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DOSSIER/FILE #2011-003075

Objet / Subject: Justice perspective on developments since November 2010 regarding the Next Generation of Integrated Cross-Border Law Enforcement.

Préparée par /
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Personnel de soutien /
Administrative personnel: Melanie Scholle

Cote de sécurité /
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Nombre de pièces jointes /
of attachments: 1

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Carole Morency, A/General Counsel, CLPS

<u>CM</u>	<u>2011</u>	<u>02</u>	<u>18</u>
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Catherine Kane, Director General/SGC, CLPS

<u>CK</u>	<u>2011</u>	<u>02</u>	<u>18</u>
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Donald K. Piragoff, Senior A.D.M.

<u>DKP</u>	<u>11</u>	<u>02</u>	<u>18</u>
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Associate Deputy Minister (as required) / Sous-ministre Délégué (si nécessaire)

Myles Kirvan

Sous-ministre / Deputy Minister

_____	_____	_____	_____
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2011-003075

MEMORANDUM FOR THE ASSOCIATE DEPUTY MINISTER

Justice perspective on developments since November 2010 regarding the Next Generation of Integrated Cross-Border Law Enforcement

ISSUE

The Deputy Minister has been invited to participate in a regular meeting of the Deputy Ministers' Committee on Border Management on Monday, February 21, 2011.

BACKGROUND

Genesis of the Next Generation of Integrated Cross-Border Law Enforcement Project

The "Next Generation of Integrated Cross-Border Law Enforcement" concept was developed at the Integrated Border Enforcement Teams (IBET) Strategic Planning Workshop held by the IBET International Joint Management Team (IJMT) in April 2009.

s.15(1)

The Next Generation of Integrated Cross-Border Law Enforcement was subsequently featured as a key pillar of the *Shared Vision for Perimeter Security and Competitiveness* which was made public on February 4, 2011, when the Prime Minister of Canada and the President of the United States met and issued a Declaration on a Shared Vision for Perimeter Security and Economic Competitiveness. The Declaration focuses on four areas of co-operation: addressing threats early; trade facilitation, economic growth and jobs; integrated cross-border law enforcement; and critical infrastructure and cyber-security.

The "Next Generation" concept contemplates leveraging existing models of border law enforcement perhaps most notably: the "Shiprider" model of bilateral integrated operations, the Border Enforcement Security Task force (BEST) concept developed by the United States Immigration and Customs Enforcement (ICE) and the IBET model to land-based operations. Each of these is briefly summarized in **Annex 1** to this note.

On December 13 2011, a Canadian delegation led by Public Safety met with US officials in Washington to launch discussions for advancing the development of a "Next Generation" border

page 1 of 3
revs Next generation of Integrated CBLE

law enforcement model. The Department of Justice was represented at this meeting, as was the Canadian Border Service Agency (CBSA) and the Royal Canadian Mounted Police (RCMP). [REDACTED]

[REDACTED]

[REDACTED]

s.15(1)

CONSIDERATIONS

- Status of Bill S-13, *An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America*:
 - The bill received 1st Reading in the Senate on October 26, 2010, has been referred to the Senate Committee on National Security and Defence for study.
 - The Committee has held two meetings so far where witnesses have been heard. On February 7, 2011, the Minister of Public Safety appeared with his officials. On February 14, 2011, the RCMP appeared as did Justice Canada Officials.
 - It is understood that the Committee intends to hear further witnesses before proceeding to clause by clause review of the bill.
 - There remain a number of legislative steps in the Senate before the bill is referred to the House of Commons for study.

• [REDACTED]

s.21(1)

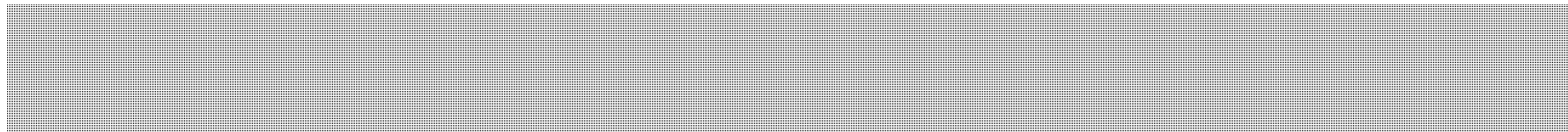
• [REDACTED]

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revs Next generation of Integrated CBLE

RECOMMENDATION



s.21(1)

ANNEXES [2]

Annex 1: Existing models of border law enforcement

Annex 2: A chronology of the Shiprider initiative

PREPARED BY

Michael Zigayer and Erin McKey

Senior Counsel

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February 18, 2011

ANNEX 1

Existing models of border law enforcement

IBET

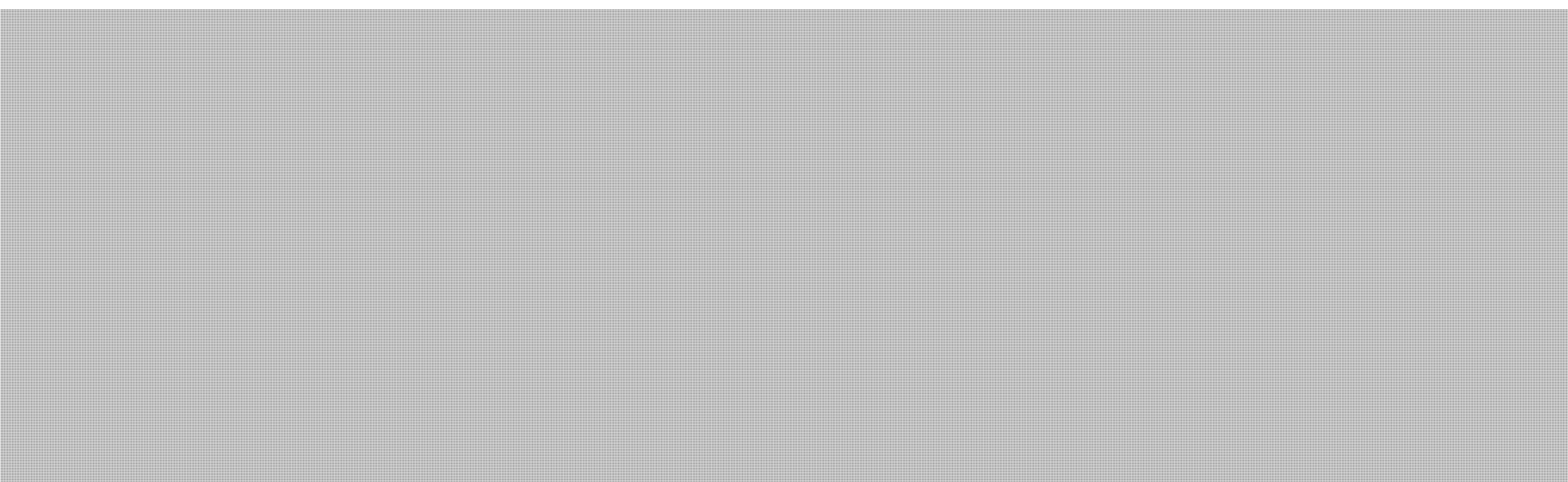
Currently the Integrated Border Enforcement Teams (IBETs) enhance border integrity and security along the shared Canada/U.S. border, between designated ports of entry, by identifying, investigating and interdicting persons, organizations and goods that threaten the national security of one or both countries, or that are involved in organized criminal activity. The five core organizations participating in the IBET program are the RCMP, CBSA, U.S. Customs and Border Protection/Border Patrol, U.S. Immigration and Customs Enforcement, and U.S. Coast Guard. There are 15 IBET Regions along the Canada-U.S. border with dedicated IBET personnel operating in 24 strategic locations in those regions.



s.21(1)

What makes it unique is the fact that, under the Shiprider Framework Agreement, both Canada and the United States have agreed to authorize specially trained and appointed ("cross-designated") law enforcement officers from both countries to enforce their domestic laws in their domestic waters. This means that American officers working with their Canadian counterparts will be empowered to enforce Canadian law in Canadian waters, and Canadian officers working with their American counterparts will be empowered to enforce American law in American waters. American law will not be enforced in Canada. The Framework Agreement will allow Canadian and U.S. law enforcement agencies to make better use of existing and limited border law enforcement resources, provide additional means to address organized criminal activities in shared waters, and enhance the likelihood of prosecutorial success.

