Programs Directorate
 Direction des Programmes Opérationnels
 BF Tracking No: *OP2009-0461*



Canada Border Services Agency
Agence des services frontaliers du Canada

President
Président

Ottawa, Canada
K1A 0L8

OCT 02 2009

UNCLASSIFIED

BRIEFING NOTE FOR THE MINISTER

(For Information)

BORDER COURTESY

SUMMARY OF KEY ISSUES

- This briefing note provides you with an update on the Canada Border Services Agency's (CBSA) commitment to enhance courtesy at the border and to move the Agency toward a more service-oriented organization.
- Initiatives include improvements to recruitment, training, management and monitoring.

Background:

The CBSA is committed to a renewed focus on officer conduct, courtesy at the border, setting service standards for program delivery and implementing a values and ethics program and an integrity and professional standards strategy.

In 2008-2009, 90 million persons entered Canada, a five per cent decrease from the previous year. During this same period, CBSA regional offices received approximately 692 officer conduct complaints, an increase of four from 2007-2008. In addition, the CBSA receives approximately 32,000 emails from the public annually, of which approximately 100 are officer conduct complaints.

In a March 2009 Treasury Board survey, 88 percent of the participants used positive adjectives to describe border services officers (i.e., professional, friendly, courteous). This response affirms research conducted by EKOS Research in 2007 and 2008, where a significant number of respondents gave the CBSA a positive rating.

While there is no reason to conclude that a serious problem exists at the border, the CBSA is committed to enhancing its culture of service excellence.

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Current Status:

Recruitment and Training:

Work is underway to review and enhance recruitment processes, training materials and methods, provide support for trainers, improve development tools for employees at all levels and introduce programs to ensure that existing and new initiatives support and promote professionalism, respect and courtesy at the border. The focus of these activities has been to ensure that the corporate culture provides an environment that respects, cultivates and demonstrates these key values in its daily operations.

In May 2008, the CBSA introduced the CBSA Code of Conduct to reinforce to employees their responsibility to be courteous and respectful to the travelling public while performing their duties.

A review of the current border services officer recruitment process is underway to ensure that the CBSA attracts the highest calibre of recruits and to ensure maximum efficiency in the process. Professionalism and client service orientation are competencies that are assessed throughout the interview and reference check stages of the recruitment process and during the Port of Entry Recruitment Training. Activities to enhance the existing process include developing a competency profile for officers, tools for recruiters to assess the candidate against the competencies and the provision of national recruitment standards.

The current Port of Entry Recruitment Training has been operational for approximately two years. As part of the border courtesy initiative, the CBSA is evaluating the program to ensure that professionalism and client service orientation are included and appropriately assessed throughout the training.

Management Action:

The Agency is developing, monitoring and evaluating national objectives and programs for officers and superintendents to encourage strong client service orientation and strengthen management's capacity to address courtesy issues. This includes providing officers and superintendents with national performance expectations with respect to courtesy and interactions with the public along with accountability mechanisms for management to address inappropriate behaviour with officers.

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- 3 -

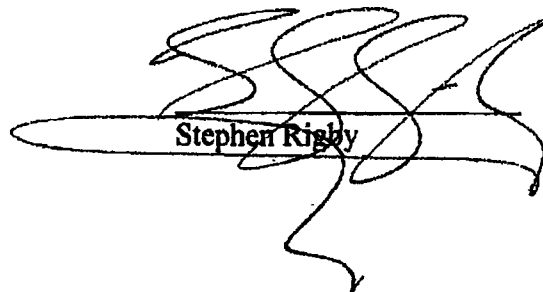
Officers will be expected to greet all members of the public in a professional and courteous manner by following the CBSA values and ethics and code of conduct and where possible, provide travelers and commercial clients with helpful information and/or assistance and respect service standards. Standardized performance expectations have been implemented for border services officers and will be in place for Superintendents shortly.

Client Feedback:

A client satisfaction survey has been developed to assess professionalism and client service orientation of officers. The pilot ran for two weeks in early July 2009 at the Pearson International Airport and the Douglas, British Columbia and St-Bernard-de-Lacolle, Quebec land ports of entry. 2216 responses were received. The overall finding of this survey is that majority of respondents, more than 90 percent, think that the level of courtesy, respect and professionalism displayed by border service officers in dealing with travellers was good or better. Fewer than three per cent of respondents, 55 in total, rated the overall experience as poor. The remainder of the respondents, 133 (six percent), rated the overall experience as fair. Travellers overall see the border services officers as doing a good job. The return rate for the questionnaire was eight percent which is considered to be statistically valid. The Agency will conduct a face to face pilot in the fall of 2009 to validate the results of the mail-in survey.

Next Steps:

I would be pleased to discuss the progress we have made on addressing border courtesy issues with additional details and timeframes at your convenience.


