



OPEN LETTER

January 10, 2006

Mr. Alain Jolicoeur
President
Canadian Border Services Agency
Ottawa ON
K1A 0L8

Re: January 5, 2006 Comments of CBSA Spokeswoman

Dear Mr. Jolicoeur,

Earlier today, I forwarded you a copy of 'A View from the Front Lines' which is the report authored by the Northgate Group that CEUDA commissioned a number of months ago. In it, the subject of the gross deficiencies of CBSA's supposed "Lookout" system are exposed including a shocking revelation that the already scant database is, under your direction, being reduced further. The Report, and the correspondence attached to it from CEUDA to you and Minister McLellan, reminds you in specific terms of the Employer's legal obligations regarding providing relevant safety information. Please be assured that in the event of one of our members being injured...or worse...where relevant information was denied them, we will seek to hold CBSA managers, including yourself, liable to the fullest extent of the law including civil and, if applicable, criminal.

That being so, I am compelled to write you with respect to the statements of CBSA spokeswoman Maria landinardi as reported in the *National Post* on January 5, 2006. Responding to yet another revelation of deficiencies in the CBSA Lookout database wherein a CBSA e-mail directing reduction of existing entries in response to work refusals was quoted, Ms. landinardi described this as, "a good business practice."

I appreciate that you do not have a law enforcement background. As the individual currently in charge of CBSA, you are however responsible for the actions of the Agency including those which jeopardize the safety of the women and men who work on the front lines at Canada's ports of entry performing inspection, interdiction and enforcement duties. Denying these people information relevant to their safety and the safety of Canadians is *not* a good business practice because enforcing Canada's laws is *not* a "business". I strongly suggest you peruse the newly amended definition of 'criminal negligence' in sections 217.1 and 219 of the *Criminal Code of Canada* before you permit further statements or actions by CBSA to be undertaken for which you are ultimately responsible.

.../2

Modern law enforcement, including and especially at points-of-entry, includes an important intelligence based mandate. Given how you so strongly advocated intelligence-based enforcement at the border while speaking to the Standing Senate Committee on National Security and Defence on October 31, 2005, why does CBSA have a Lookout system containing less than half of 1% of armed and dangerous or violent flags that are listed in Canada's national police database? Canadians were told that the millions spent to create the new Department of Public Safety and Emergency Preparedness was predominantly to facilitate the interfacing of such intelligence data.

Customs are not armed and because they are not armed and for their safety, CBSA policy tells them to withdraw from persons considered armed and dangerous and let them enter Canada for police to deal with. CBSA then utterly fails Customs Officers by not telling them who is considered armed and dangerous, which deliberately negates the withdraw policy and routinely puts our members in dangerous situations. There is nothing *intelligent* about this.

Your spokesperson, to be blunt, was briefed by individuals who obviously didn't have a clue about what they were talking about and the comments are a disturbing indication, yet again, of disregard or ignorance of the reality of what CEUDA members face every single day on every single shift.

Accordingly, in light of the gravity of the situation, CEUDA is asking that you immediately review the circumstances in question, immediately direct all armed and dangerous or violent flags in CPIC to be made available to our members on the front lines, and either endorse or repudiate Ms. Landinardi's remarks. As I'm sure you can appreciate, from the perspective of the people on the front lines, your response to this matter will go a long way in evaluating your ability to lead this law enforcement organization.

Sincerely,

Ron Moran
National President