The Framework Agreement was signed in Detroit on May 26, 2009, by the Minister of Public Safety and the U.S. Secretary of Homeland Security. Bill S-13, **An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America** was introduced in the Senate on October 26, 2010, and has been referred to the Senate Committee on National Security and Defence for study.



s.15(1)

The Bill also contains coordinating amendments concerning oversight in light of Bill C-38, An Act to amend the Royal Canadian Mounted Police Act and to make consequential amendments to

other Acts (*Ensuring the Effective Review of RCMP Civilian Complaints Act*), that will effectively subject “designated officers” to the same complaints regime being established for members of the RCMP.

BEST (Border Enforcement Security Task force)

The BEST unit is a United States Immigration and Customs Enforcement (ICE) led, DHS initiative that brings together federal, state, local and foreign law enforcement agencies under a shared umbrella with a common goal of targeting cross-border crime and associated violence.

ANNEX 2

“Shiprider” Historical Timeline

- 2004** United States Coast Guard raises the possibility of a “Shiprider” pilot project with the Royal Canadian Mounted Police
- 2005**
September: Royal Canadian Mounted Police and United States Coast Guard conducted the first Shiprider pilot project in the Windsor-Detroit area.
- 2006**
January/
February: Royal Canadian Mounted Police and United States Coast Guard conducted an integrated marine security operation using the Shiprider model to support Super Bowl XL in the Detroit-Windsor area.
- 2007**
June: Joint threat assessments identified organized crime as the most prevalent threat in the Great Lakes region and on the coasts.
- August: Canada and the United States signalled support for bilateral integrated maritime security operations at the North American Leaders Meeting in Montebello.
- August/
September: Royal Canadian Mounted Police and United States Coast Guard conducted two-month Shiprider pilot projects between Vancouver and Washington State, and in the St. Lawrence Seaway region.
- 2008**
March: Bilateral negotiations toward a *Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America* are launched at the Canada-United States Cross-Border Crime Forum.
- July: Royal Canadian Mounted Police and United States Coast Guard completed the *Shiprider 2007 Pilot Project Impact Evaluation Final Report*.
- Consultations with key Canadian stakeholders regarding the concept of integrated cross-border law enforcement operations are initiated.
- 2009**
May: Minister of Public Safety and United States Secretary of Homeland Security signed the *Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America*.

“Shiprider” Historical Timeline

2009 (contd.)

- September: *Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America* tabled in Parliament.
- November: Introduction of Bill C-60, An Act to Implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America
- December: Parliament Prorogued - Bill C-60 died on the Order Paper before Second Reading debate commenced.

2010

- February/
March: Royal Canadian Mounted Police and United States Coast Guard conducted an integrated marine security operation using the Shiprider model to support the Olympic Winter Games in Vancouver
- June: Royal Canadian Mounted Police and United States Coast Guard conducted an integrated marine security operation using the Shiprider model to support the G-20 in Toronto, both in 2010.
- October: Introduction Bill S-13, An Act to Implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America



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2011- 014327

Objet / Subject: Proposed meeting with Daniel Therrien to address Interplay between Canada-US
Cross Border Crime Forum and the Beyond the Border Action Plan - *BN for SAOM*

Préparée par /
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<i>CK</i>	<i>11</i>	<i>10</i>	<i>11</i>

Lucie Angers, Senior Counsel/Director, External Relations

Catherine Kane, Senior General Counsel/Director
General/SGC, CLPS

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2011-014327

MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY MINISTER

Proposed meeting with Daniel Therrien to address the Interplay between the Canada-United States Cross Border Crime Forum and the Beyond the Border Action Plan

ISSUE

Proposed meeting with Daniel Therrien, Assistant Deputy Attorney General (ADAG), Public Safety, Defence and Immigration (PSDI), concerning the interplay between the Beyond the Border Action Plan (Action Plan) that is currently being negotiated by Simon Kennedy and the Canada-United States (US) Cross Border Crime Forum (CBCF).

BACKGROUND



s.21(1)

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Page 11

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15(1), 21(1)

**of the Access to Information Act
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RECOMMENDATIONS

It is recommended that you pursue all of the foregoing issues with Mr. Therrien.

PREPARED BY

Erin McKey

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Criminal Law Policy Section

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October 4, 2011

Page 13

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69(1)(g) re (a)

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



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2012-006539

Objet / Subject: BN and TPs for DM re: Next Generation of Cross-Border Law Enforcement Initiative

Préparée par /
Prepared by: Erin McKey
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Administrative personnel: Liz Fraser

Cote de sécurité /
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Nombre de pièces jointes /
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Lucie Angers, General Counsel, CLPS

LA 2012 04 04

Catherine Kane, Director General/SGC, CLPS

CK 12 04 09

Donald K. Piragoff, Senior A.D.M.

DP 12 04 10

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2012-006539

MEMORANDUM FOR THE DEPUTY MINISTER

Next Generation of Cross-Border Law Enforcement Initiative

ISSUE

This memorandum responds to your request for background information and talking points concerning the Next Generation of Integrated Cross-Border Law Enforcement Operations initiative (the "Next Gen" initiative)

s.14

BACKGROUND

In February 2011 cross border integrated law enforcement was identified by Prime Minister Harper and President Obama as a key pillar in *Beyond the Border: a shared vision for perimeter security and economic competitiveness (the "Shared Vision")*. The Shared Vision further commits their officials to build on existing law enforcement programs (e.g., Shiprider, Integrated Border Enforcement Teams, the BEST program) to develop the next generation of integrated cross-border law enforcement operations that leverage cross-designated officers and resources to jointly identify, assess, and interdict persons and organizations involved in transnational crime.

Like *Shiprider* operations, Next Generation land-based operations would involve specially trained and appointed Canadian and United States (US) law enforcement officers, working in integrated teams transiting back and forth across the border to deal with cross-border criminality. Importantly, they would also include an inland investigations component. In Canadian territory these teams would enforce Canadian law and in US territory they would enforce US law.

The December 2011 *Beyond the Border Action Plan* builds on the Shared Vision by committing Canada and the United States to the implementation of the "Next Generation" pilot projects. Under the terms of the Action Plan, the Royal Canadian Mounted Police (RCMP), Public Safety Canada, the Department of Justice Canada, the Public Prosecution Service of Canada (PPSC), the US Department of Justice (USDOJ) and the US Department of Homeland Security (DHS) are to complete the scope of operations and program architecture for the Next Generation pilot projects by spring or summer 2012, and two pilots are to be deployed simultaneously by summer 2012.

[Redacted]

Integrated cross border
maritime law enforcement pilots were deployed in late 2005 at Windsor/Detroit, and in 2007 at

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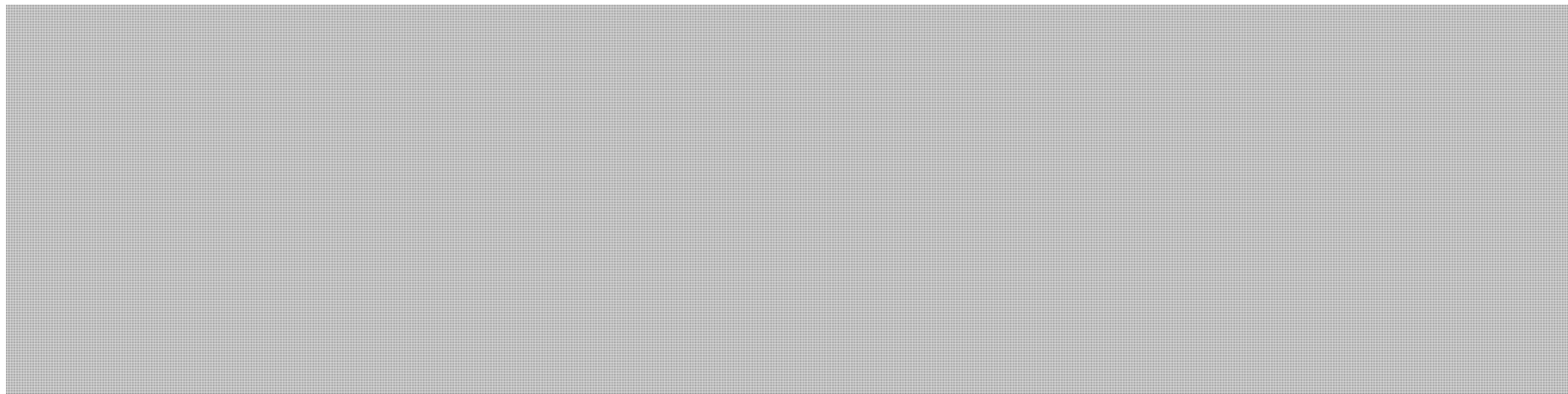
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Vancouver/Washington State and Cornwall/Massena. Further, in 2006 bilateral Shiprider security operation formed part of the security surrounding Superbowl XL in Detroit while in 2010 Shiprider security operations were deployed in Vancouver, as part of the Olympic security strategy.