Stephen Rigby

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TAB D

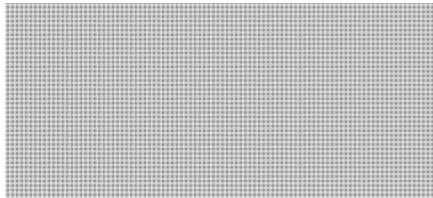
Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8

FEB 01 2012



The Office of the Prime Minister forwarded to me on November 1, 2011, your correspondence concerning your wife's sister's border clearance. I apologize for the delay in responding.

Upon receipt of your correspondence, I requested that Canada Border Services Agency (CBSA) officials investigate and provide a report. The report's findings indicate that you sent a letter on this issue to Ms. Yvonne Brémault, Acting Director General for the CBSA's Prairie Region, on December 6, 2010. A full review and investigation was undertaken into the concerns raised in your letter. As your [redacted] a formal response regarding this matter was [redacted] on February 11, 2011. The *Privacy Act* prohibits me from commenting further on this case without the written authorization of [redacted].

With respect to your comments regarding the recording of border clearance examinations, it is the Agency's policy to use audio-video monitoring and recording technology in support of its programs and operations, as well as for the protection of its employees and assets, while respecting the laws of Canada and the privacy rights of individuals and employees.

In accordance with the CBSA Policy on the Overt Use of Audio-Video Monitoring and Recording Technology, the Agency uses such technology at ports of entry and surrounding areas for the following purpose:

- To carry out the Agency's mandate to ensure the integrity of the border in relation to the national security and/or public safety of Canada and its citizens:
 - To detect and identify persons who fail to present themselves and their goods in accordance with sections 11 and/or 12 of the *Customs Act* and/or section 18 of the *Immigration and Refugee Protection Act*;
 - To detect or deter persons who may pose a risk to the health and safety of CBSA employees and members of the public; and

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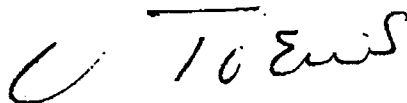
- o To gather information regarding unlawful activity related to any of the legislation enforced by the CBSA, such as evidence that goods have been unlawfully removed from CBSA control.

I note your comments regarding employee conduct. The CBSA has a Professional Standards Investigation Program based in Ottawa that is responsible for conducting administrative investigations into allegations of serious employee misconduct across Canada, and for providing oversight of local investigations of a less serious nature. The Program does not form part of the operational component of the Agency, and operates in an arm's-length, objective manner. Where an allegation against an employee is criminal in nature, the matter is also referred for investigation to the appropriate law enforcement agency. In addition, there is a mechanism available on the CBSA website at: cbsa-asfc.gc.ca/contact/feedback-retroaction-eng.html where the public can submit comments, complaints and compliments regarding their interactions with the Agency.

A copy of your correspondence has been forwarded to the appropriate Agency officials, so that they will be aware of your comments regarding audio-video monitoring and the retention of records. I appreciate your feedback as it allows the Agency to further evaluate its level of service. The CBSA is committed to continually improving the quality of service at all of its offices across Canada, and recognizes that the way it treats clients has a direct impact on their perception of Canada as a place to live, visit, or conduct business.

Thank you for writing.

Yours sincerely,



Vic Toews, P.C., Q.C., M.P.

c.c.: Ms. Lauren D. Delgaty
Regional Director General
Prairie Region – CBSA

000770

s.19(1)

Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8

SEP 09 2010



Thank you for your follow-up correspondence addressed to my predecessor, the Honourable Peter Van Loan, concerning your border clearance at the Rainbow Bridge, Niagara Falls, Ontario, port of entry on May 27, 2009.

Canada Border Services Agency (CBSA) border services officers (BSOs) are uniquely positioned to interview travellers and importers, and to examine personal and commercial goods entering and leaving Canada. The challenge of the CBSA's mandate is to ensure that only admissible people and goods have access to Canada.

I am concerned by your comments regarding your border clearance. The Agency takes seriously any allegations of inappropriate or unprofessional conduct on the part of BSOs. In regard to your request for the names of the officers involved in your border clearance at the Rainbow Bridge, BSO surnames are not made public for their protection. Each officer is identified by a badge number that is displayed at all times on his/her uniform in accordance with the CBSA Uniform Policy. The badge numbers of the primary and secondary officers are 13975 and 19688, respectively. It should be noted that the secondary officer was a student BSO, and is no longer with the CBSA. The name of the CBSA superintendent involved in your clearance is Mr. Paul Morrison.

With respect to your request for a copy of the surveillance video of the incident, I am informed that video footage of your clearance has been overwritten and is no longer available as the 45-day retention period has expired. I am advised, however, that a senior regional official did review the video footage as requested in your original letter of May 29, 2009. I regret that Minister Van Loan's letter to you of September 29, 2009, did not inform you of this having occurred.

Canada

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The review of the video showed that the primary officer requested and was given receipts after a period of questioning. It also confirmed that a full primary examination did not take place and that you appeared to be noticeably upset when you drove away from the primary line before being referred or released by the officer, and prior to the officer returning your identification. Finally, the video shows that when the alarm sounded, you stopped, and that the responding officers then directed you to the secondary examination area.