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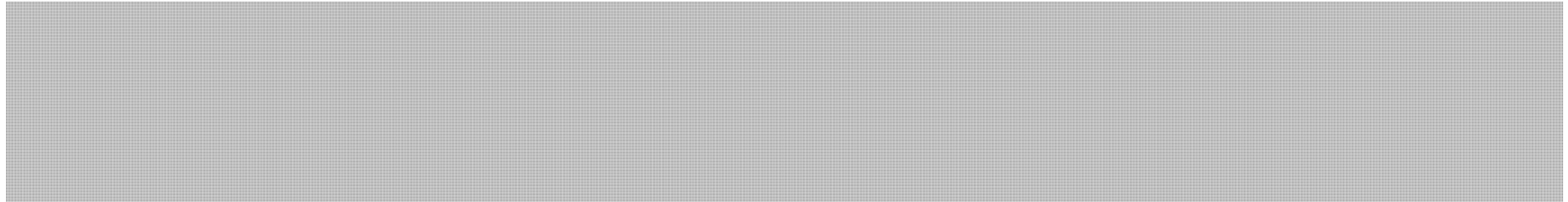
CONSIDERATIONS



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CONCLUSION

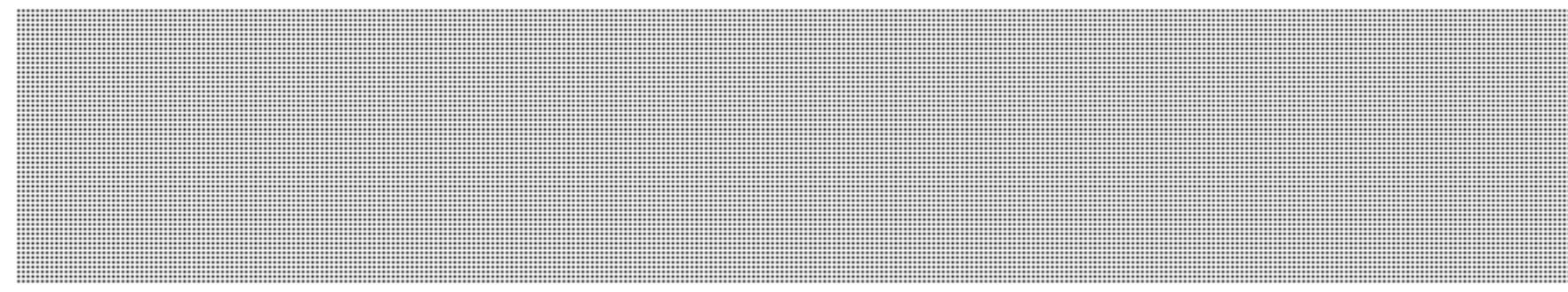


ANNEXES [1]

s.14

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Annex 1:



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March 29, 2012

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are withheld pursuant to sections
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2012-006539

Objet / Subject: **BN and TPs for DM re: Next Generation of Cross-Border Law Enforcement Initiative**

Préparée par /
Prepared by: **Erin McKey**
Personnel de soutien /
Administrative personnel: **Liz Fraser**

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Author/ Auteur: **Erin McKey**
Senior Counsel, CLPS
Criminal Law Policy Section
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2012-04-11

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Date rappel:**

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Synopsis / Précis: NEXT GENERATION OF CROSS-BORDER LAW ENFORCEMENT INITIATIVE

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YOUR RECOMMENDATION	<input type="checkbox"/>	VOTRE RECOMMANDATION
ACTION AT YOUR DISCRETION	<input type="checkbox"/>	DONNER SUITE À VOTRE DISCRÉTION
DRAFT RESPONSE FOR DM SIGNATURE	<input type="checkbox"/>	FAIRE UN PROJET DE RÉPONSE POUR LA SIGNATURE DU SM
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Sent: April-18-12 10:54 AM
To: Gaudreau, Lyne
Cc: Melanson, Janice; Pelletier, Sandra
Subject: FW: [REDACTED]

Importance: High s.23

[REDACTED]

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Government of Canada | Gouvernement du Canada

From: McKey, Erin
Sent: 2012 Apr 18 10:51 AM
To: Piragoff, Donald
Cc: Zigayer, Michael; Hébert, Nathalie; Melanson, Janice; Pelletier, Sandra
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Importance: High s.23

Don,

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2012-006539

MEMORANDUM FOR THE DEPUTY MINISTER

Next Generation of Cross-Border Law Enforcement Initiative

ISSUE

This memorandum responds to your request for background information and talking points concerning the Next Generation of Integrated Cross-Border Law Enforcement Operations initiative (the "Next Gen" initiative

s.14

BACKGROUND

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Integrated cross border

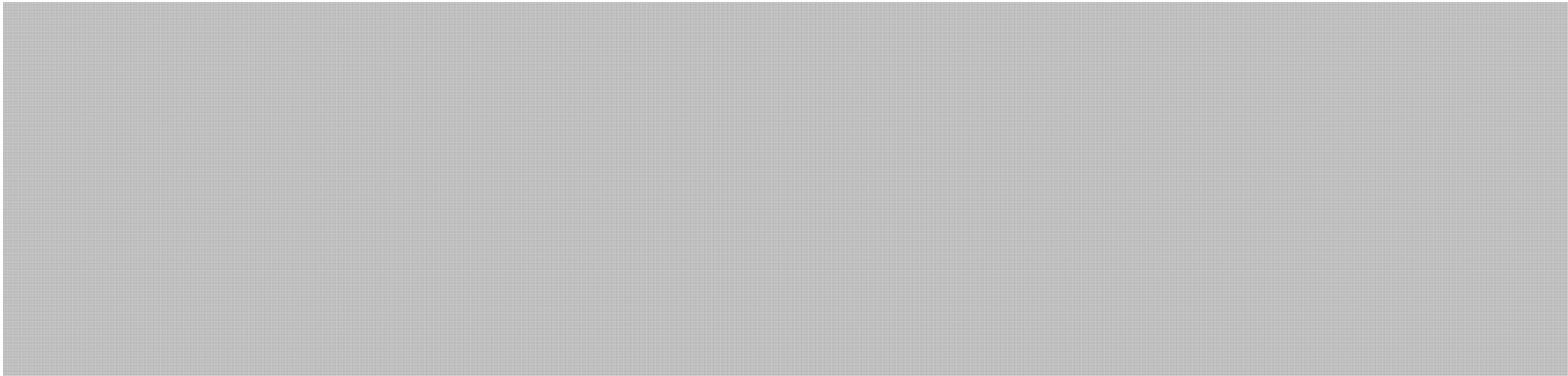
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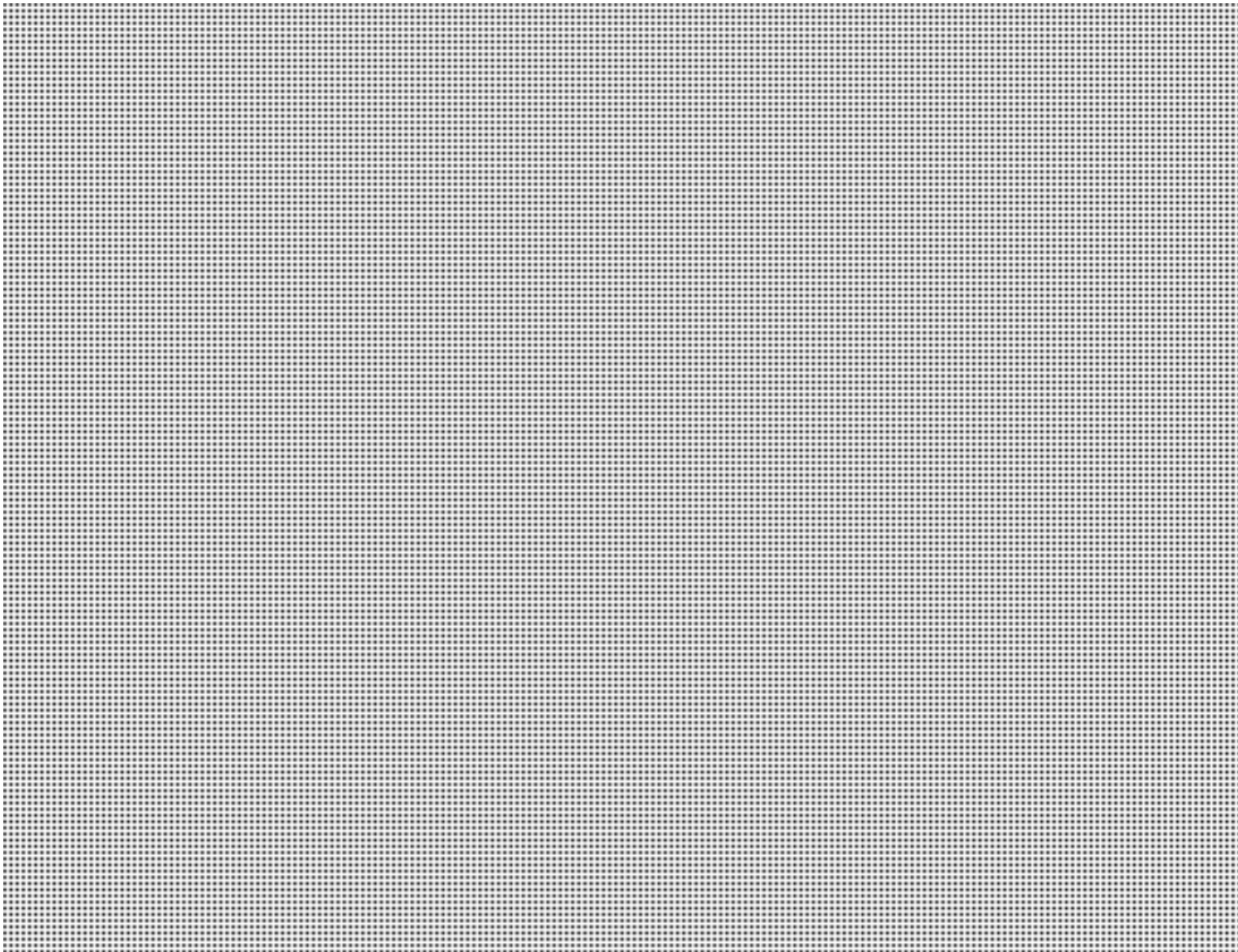
006539 BN to DM Nxt Generation

maritime law enforcement pilots were deployed in late 2005 at Windsor/Detroit, and in 2007 at Vancouver/Washington State and Cornwall/Massena. Further, in 2006 bilateral Shiprider security operation formed part of the security surrounding Superbowl XL in Detroit while in 2010 Shiprider security operations were deployed in Vancouver, as part of the Olympic security strategy.



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CONSIDERATIONS



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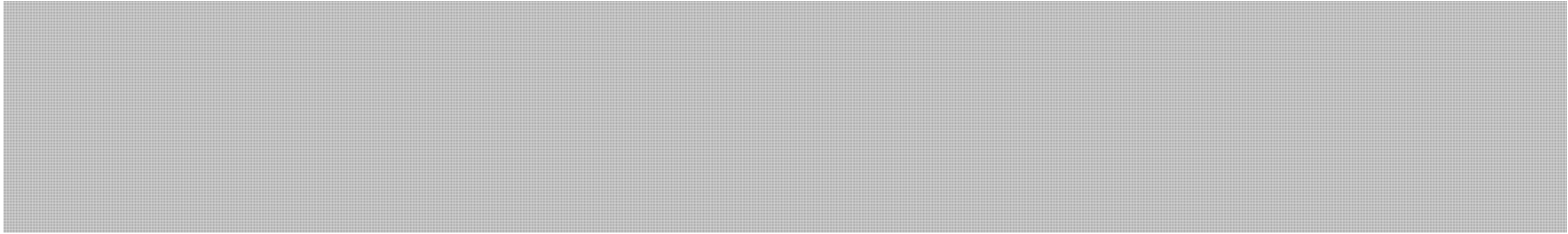
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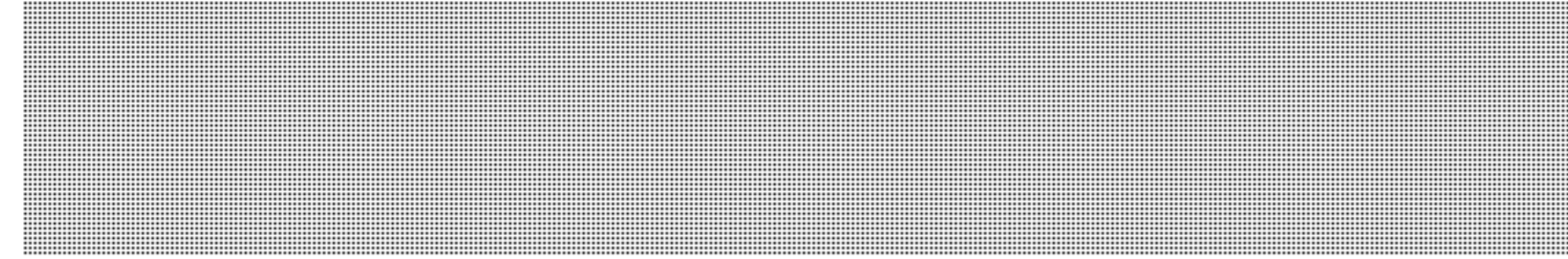
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CONCLUSION



ANNEXES [1]

Annex 1:



s.15(1)

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March 29, 2012

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are withheld pursuant to sections
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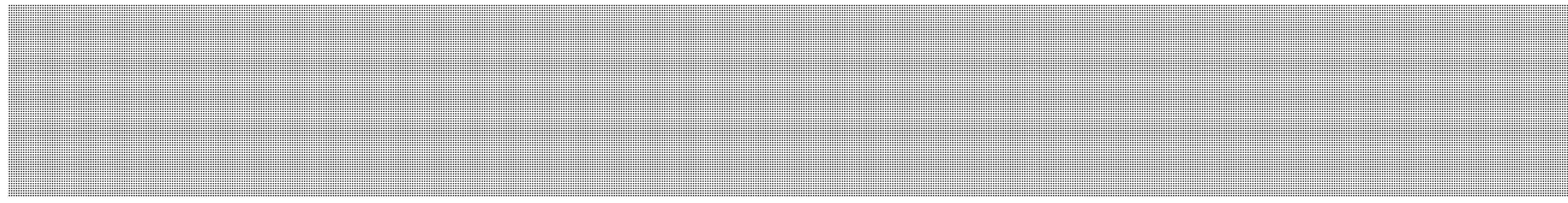
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**MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY
MINISTER**