The incident was brought directly to the attention of the superintendent on duty who reviewed the situation and made the decision to deny entry of your rental vehicle into Canada in accordance with the *Temporary Importation of Conveyances by Residents of Canada Regulations*. The rental vehicle was later admitted at the discretion of the examining officer at the Fort Erie Peace Bridge port of entry under *Customs Tariff* item 9802.00.00.

I am satisfied that the officers involved in your border clearance acted appropriately during their interaction(s) with you. Nevertheless, I regret that you felt mistreated and apologize for any upset this may have caused you. The CBSA is committed to continually improving the quality of service at all of its offices across Canada.

Again, thank you for writing.

Yours sincerely,

Vic Toews, P.C., Q.C., M.P.

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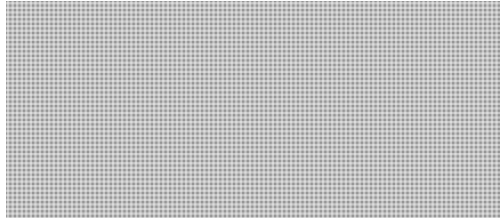
Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8

APR 19 2010



Thank you for your follow-up correspondence addressed to my predecessor, the Honourable Peter Van Loan, requesting further information surrounding your border clearances of April 29 and May 19, 2009, at Toronto Pearson International Airport.

I note your comment concerning the length of time taken to conduct your secondary examination. The Canada Border Services Agency (CBSA) takes seriously its commitment to provide high-quality service to travellers while ensuring that Canadian society is protected through the responsible enforcement of Canada's laws. To protect the integrity of our borders, officers are responsible for conducting interviews, document examinations and secondary examinations. They may engage in more intensive questioning of persons and closer examination of goods to verify declarations. While primary and secondary processing may seem an unnecessary obstacle to travellers, it is necessary to ensure that Canadian law is followed and should not be viewed as an accusation of wrongdoing.

There are many reasons why a person may be referred for a secondary examination. Some referrals are mandatory, made in conjunction with or on behalf of other government departments; some referrals are selective, based on primary questioning, response and physical indicators; and others are random referrals. During these examinations, goods, baggage and conveyances may be inspected.

Various circumstances can determine the depth, length and degree of an examination. Nonetheless, the CBSA recognizes that these processes can sometimes be upsetting to individuals, and officers are required to perform them as quickly, politely and discreetly as possible. I regret that you felt unduly delayed while the officer performed her duties.

Canada

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In regard to your comment concerning the examination of your Blackberry, computer and photographs, the *Customs Act* provides the legislative authority for border services officers to examine goods to the extent required to determine if they are admissible. Although it is within a CBSA officer's right to examine goods without a traveller being present, I regret any upset this may have caused you. As noted in Minister Van Loan's previous reply to you, although your devices were retained, none were activated, and no data was downloaded.

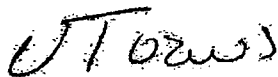
With respect to your request that a review of the surveillance video of your secondary examinations of April 29 and May 18, 2009, be undertaken, I am informed that the video footage of your clearance is no longer available as the 45-day retention period for such records has expired and the footage has been overwritten.

As to your comment that you were kept standing for one and a half hours during part of your examination, at no time did you indicate that you required a place to sit. If you had, the officer would have attempted to accommodate your request. I apologize, however, for any discomfort or inconvenience this may have caused you.

Finally, I would like to clarify some information in Minister Van Loan's response to you of October 14, 2009. I am informed that regional officials had wished to contact you via telephone to discuss your concerns; however, they were unable to find a listing for your telephone number. I regret any inconvenience this may have caused you and, as suggested in my predecessor's previous correspondence to you, should you wish to discuss this matter further, please contact Chief Darrell Maillet of the Greater Toronto Area Region at: 905-612-5423.

Again, thank you for writing.

Yours sincerely,



Vic Toews, P.C., Q.C., M.P.

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Minister of Public Safety



Ministre de la Sécurité publique

Orléans, Canada K1A 0P8

JAN 21 2009



Thank you for your correspondence addressed to my predecessor, the Honourable Stockwell Day, concerning the border clearance of your family and you at the Lacolle, Québec, port of entry on April 27, 2008. I am taking this opportunity to respond in my capacity as the new Minister of Public Safety.

Canada Border Services Agency (CBSA) border services officers are uniquely positioned to interview travellers and importers and to examine personal and commercial goods entering and leaving Canada. The challenge of the CBSA's mandate is to ensure that only admissible people and goods have access to Canada.

I was concerned by your comments about your interactions with the border services officer who attended you. A considerable part of an officer's training is devoted to topics such as interviewing techniques and interaction with the public. The CBSA makes every effort to convey to its officers the necessity of being sensitive and responsive to the needs of the public when performing their duties.

In response to your correspondence, CBSA officials reviewed video footage taken during your interview with Officer 17551. I am advised that the footage shows that your border clearance was completed well within the acceptable time frame of the CBSA and that the officer in question maintained a professional demeanour throughout the examination. Nonetheless, I apologize for any upset the incident may have caused you.

Your feedback is appreciated as it allows the Agency to further evaluate its level of service. The CBSA is committed to continually improving the quality of service at all of its offices across Canada, and recognizes that the way it treats clients has a direct impact on their perceptions of Canada as a place to live, visit, or conduct business.

Canada

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- 2 -

I regret that your experience at the border was less than positive, and trust that any future encounters you may have with the CBSA will be pleasant and without incident.

Thank you again for writing.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Peter Van Loan', written in a cursive style.

The Honourable Peter Van Loan, P.C., M.P.
Minister of Public Safety

TAB 3

TAB A



MEMORANDUM

To: Regional Directors General

Date: June 19, 2012

Subject: Audio/Visual

This refers to the Canada Border Services Agency owned and operated audio/visual equipment currently located at various sites across the country. This is to formally inform all regions that the audio component of this equipment must not, under any circumstance, be activated unless notified to do so by the Vice-President, Operations Branch.

MÉMORANDUM

Pour : Directeurs généraux régionaux

Date : Le 19 juin, 2012

Objet: Audio et Vidéo

Ceci a un lien avec l'équipement audio et vidéo propriété de l'Agence des Services Frontaliers du Canada et opéré par l'Agence, actuellement installé à divers endroit à travers le pays. Le but de ce message est d'informer formellement les régions que la composante audio de cet équipement ne doit pas, en aucune circonstance, être activée à moins d'avis de le faire, envoyé par le Vice-président de la Direction générale des opérations.

Original signed / Originale signé

Pierre Sabourin
Vice-President/ Vice-président
Operations Branch/ Direction générale des opérations

Original signed / Originale signé

Martin Bolduc
Associate Vice-President/Vice-président associé
Operations Branch/ Direction générale des opérations

c.c. Luc Portelance, President / Président
Malcolm Brown, Executive Vice-President / Premier vice-président
Cathy Munroe, Vice-President, Programs Branch/Vice-présidente, Direction générale des programmes
Glenda Lavergne, Director General, Border Operations Directorate/Directrice générale, Direction des opérations frontalières

Page 1 of/de 1

TAB 4

PROTECTED/SOLICITOR-CLIENT PRIVILEGE

Legal Services
Canada Border Services Agency
16th Floor, SRS Building
191 Laurier Avenue West
Ottawa, Ontario
K1A 0L5

Our file: 6050-11

Telephone: 613-946-2508
Fax: 613- 946-2560

October 22, 2008

MEMORANDUM TO: David Dunbar
General Counsel
CBSA Legal Services

FROM: Sonia Virc
Counsel, CBSA Legal Services

RE: 



**Pages 782 to / à 794
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information
de la Loi sur l'accès à l'information**



Canada Border Services Agency

Agence des services frontaliers du Canada

Sec. Serv. PS/Serv. Sec. SP
Received / Reçu
JUL 24 2012

PROTECTED A

For information

EVALUATION OF THE CANADA BORDER SERVICES AGENCY RECOURSE PROGRAM

For the Minister

T.D. No.	
No. T.D.	TOW-019144
File No.	
No. Dossier	8000-1
C.C.	
	DM, COS, SPB, DG-SPB, LPB

PURPOSE

The attached evaluation study of the Canada Border Services Agency's (CBSA) Recourse Program is scheduled for posting on the CBSA external website in July 2012, as required by Treasury Board policy.

ISSUE

The purpose of the evaluation was to assess the relevance and performance of the Recourse Program. The evaluation found that the program addresses an ongoing need and is meeting its objective of providing a mechanism for clients to appeal CBSA enforcement and trade-related decisions. However, the evaluation also identified several areas for improvement.

BACKGROUND

Each year, the Recourse Program receives approximately 3 000 appeals of CBSA enforcement actions and 900 appeals of CBSA trade decisions. Through its Enhanced Complaint Mechanism (ECM), the program also tracks and reports on complaints, compliments and suggestions received from CBSA clients.

Overall, the evaluation found that the Recourse Program and ECM are important components of the CBSA service commitment and strategy for ensuring fairness, accountability and improved client service. In addition, the Recourse Program addresses legislative requirements and commitments under Canada's trade agreements to provide an administrative review of Agency decisions.

Although the Recourse Program is well managed, areas for improvement included staff understanding of processes associated with the acceptance and storage of security bonds. As well, the evaluation noted that the program has been unable to meet its timelines for the processing of enforcement appeals, and that some clients have indicated the need for clearer instructions on how to file an appeal. While the Agency has been making effective use of national information concerning trends in appeals to improve program policies, procedures and

PROTECTED A

training, there is a need for additional analyses of trends at the regional level. Finally, although the ECM has improved the public's ability to provide direct feedback to the Agency, no monitoring is done to ensure that complaints are resolved effectively and consistently across the country.