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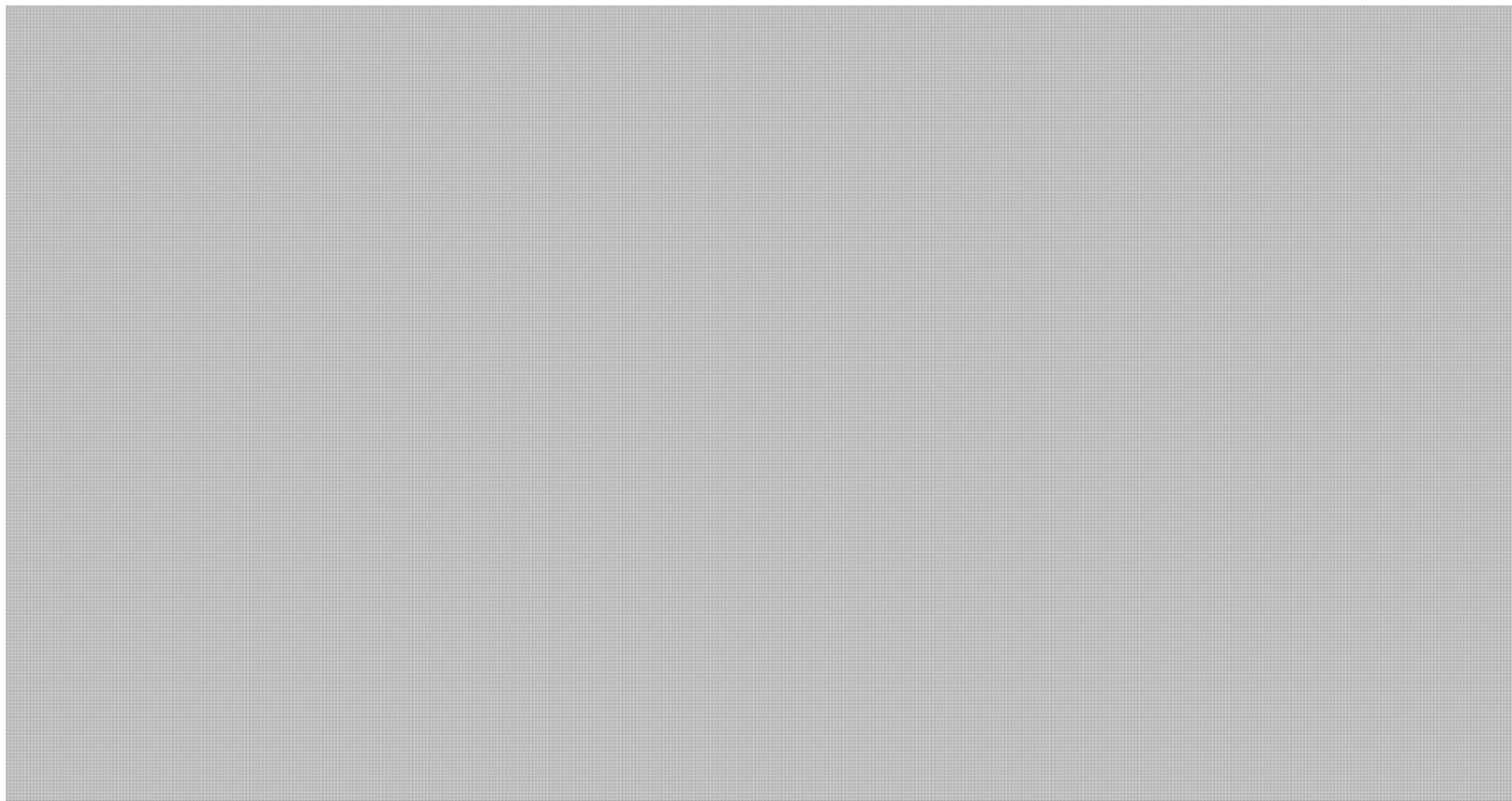
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PREPARED BY
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April 23, 2012

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s.23

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Author / Auteur: [Redacted]

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Public Safety - Canada Border Services Agency

Due Date / Date d'échéance:

Sector's Due Date / Date d'échéance du secteur:

[Redacted]

Assigned To / Assigné à: MCU-FILE

Assigned Date / Assigné le: 2012-10-03

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- Minister / Ministre
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POUR L'USAGE DE L'UCM

INSTRUCTIONS / DIRECTIVES:

- By email / par courriel
- By letter / par lettre
- Enclosure(s) / pièce(s) jointe(s)
- Courtesy copy (c.c.) / copie conforme (c.c.)
- Standard reply / lettre type
- Modified standard reply / lettre type modifiée
- Based on letter / Basée sur la lettre _____
signed on / signée le _____

Comments / Remarques:

INSTRUCTIONS

- D: Draft response / Faire un projet de réponse
- A: Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
- F: Action at your discretion / Donner suite à votre discrétion
- Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
- I: For your information (no action required) / À titre d'information (aucune mesure requise)

CC:	CC:	CC:	CC:
CC:	CC:	CC:	CC:
CC:	CC:	CC:	CC:

Closed / Fermé: 2012-10-03

File Away / Classé: PA - COPY

SL 2012/10/04

N.P.
#12 - 019549
NCU-File

271712

Ministerial Correspondence Unit

From: Nicholson, Robert Douglas - M.P. [rob.nicholson@parl.gc.ca]
Sent: 2012-Oct-01 1:22 PM
To: Ministerial Correspondence Unit
Subject: FW: Uncle Sam could soon be coming after you on Canadian soil...

From: [REDACTED] s.19(1)

Sent: October 1, 2012 12:33 PM

To: Prime Minister's Office

Cc: Harper, Stephen - P.M.; LeBreton, Marjory; Toews, Vic - M.P.; Nicholson, Robert Douglas - M.P.; Bergen, Candice - M.P.; Del Mastro, Dean - M.P.; Findlay, Kerry-Lynne - M.P.; Goguen, Robert - M.P.; Weston, Rodney - M.P.

Subject: Uncle Sam could soon be coming after you on Canadian soil...

<http://www.cbc.ca/news/canada/story/2012/07/10/cross-border-policing-integration-sovereignty.html>

"The Integrated Cross Border Law Enforcement Operations Act now makes it possible for American officers to cross the border into Canada where, as the act states, they have "the same power to enforce an act of Parliament as a member of the Royal Canadian Mounted Police."

This means they'll be armed and have the powers to arrest suspects in Canadian territory."

Will CSIS have these very same powers on U.S. soil?... NOT A CHANCE IN HELL!...

Courtesy The Harper Regime.

[REDACTED] s.19(1)

Cross-border policing provokes sovereignty worries

U.S. officers have powers to make arrests in Canada

By Mark Gollom, [CBC News](#)

Posted: Jul 11, 2012 5:27 AM ET

Last Updated: Jul 11, 2012 11:05 AM ET

1188

When the Conservative government passed its controversial omnibus budget bill last month, it included new powers for certain U.S. law enforcement agents that critics say could have ramifications for Canadian sovereignty.

The Integrated Cross Border Law Enforcement Operations Act now makes it possible for American officers to cross the border into Canada where, as the act states, they have "the same power to enforce an act of Parliament as a member of the Royal Canadian Mounted Police."

This means they'll be armed and have the powers to arrest suspects in Canadian territory.

For years, law enforcement agents without the authority to cross into neighbouring waters have complained that suspected drug traffickers or smugglers could flee one country by boat and go to another to evade arrest. Officers from one country would have to stop at the border of the other.

Now, small crews, made up of Canadian and U.S. officers specially designated and trained for cross-border policing, can go back and forth across the maritime border, all the while subject to the laws of the country they are in.

Initially limited to small crews on boats

There are conditions, however. The law, which, focuses on combating cross-border crime on waterways shared by Canada and the U.S., pertains specifically to water-based operations.



The water-based project, named Shiprider, began in Detroit-Windsor area in September 2005. (RCMP)

The crews consist of about five people at most. In U.S. waters, a crew may include four U.S. Coast Guard officers and an RCMP officer patrolling on a small U.S. Coast Guard vessel. On the Canadian side, RCMP officers will be on a Canadian vessel with one U.S. Coast Guard officer.

RCMP Supt. Warren Coons, director of the Integrated Border Enforcement Teams, stressed that the cross-designated American officers "have to be under the direction and control of a Canadian law enforcement officer" when the vessel crosses into Canadian waters. Similarly, Canadian officers are under the direction of the U.S. Coast Guard officer if they enter U.S. territory.

<http://www.cbc.ca/news/canada/story/2012/07/10/cross-border-policing-integration-sovereignty.html> 2012-10-02

"Sovereignty is something I take very seriously, and I understand the concerns that Canadian citizens have, because quite frankly I had those same concerns, and so do the U.S. officers," Coons said. "But having said that, safeguards are in place to ensure that U.S. law enforcement officers are not allowed to conduct law enforcement activity in Canada unless they're strictly under the direction and control of Canadian law enforcement officers."