Based on these findings, the evaluation recommended that the Recourse Directorate:

- develop and disseminate the procedures for acceptance, processing and storage of security bonds;
- develop and implement a plan to reduce the amount of time required to process appeals;
- review and amend the information available on the CBSA website to ensure that the appeals process and requirements are clearly described and easy to find;
- develop and disseminate regional-level analysis of appeal trends and decisions; and
- implement a monitoring process to ensure that complaints are resolved in an effective and consistent manner.

STATUS

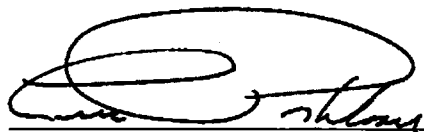
Senior management concurs with the findings and recommendations outlined in the evaluation. Guidelines and procedures for the acceptance and processing of security bonds have been developed. A review is underway to identify means to improve processing efficiency, and suggested improvements are to be implemented by February 2013. Website updates will be completed by December 2012, and a process to monitor the quality and consistency of responses to complaints will be established by January 2013. Finally, analysis of trends in regional trade disputes will be developed and disseminated on a quarterly basis starting in June 2013. Contingent on systems enhancements, similar analysis of regional enforcement appeal trends will be provided to regions on a quarterly basis beginning in April 2014.

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NEXT STEPS

The evaluation report will be posted on the CBSA's external website in July 2012.

Media Lines (see attachment 2) have been prepared to address potential enquiries by the media.



JUL 24 2012

Luc Portelance
President

ATTACHMENTS

1. **Recourse Program Evaluation Study**
2. **Media Lines**



Media Lines Recourse Program Evaluation Study

Issue

The evaluation study will be made available to the public in July 2012. The purpose of the evaluation was to assess the relevance and performance of the Recourse Program in accordance with the Treasury Board Secretariat's Directive on the Evaluation Function. Research for this evaluation was conducted by the Canada Border Services Agency (CBSA) Program Evaluation Division (PED) between April and October 2011.

The overall findings of the study were positive. However, some areas for improvement were noted, including:

- Roles and responsibilities associated with the acceptance and storage of security bonds from clients are not clearly understood by Recourse staff. At the time of the evaluation, Recourse Program staff did not have access to the Customs Commercial System which is required for maintaining information on the securities that are held. Access to the system has since been rectified.
- The Agency is making use of national trends in appeals to improve program policies, procedures and training, but a need for regional trend analyses was identified.
- About 25 per cent of clients surveyed for the evaluation indicated that there was a need for clearer instructions on how to file an appeal, and on the types of information and documents required to support an appeal. Existing information about the Recourse Program is not easy to find on the CBSA website.
- The Agency provides clients with an effective method to file complaints, compliments and suggestions through its Enhanced Complaints Mechanism; however, there is a need to monitor the effectiveness and consistency of the Agency's responses to complaints.
- Although the Recourse Program is making progress in reducing a backlog of old case files, the program has not been able to meet target time frames for the processing of enforcement appeals. A majority of clients were not satisfied with the time it takes to receive a decision on their appeal.

Key messages

The Recourse Program ensures that the decisions taken by CBSA officials are fair, transparent and accurately reflect the policies and the Acts administered by the CBSA.

The Recourse Program and the Enhanced Complaint Mechanism are important components of the CBSA service commitment and strategy for ensuring fairness, accountability and improved client service.

Since 2009-2010, over 90 per cent of Recourse Program decisions have been upheld by tribunals and courts, which is an indication that the program decisions are consistent with legislation and regulations.

The CBSA agrees with the report findings, and management action plans have been developed to address recommendations contained in the report.





This report demonstrates the value of independent, objective and timely internal evaluations. The CBSA continues to work to strengthen this capacity.

Five recommendations and CBSA management action plans

Recommendation 1:

The Recourse Directorate, in consultation with Comptrollership Branch, develop national standard operating procedures, and outline and communicate to program staff the process for the acceptance, processing and storage of security bonds, updating D-memorandum and manuals as required.

Management Response:	
We concur with the recommendation and agree that it would add value when implemented. The Recourse Program is committed to put in place directives and appropriate support to ensure the acceptance, processing and storage of security bonds are done in accordance with CBSA policies.	
Management Action Plan	Completion Date
Draft guidelines and procedures for the acceptance, processing and storage of security bonds.	April 2012
Draft policy for evaluating the proposed or tendered security instruments to be completed and provided to internal stakeholders for comment.	April 2012
Incorporation of remarks received from internal and external stakeholders into draft, including proposed consultation at BCCC in June.	June 2012
Approval and Implementation of both procedures by Regions and HQ.	August 2012

Recommendation 2:

The Recourse Directorate develop and disseminate regional level analysis of trends in enforcement and trade dispute appeals received and appeal decisions.