But critics aren't so satisfied. Before the law was passed, the NDP argued that the issue was too important to be included in the omnibus bill and should have been voted on separately.

"This is a highly controversial integrated border enforcement program that jeopardizes Canadian sovereignty and potentially compromises the personal privacy of individual Canadians," wrote NDP MP Brian Masse, critic for Canada-U.S. border issues.

"A program that cedes sovereignty, reduces privacy and requires significant new investment must be fully debated and understood prior to its implementation," he said.

Land-based agreement to come

Although the law deals with Canadian and U.S. waters, some are raising concerns that the next phase of the plan, a land-based version of integrated policing, could be more problematic.

P.O.V.

Should U.S. police have powers to make arrests on Canadian soil? [Take our poll.](#)

Stuart Trew, a spokesman for the Council of Canadians, said the act in its current form is already a "pretty serious compromise of sovereignty when it comes to policing and security."

"Are we just going to expect down the road when they do expand this program ... [that] it just becomes normal to expect armed American agents on Canadian territory?" Trew said.

"How do you define a border operation? How far inland does it go? These are things that need to be dealt with in an open way. Instead they seem to be negotiating through mostly closed-door talks with U.S. officials."

William Anderson, Ontario research chair in cross-border transportation policy at the University of Windsor, said that he is a supporter of the current act, but a land-based version could be more complicated.

"Most people worry that you have a foreign law enforcement officer making an arrest, carrying a gun on Canadian territory. I think it becomes a little bit more difficult to control on land than it is on water, just by virtue of the fact that with water you're in a boat and [officers] can't get too far away from each other."

So far, the government has revealed few details about the land-based version of the plan. The Beyond the Border plan, agreed to by Prime Minister Stephen Harper and U.S. President Barack Obama in 2011, had called for two land-based pilot projects to begin this summer.

Government officials will only say that consultations are continuing, with the possibility of pilot projects starting no earlier than the fall.

'Hot pursuit' exception

However, the current act does allow for American officers to come on Canadian soil in extreme situations, also known as the "hot pursuit" exception.

"If a person on a boat is suspected of committing a serious offence and now are trying to get away and they hit shore, [U.S. officers] are allowed to go on shore and pursue in those circumstances," Coons said.

"If they're working in the Niagara-St. Catharines area, we don't expect to see them in downtown Toronto. It's just under a very specific circumstance where everybody would expect for public safety reasons that the officer continue with the pursuit of an individual."

But Coons said if a pursuit involved multiple suspects, it's possible that the RCMP officer could be separated from the U.S. officer. As for how much time a U.S. officer can be on shore or how far inland, Coons said "common sense prevails."

The project, named Shiprider, began in Detroit-Windsor area in September 2005, and was followed by two pilot projects two years later in Cornwall-Massena (Ontario-New York State) and the Strait of Georgia (British Columbia and Washington state).

In 2008, Canada and the U.S. negotiated a framework agreement. Legislation was introduced twice, but died because Parliament was prorogued.

The Canadian and U.S. officers involved in the program have all been trained at the Maritime Law Enforcement Academy in Charleston, S.C., where they are educated in Canadian and U.S. law, including criminal code, privacy laws and sovereignty and cultural issues.

Coons said they are still in the process of negotiating the final details of the water-based program with the U.S. Coast Guard and that it should launch in the next several months.

**Pages 160 to / à 164
are withheld pursuant to section
sont retenues en vertu de l'article**

15(1)

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

S E R V I N G C A N A D I A N S

DEPARTMENT OF JUSTICE

Beyond the Border Action Plan

Cross Border Law Enforcement Issues

February 2013



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Overview of presentation

- Commitments in Beyond the Border Action Plan
 - Preclearance
 - Next Generation of Integrated Law Enforcement

- Status of Discussions

s.15(1)

- Next steps

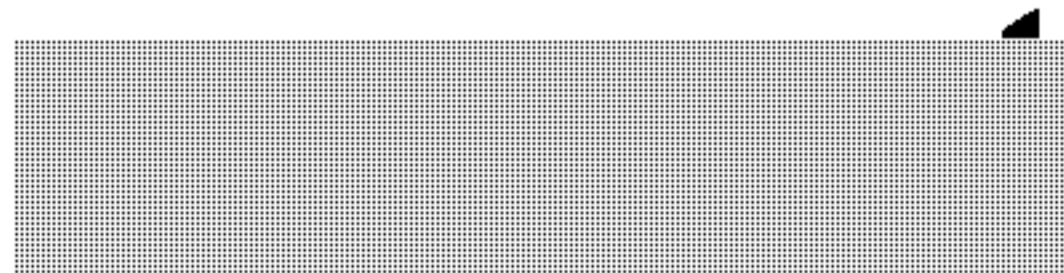
The Beyond the Border Initiative

- February 2011: *Declaration on a Shared Vision for Perimeter Security and Economic Competitiveness* (the “*Shared Vision*”) announced.
- The expansion of existing **air** preclearance activities **to land, marine and rail** and the development of the *Next Generation of Integrated Cross-Border Law Enforcement Operations* identified as elements of the Shared Vision.
- December 2011 : Beyond the Border Action Plan (BTBAP) released; includes commitments related to both preclearance activities and *Next Generation* operations.

The BTBAP Commitments

- Negotiate and implement a US CBP Truck Cargo Pre-inspection Pilot (the Pilot) in Canada by September 2012
- Negotiate a new Preclearance Treaty for the land, rail and marine travel modes (the Treaty) and update the existing Air Preclearance Agreement, by December 2012.
- Develop a land-based model for the “Next Generation of Cross Border Integrated Law Enforcement” building on the success of Shiprider and deploy two pilots projects by summer 2012.

What are preclearance activities ?

- **Preclearance** is a process whereby customs, immigration and other border functions of an inspecting country are conducted by its officials in a different country (host country). The objectives of preclearance are to enhance the flow of legitimate travel and trade, while ensuring border security and integrity.
- In Canada, the *Preclearance Act* (the Act) prescribes the  authorities under which US Customs and Border Protection (CBP) officers can pre-clear travellers and their goods destined for the US.

s.15(1)

What are « Next Gen » Operations ?

- Specially trained and designated Canadian and United States law enforcement officers, working in integrated teams would enforce the law on both sides of the international boundary line. Working together, these integrated teams would be able to transit back and forth across the border to deal with cross-border criminality.
- A marked departure from the existing and traditional cooperative partnership approach to conducting border law enforcement activities.
- An evolution of Shiprider operations onto land and inland.

Key Distinction between the Initiatives

s.13(1)(a)
s.15(1)

- Next Gen – US officers would be designated as Canadian peace officers. They would enforce Canadian law in Canada acting with under the direction and control of Canadian peace officers. There would be no geographic restrictions; responsibilities would include border patrol and inland investigations.

**Pages 172 to / à 175
are withheld pursuant to sections
sont retenues en vertu des articles**

13(1)(a), 15(1)

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

Page 176

**is withheld pursuant to section
est retenue en vertu de l'article**

15(1)

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

Page 177

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

13(1)(a), 15(1)

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

Page 178

**is withheld pursuant to section
est retenue en vertu de l'article**

15(1)

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

Page 179

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

15(1), 21(1)(b)

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

Page 180

**is withheld pursuant to section
est retenue en vertu de l'article**

15(1)

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

Next Steps

s.69(1)(g) re (e)

s.69(1)(g) re (c)
s.69(1)(g) re (e)

- [Redacted]
- [Redacted]
- As Minister of Justice you are responsible for issues concerning criminal liability/immunity from the jurisdiction of Canadian courts

Page 182

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13(1)(a), 15(1)

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

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**Ministerial Correspondence Unit / Unité de la correspondance ministérielle
Routing Slip / Feuille de contrôle**

Document Date / Date du document: 2013-02-15
Date of Receipt / Reçu le: 2013-02-25

MCU # / # UCM: 2013-003905

Author / Auteur: **The Honourable Vic Toews** VIP
Minister

Doc Type / Type de Doc: I

Public Safety

Subject / Sujet: 110003
Justice - Administration of Justice (Comments)

Ottawa ON K1A 0P8

Due Date / Date d'échéance:

Sector's Due Date / Date d'échéance du secteur:

Re: John Bourassa

Assigned To / Assigné à: MCU-FILE

Assigned Date / Assigné le: 2013-02-26

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- Standard reply / lettre type
- Modified standard reply / lettre type modifiée
- Based on letter / Basée sur la lettre _____
signed on / signée le _____

Comments / Remarques:

Ref: R12-016869, signed 2012-10-12

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- F: Action at your discretion / Donner suite à votre discrétion
- Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
- I: For your information (no action required) / À titre d'information (aucune mesure requise)

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I13-003905
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Ref A12-016969
110003
Signed 2012-10-12



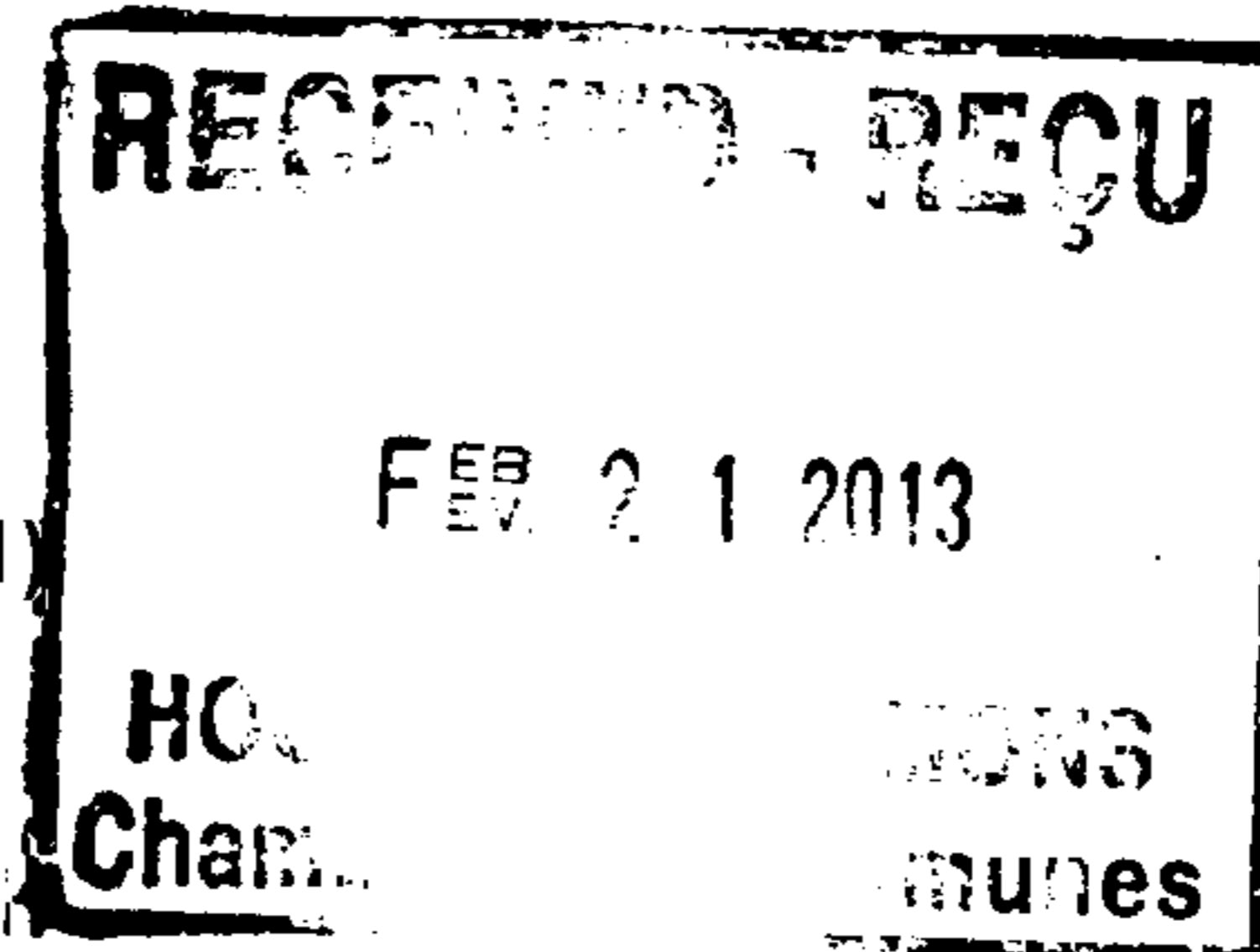
Ministre de la Sécurité publique

FEB 15 2013

[Redacted]

s.19(1)

Dear [Redacted]



2013 02 25 13 31
RECEIVED
MINISTRE DE LA JUSTICE

Thank you for your correspondence which was forwarded to me by the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, concerning cross-border law enforcement operations between Canada and the United-States (U.S.). I apologize for the delay in responding.

Canada and the U.S. share a land border close to 9,000 kilometers in length. This vast geography poses challenges for our law enforcement and security agencies. Police forces working at and near the Canada-U.S. border are increasingly faced with investigating criminal activity that extends beyond their respective national boundaries. This is especially true with organized crime and contraband trafficking of illicit drugs, tobacco, firearms and human smuggling.

Criminals, aware that Canadian and U.S. law enforcement working at the shared border do not have authorities outside of their respective jurisdictions, have taken advantage of this fact and have strategically organized criminal activities to avoid apprehension and prosecution.

In response, we have initiated new, modern approaches to strengthen border security, including cooperative policing models, such as the Integrated Border Enforcement Teams (IBETs), Shiprider (marine-based) and the Next Generation of Cross-Border Law Enforcement (land-based).

Shiprider was a highly successful pilot that employed cross-designated officers to patrol high-risk maritime areas between Canada and the U.S. Working together in jointly crewed marine vessels, Canadian and U.S. law enforcement personnel were authorized to enforce the law on both sides of the international boundary to ensure seamless, continuous law enforcement operations across the border. Practically speaking, it makes good sense to regularize integrated cross-border law enforcement operations and to deploy these personnel to high-risk areas along the border.

.../2

Canada

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FEB 22 2013
#152-13

-2-

The implementation of integrated cross-border law enforcement is key to *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*, announced by Prime Minister Harper and President Obama in February 2011.

Please rest assured that there are provisions to safeguard Canadian sovereignty:

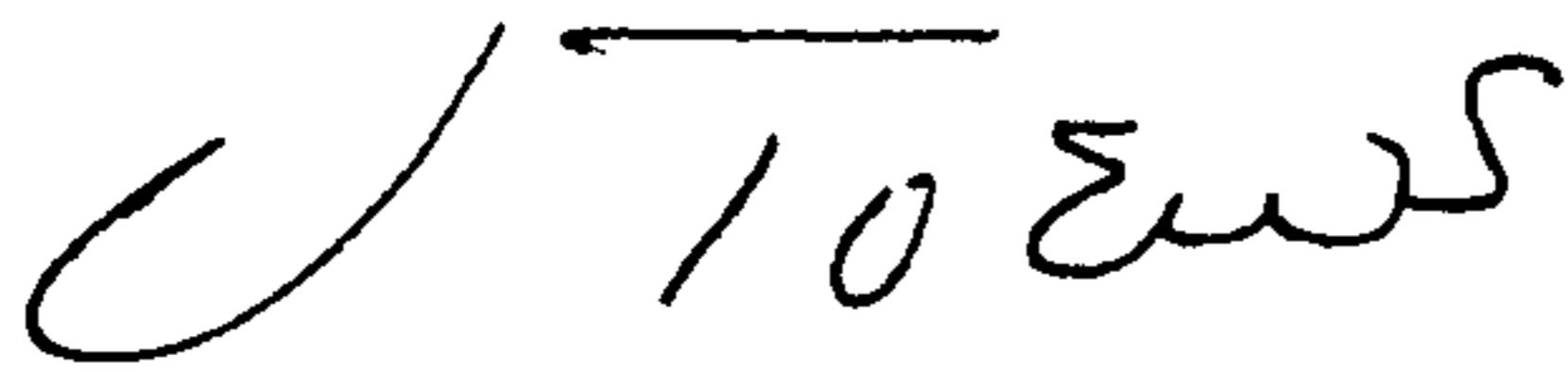
- all U.S. designated officers would complete mandatory training in Canadian law and would also be required to operate under the direction and control of a Canadian law enforcement officer while in Canada;
- in all cases where a person is detained or taken into custody within Canada during the course of an integrated cross-border operation, Canadian laws will apply and no person taken into custody during the course of an operation may be removed from Canada except in accordance with the laws of Canada; and
- information sharing between Canada and the U.S. will respect the privacy of Canadians and will be consistent with domestic laws.