Management Response:	
We concur with the recommendation. The Recourse Program is committed to develop a new case management system, the Recourse Content Management System (RCMS), with a component that will have the ability to capture and report the information broken down by Region or office who issued the original program's decision. The process was started in Fall 2011.	
Management Action Plan	Completion Date
TRADE DISPUTES	
Business case to obtain funding for RCMS development submitted. (To date, funding has been secured for the Trade Component but we are awaiting a decision on funding for the Enforcement and Complaints component.)	November 2011



Await RCMS-Trade component to be implemented (as per RCMS Project Plan).	January 2013
Create an ad-hoc report using RCMS-Trade reporting tool to assist in the development of regional level analysis of trends.	March 2013
Disseminate regional level analysis to internal CBSA stakeholders on a quarterly basis.	June 2013
ENFORCEMENT ACTION APPEALS	
Interim solution to create ad-hoc reports using information captured in an Excel spreadsheet.	September 2012
RCMS-Enforcement Appeals component is implemented. (assuming a source of funding can be found to further development of the RCMS)	June 2013
Automated reports from RCMS-Enforcement Appeals component.	January 2013
Disseminate regional level analysis on overturned Enforcement Appeals to regional offices on a quarterly basis. (assuming a source of funding can be found to further development of the RCMS)	April 2014

Recommendation 3:

The Recourse Directorate enhance program accessibility and transparency by:

- Reviewing and amending Recourse Program content on the CBSA website to ensure that the appeals process and requirements are clearly described and that it is easy to find the information.

Management Response:	
We concur with the recommendation. The Recourse Program will work in consultation with communications to review and update the Recourse Program content on the CBSA website, from a client's perspective.	
Management Action Plan	Completion Date
Completion of website modification and updates	December 2012

Recommendation 4:

The Recourse Directorate develop and implement a monitoring process to ensure that complaints are resolved in an effective and consistent manner.

Management Response:
We concur with the recommendation. The Recourse Program will work with relevant stakeholders to focus our attention on the effectiveness and consistency of complaints responses.



Management Action Plan	Completion Date
Explore options on best methodology to assess consistency and effectiveness of complaint responses, as well as determining if complaints were effectively resolved.	June 2012
Identify standard process to monitor complaints and ensure quality assurance.	September 2012
Implement, conduct analysis and report on findings.	January 2013

Recommendation 5:

The Recourse Directorate:

- analyse current enforcement appeal and trade dispute appeal processes to identify components that could be accelerated; and
- develop and implement a plan to improve processing durations.

Management Response:	
We concur with the recommendation. The Recourse Directorate has established a team to develop and implement a strategic plan that will ensure the optimal organization and delivery of the redress function. A significant part of this project will consist of analyzing the appeal processes for enforcement and trade to identify improvements that will result in improved processing durations.	
Management Action Plan	Completion Date
<p>Review the Trade Dispute Process:</p> <ul style="list-style-type: none"> • Map and analyze current work flows to find efficiencies; • Engage Recourse staff to solicit ideas and best practices; Engage Legal Services and OGDs to confirm legal principles embedded in processes and best practices, respectively; • Validate interim observations and findings; • Evaluate and prioritize process improvements; • Develop implementation plan and cost estimates for process changes. Co-ordinate with RCMS implementation; • Finalize implementation, validate process changes, monitor. 	<p>June 2012 July 2012</p> <p>Sept. 2012 October 2012 December 2012</p> <p>January 2013</p>
<p>Review the Enforcement Dispute Process:</p> <ul style="list-style-type: none"> • Map and analyze current work flows to find efficiencies; • Engage Recourse staff to solicit ideas and best practices; Engage Legal Services and OGDs to confirm legal principles embedded in processes and best practices, respectively; • Validate interim observations and findings; • Evaluate and prioritize process improvements; • Develop implementation plan and cost estimates for process changes. Co-ordinate with RCMS implementation; • Finalize implementation, validate process changes, monitor. 	<p>June 2012 August 2012</p> <p>Sept. 2012 Nov. 2012 January 2013</p> <p>February 2013</p>



Prepared by:	Approved by:
Scott Macintosh Communications Officer Corporate Communications 613-952-2853	Ken MacKillop Director General Communications Directorate

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Infocapsules Étude d'évaluation visant le programme des recours

Enjeu

L'étude d'évaluation sera rendue publique en juillet 2012. L'évaluation visait à évaluer la pertinence et le rendement du Programme des recours conformément à la Directive du Conseil du Trésor sur la fonction d'évaluation. Des recherches pour cette évaluation ont été effectuées d'avril à octobre 2011 par la Division de l'évaluation des programmes (DEP) de l'Agence des services frontaliers du Canada (ASFC).

Dans l'ensemble, les conclusions de l'étude étaient positives, mais certains aspects à améliorer ont été relevés, notamment :

- Les rôles et les responsabilités liés à l'acceptation et la conservation des garanties versées par les clients ne sont pas clairement compris par le personnel des Recours. Au moment de l'évaluation, le personnel du Programme des recours n'avait pas accès au Système des douanes pour le secteur commercial, qui est nécessaire pour tenir à jour l'information sur les garanties retenues. L'accès a depuis été accordé.
- L'Agence utilise les tendances nationales liées aux appels pour améliorer les politiques, les procédures et la formation du programme, mais des analyses des tendances régionales sont requises.
- Près de 25 pour cent des clients interrogés pour l'évaluation ont indiqué que des directives plus claires étaient nécessaires sur la façon de présenter un appel et sur les types d'information et de documents requis à l'appui d'un appel. L'information existante sur le Programme des recours n'est pas facile à trouver sur le site Web de l'ASFC.
- L'Agence offre aux clients une méthode efficace de présenter des plaintes, des commentaires positifs et des suggestions à l'aide du Mécanisme de plainte amélioré; mais il faut surveiller l'efficacité et l'uniformité des réponses aux plaintes.
- Même si le Programme des recours fait des progrès pour réduire l'arriéré des vieux dossiers, il n'a pas réussi à respecter les délais pour le traitement des appels relatifs à l'exécution. Une majorité de clients n'étaient pas satisfaits du temps requis pour obtenir une décision à la suite d'un appel.