On October 12, 2012, I was pleased to announce that Vancouver/Blaine and Windsor/Detroit will be home to the first two regularized locations of Shiprider.

Integrated cross-border law enforcement operations will not, in any way, threaten or undermine Canadian sovereignty. Rather, enhanced cooperation with U.S. law enforcement partners will leverage the border policing resources of both countries, strengthening the safety and security of Canadians, and our economy.

Thank you for taking the time to write.

Yours sincerely,



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

c.c.: The Honourable Rob Nicholson, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

EPB

Ministerial Correspondence Unit - Mailout

From: Ministerial Correspondence Unit - Mailout
Sent: 2012-Oct-12 9:32 AM
To: [REDACTED]
Subject: Correspondence on behalf of the Minister of Justice and Attorney General of Canada
s.19(1)

Dear [REDACTED]

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence of August 23, 2012, concerning the Beyond the Border Action Plan.

This matter falls under the purview of the Honourable Vic Toews, Minister of Public Safety. Accordingly, I have taken the liberty of forwarding a copy of your correspondence to Minister Toews for his information and consideration.

Thank you for writing.

Yours sincerely,

L. Bisson
Manager
Ministerial Correspondence Unit

c.c.: The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety

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OCT 17 2012
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Chambre des communes

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D.F.	23/11/2012		
SIGNATURE	MIN	ACKM.	
FILE No.	800-1	unw	

Ministerial Correspondence Unit

R12-016869TM
MCU07
110003

From: Nicholson, Robert Douglas - M.P. [rob.nicholson@parl.gc.ca]
Sent: 2012-Aug-24 9:50 AM
To: Ministerial Correspondence Unit
Subject: FW: Border issues and sovereignty

Summary Report Att

-----Original Message-----

From: [REDACTED]
Sent: August 23, 2012 11:26 PM
To: Nicholson, Robert Douglas - M.P.
Subject: Border issues and sovereignty

s.19(1)

Dear Honourable Robert Nicholson:

With the passing of the governments omni bus budget bill, many Canadians and media are worried about a possible loss of sovereignty in regards to implementing more of the "Beyond the Border" initiatives. Specifically regarding allowing US agents and US law enforcement to operate within our borders.

Many agree given the nature of the border that if a suspect were to cross the border it would normally constitute a hindrance to the pursuing officers. However, given the modern era, and our technology no person can out run a radio. Given this why cant officers just radio the nearest police station that is situated nearest to suspects location?

It must be made clear that it would be fair to say the majority Canadians will never approve to having US agents and officers operating in Canada constantly, however as joint operations on temporary needs that can be understood!

The question for Canadians has been, and will always be of sovereignty. To quote Harper "Our physical border with the US is in part what defines us as a people." Given this sir, the border is a very large part of the Canadian identity. Canadians want to be different we strive to be different than the Americans in both laws, federal policy and in our actions as every day Canadians. Allowing US officers and agents to be stationed in Canada on a constant basis is a violation to each other as Canadians. As Diefenbaker said, "We should not have police officers from a foreign country wandering around in our country trying to find malefactors from their country." I would add the US is our neighbour, or friend as some would say, but even a friend or neighbour does not posses the right to search our home.

Myself and I would only guess, the majority of Canadians are incredibly proud of our officers that serve their communities and our country as a whole. We are a people of only 33 million if we cannot police ourselves we have more issues than public safety sir. I ask whole heatedly, that our government ensure this matter moving forward is in the interests of ordinary Canadians, and in standing with our history to self govern as just Canadians.

Kind Regards,

[REDACTED]

From: Ministerial Correspondence Unit - Mailout
Sent: 2012-Oct-12 9:32 AM
To: [REDACTED]
Subject: Correspondence on behalf of the Minister of Justice and Attorney General of Canada

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Thank you for writing.

Yours sincerely,

L. Bisson

Manager

Ministerial Correspondence Unit

c.c.: The Honourable Vic Toews, P.C., Q.C., M.P.

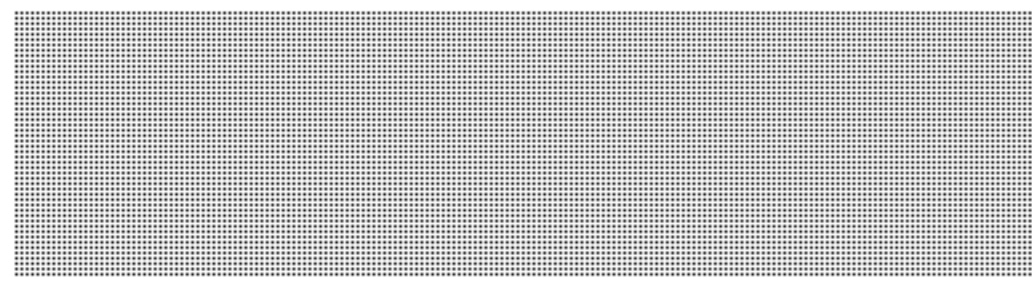
Minister of Public Safety

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Document Date / Date du document: 2012-08-23
Date of Receipt / Reçu le: 2012-08-24

MCU # / # UCM: 2012-016869

**Author /
Auteur:**



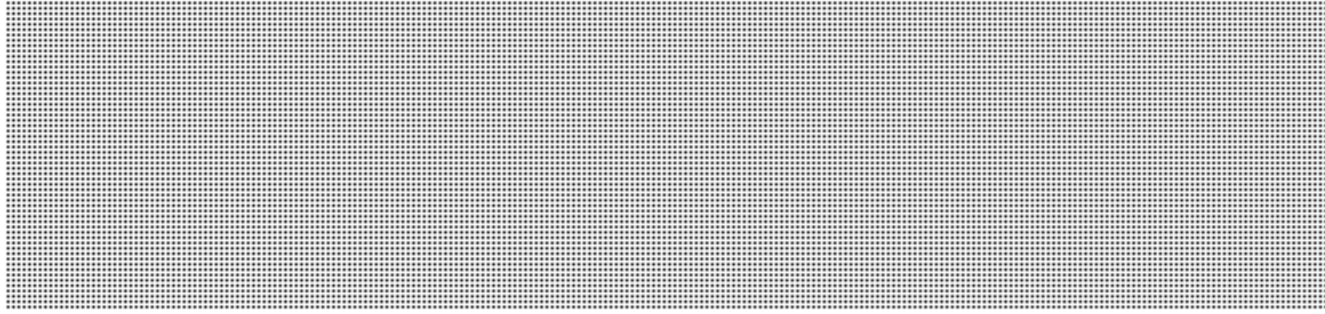
s.19(1)

Doc Type / Type de Doc: R

Subject / Sujet: 110003
Justice - Administration of Justice (Comments)

Due Date / Date d'échéance: 2012-10-10

Sector's Due Date / Date d'échéance du secteur:



Assigned To / Assigné à: MCUED7

Assigned Date / Assigné le: 2012-08-27

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signed on / signée le _____

Comments / Remarques:
Summary Report Att

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CC:	CC:	CC:	

Closed / Fermé:

File Away / Classé:

Ministerial Correspondence Unit

R12-016869TM
MCUCED7
110003

From: Nicholson, Robert Douglas - M.P. [rob.nicholson@parl.gc.ca]
Sent: 2012-Aug-24 9:50 AM
To: Ministerial Correspondence Unit
Subject: FW: Border issues and sovereignty

-----Original Message-----

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To: Nicholson, Robert Douglas - M.P.
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Kind Regards,

[REDACTED]

s.19(1)

Brûlé, Corinne

From: Watkinson, Julie
Sent: April 17, 2013 04:47 PM
To: Brûlé, Corinne s.23
Subject: FW
Attachments: [Redacted]

Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

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**Pages 192 to / à 200
are withheld pursuant to section
sont retenues en vertu de l'article**

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