Messages clés

Le Programme des recours s'assure que les décisions prises par les représentants de l'ASFC sont équitables et transparentes et qu'elles reflètent bien les politiques et les lois administrées par l'ASFC.

Le Programme des recours et le Mécanisme de plainte amélioré représentent des composantes importantes de l'engagement de l'ASFC en matière de services et de la stratégie pour assurer l'équité, la reddition des comptes et un service à la clientèle amélioré.

Depuis 2009-2010, plus de 90 pour cent des décisions rendues par le Programme des recours ont été confirmées par les tribunaux et les cours, ce qui indique que les décisions du programme sont conformes aux lois et aux règlements.

L'ASFC accepte les conclusions du rapport et des plans d'action de la direction ont été élaborés pour répondre à chacune des recommandations formulées dans le rapport.





Le rapport met en évidence la valeur des évaluations internes indépendantes et objectives réalisées en temps opportun. L'ASFC poursuit ses efforts pour renforcer cette capacité.

Vous trouverez ci-dessous les cinq recommandations et les plans d'action de la direction de l'ASFC :

Recommandation 1 :

La Direction des recours, en consultation avec la Direction générale du contrôle, élabore des procédures normales d'exploitation nationales, et énonce et communique au personnel du Programme le processus pour l'acceptation, le traitement et la conservation des dépôts de garantie en mettant à jour les mémorandums D et les manuels, selon les besoins.

Réponse de la direction	
Nous sommes d'accord avec la recommandation et convenons que la mise en œuvre de celle-ci sera bénéfique. L'équipe chargée du Programme des recours est déterminée à mettre en place des directives ainsi que le soutien nécessaire pour s'assurer que l'acceptation, le traitement et la conservation des dépôts de garantie sont faits conformément aux objectifs de l'ASFC.	
Plan d'action de la direction	Échéances
Projet de directives et de procédures relatives à l'acceptation, au traitement et à la conservation des dépôts de garantie	Avril 2012
Projet de politique relative à l'évaluation des instruments financiers proposés ou remis, lequel doit être achevé et soumis à l'examen des parties intéressées à l'Agence	Avril 2012
Modification du projet de procédures en fonction des commentaires des parties intéressées à l'interne et à l'externe, y compris ceux issus de la consultation prévue à la réunion de juin du CCACF	Juin 2012
Approbation et mise en œuvre des deux procédures en région et à l'AC	Août 2012

Recommandation 2 :

La Direction des recours élabore et diffuse des analyses des tendances au niveau régional pour les appels relatifs à l'exécution de la loi et aux différends commerciaux reçus et des décisions d'appel.

Réponse de la direction
Nous sommes d'accord avec la recommandation. L'équipe chargée du Programme des recours s'engage à mettre sur pied un nouveau système de gestion des dossiers, le Système de gestion de contenu du Programme des recours (SGCR), qui comprendra un élément qui permettra de consigner des renseignements et de produire des rapports dans lesquels l'information sera présentée suivant la région ou le bureau ayant rendu la décision initiale. Le processus a commencé à l'automne 2011.



Plan d'action de la direction	Échéances
DIFFÉRENDS COMMERCIAUX	
Soumission de l'analyse de rentabilisation visant à obtenir du financement pour le développement du SGCR <i>(À ce jour, le financement de l'élément des différends commerciaux a été confirmé, mais nous attendons toujours une décision concernant le financement de la section relative aux mesures d'exécution et aux plaintes.)</i>	Novembre 2011
Attente de la mise en œuvre de l'élément des différends commerciaux du SGCR <i>(tel qu'il est indiqué dans le plan relatif au projet de SGCR)</i>	Janvier 2013
Création d'un rapport ad hoc à l'aide de l'outil à cette fin de l'élément des différends commerciaux du SGCR, rapport qui aidera les régions à analyser les tendances	Mars 2013
Diffusion, tous les trois mois, des analyses régionales aux parties intéressées à l'ASFC	Juin 2013
APPELS RELATIFS À DES MESURES D'EXÉCUTION	
Solution temporaire : production de rapports ad hoc fondés sur l'information consignée dans une feuille de calcul Excel	Septembre 2012
Mise en place de l'élément des appels relatifs à des mesures d'exécution du SGCR <i>(à condition d'avoir trouvé une source de financement pour développer cette autre composante du SGCR)</i>	Juin 2013
Production automatisée de rapports au moyen de l'élément des appels relatifs à des mesures d'exécution du SGCR	Janvier 2013
Diffusion aux bureaux régionaux des analyses réalisées à l'échelon régional au sujet des appels ayant mené à l'annulation d'une décision relative aux mesures d'exécution, et ce, tous les trois mois <i>(à condition d'avoir trouvé une source de financement pour développer cette autre composante du SGCR)</i>	Avril 2014

Recommandation 3 :

La Direction des recours améliore l'accessibilité et la transparence du programme en examinant et en modifiant le contenu du Programme des recours sur le site Web de l'ASFC afin de faire en sorte que le processus des appels et les exigences soient clairement décrits et que l'information soit facile à trouver.

Réponse de la direction	
Nous sommes d'accord avec la recommandation. L'équipe chargée du Programme des recours travaillera de concert avec l'équipe des Communications pour examiner, du point de vue du client, et mettre à jour l'information relative au Programme des recours sur le site Web de l'ASFC.	
Plan d'action de la direction	Échéance
Achèvement de la modification et de la mise à jour du site Web	Décembre 2012



Recommandation 4 :

La Direction des recours élabore et met en œuvre un processus de surveillance afin de s'assurer que les plaintes sont résolues de façon efficace et cohérente.

Réponse de la direction	
Nous sommes d'accord avec la recommandation. L'équipe chargée du Programme des recours travaillera avec des intervenants concernés pour examiner l'efficacité et la cohérence des mesures prises lorsqu'il y a des plaintes.	
Plan d'action de la direction	Échéances
Examiner les diverses options afin de trouver la meilleure façon d'évaluer la cohérence et l'efficacité des mesures prises à la suite de plaintes et de déterminer si les plaintes ont été réglées efficacement	Juin 2012
Établir la façon de procéder pour donner suite aux plaintes et assurer le contrôle de la qualité des interventions	Septembre 2012
Mettre en œuvre la procédure à suivre, analyser les résultats et rédiger un rapport sur les conclusions tirées	Janvier 2013

Recommandation 5 :

La Direction des recours :

- *analyse les processus actuels d'appel relatifs à l'exécution et aux différends commerciaux afin d'identifier les éléments qui pourraient être accélérés et*
- *élabore et met en œuvre un plan visant à améliorer les délais de traitement.*

Réponse de la direction :	
Nous sommes d'accord avec la recommandation. La Direction des recours a formé une équipe pour élaborer et mettre en œuvre un plan stratégique visant à optimiser l'organisation et la prestation des services de recours. Une grande partie de ce projet consistera à analyser les procédures d'appel relatives à l'exécution de la loi et aux différends commerciaux afin de trouver des façons de les améliorer de manière à réduire les délais de traitement.	
Plan d'action de la direction	Échéances
Examiner le processus de règlement des différends commerciaux, c'est-à-dire : <ul style="list-style-type: none"> • dresser le portrait du processus de règlement actuel et l'analyser afin de trouver des manières de le rendre plus efficient; • demander aux employés de la Direction des recours de faire part de leurs idées et des pratiques qu'ils jugent exemplaires; faire appel à l'équipe des Services juridiques et aux autres ministères et organismes pour confirmer les principes juridiques qui sous-tendent le processus et les pratiques exemplaires; • valider les observations et conclusions provisoires; • évaluer et accorder un ordre de priorité aux changements qui devraient être apportés au processus en vue de son amélioration; • élaborer un plan de mise en œuvre et estimer les coûts associés aux changements envisagés. Coordonner la mise en œuvre des changements 	Juin 2012 Juillet 2012 Septembre 2012 Octobre 2012 Décembre 2012



<p>avec celle du SGCR;</p> <ul style="list-style-type: none"> • achever la mise en œuvre, valider les changements apportés au processus et assurer la surveillance. 	<p>Janvier 2013</p>
<p>Examiner le processus de règlement des différends relatifs à l'exécution de la loi, c'est-à-dire :</p> <ul style="list-style-type: none"> • dresser le portrait du processus de règlement actuel et l'analyser afin de trouver des manières de le rendre plus efficient; • demander aux employés de la Direction des recours de faire part de leurs idées et des pratiques qu'ils jugent exemplaires; faire appel à l'équipe des Services juridiques et aux autres ministères et organismes pour confirmer les principes juridiques qui sous-tendent le processus et les pratiques exemplaires; • valider les observations et conclusions provisoires; • évaluer et accorder un ordre de priorité aux changements qui devraient être apportés au processus en vue de son amélioration; • élaborer un plan de mise en œuvre et estimer les coûts associés aux changements envisagés. Coordonner la mise en œuvre des changements avec celle du SGCR; • achever la mise en œuvre, valider les changements apportés au processus et assurer la surveillance. 	<p>Juin 2012</p> <p>Août 2012</p> <p>Septembre 2012 Novembre 2012</p> <p>Janvier 2013</p> <p>Février 2013</p>

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