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Thursday, March 12, 2009

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Chair

Mr. Garry Breitkreuz

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• (0900)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to bring this meeting to order.

This is the Standing Committee on Public Safety and National Security, meeting ten. We are continuing our study of border security.

We would like to again welcome the Royal Canadian Mounted Police: Inspector Mike Furey, Assistant Commissioner Bob Paulson, and Deputy Commissioner Raf Souccar.

From the Canada Border Services Agency we have Mr. Stephen Rigby, president; Kimber Johnston, vice-president; and Mike Jordan, director general.

We'd like to welcome you all to our committee. We look forward to the testimony you will give us.

The usual practice is to allow you an opening statement of approximately ten minutes.

Who would like to go first, the Border Services Agency or the RCMP?

Mr. Stephen Rigby (President, Canada Border Services Agency): I'm happy to go first.

The Chair: Okay, Mr. Rigby. Go ahead, sir.

Mr. Stephen Rigby: Thank you, Mr. Chair and members of the committee. I'm very pleased to be here today.

[Translation]

I always appreciate the opportunity to talk about the role of the Canada Border Services Agency, especially with regard to our common security and trade goals with the United States.

[English]

Simply put, the CBSA manages border access of people and goods to defend Canada's sovereignty, security, health, and prosperity. We are a 14,000-person, \$1.5 billion agency, and every year we process approximately 95 million border crossings by individuals, over 10 million commercial shipments, and about 30 million courier packages.

One of our challenges is that while the majority of our business is conducted through some 20 major highway gateways, 14 international airports, three postal plants, and three major ocean container terminals, we also provide service at 1,200 points across Canada,

including 119 border locations and hundreds more inland terminals, small airports, and marine reporting stations.

Perhaps the aspect of our business least familiar to many of our stakeholders is our immigration enforcement role. We handle many tens of thousands of refugee applications. Annually we detain almost 14,000 persons who have been deemed dangerous, are considered flight risks, or whose identities are unknown. We manage about 12,000 removals from Canada every year, some 1,500 of which are typically for criminality. We are also responsible for security certificate cases—an essential tool to protect Canada from terrorist threats—and for monitoring the terms and conditions of the release of these people.

There are increasing pressures surrounding our responsibilities for intellectual property and for export control on strategic goods or products subject to international control, such as environmental hazards or embargos on certain countries. Of course we must balance all of these enforcement concerns with the need to facilitate the border clearance of legitimate travellers, businesses, and their goods.

Canada is a trading nation, and our ability to sustain and enhance international trade is key to our continued prosperity. Especially in today's recessionary environment, the freedom and security of cross-border commerce provides an essential foundation for our economy. All of this contributes to a complicated and rather diffuse business.

Of course, a considerable amount of attention is directed to U.S. border policy, such as the western hemisphere travel initiative, in order to keep border traffic moving and maintain trade access to the U.S. market. The reality is that the border posture of both countries impacts the other's national security. Just to provide one example, out of approximately 1.7 million containers arriving at Canadian seaports annually, over half move in transit to major U.S. cities, and a significant number of containers destined for Canada first arrive at U.S. ports, such as Newark or Seattle-Tacoma. So we devote a significant amount of attention to marine security and work together with U.S. Customs and Border Protection to ensure that risky shipments are targeted and examined as early as possible overseas, but at least at the first point of arrival in North America.

•(0905)

[*Translation*]

All that to say that the border can play a twofold facilitation and security role: supporting immigration, trade and legitimate travel, while blocking access to the country to criminal, firearms and other dangerous elements.

Finding the right balance between law enforcement at the border and facilitation in a dynamic and changing global environment remains a constant challenge.

[*English*]

Therefore, our focus must be on intelligence-based risk management and leveraging resources with key partners such as the RCMP, Citizenship and Immigration, U.S. Customs and Border Protection, and other international partners.

An example of how we can better leverage these partnerships is in the area of weapon and drug smuggling. All law enforcement agencies are concerned about these issues, and we need to focus first and foremost on a better understanding of the problem, followed by increasing cooperation among our partners and maximizing the use of intelligence and targeting to increase our enforcement capabilities.

Significant investments are being made in support of balancing our security and facilitation functions. We are arming 4,800 officers at the border and those engaged in specialized enforcement activities within Canada. Eliminating work-alone situations and deploying surveillance technology to enhance safety and security at remote border crossings are also priorities.

We have implemented the joint Canada-U.S. NEXUS trusted traveler program at all major Canadian airports and harmonized it across the air, land, and marine modes. NEXUS continues to be a great example of what can be achieved working with the U.S. to process low-risk travellers more efficiently, which allows us to focus on higher-risk and unknown-risk people.

We are developing an e-manifest system that will provide advanced electronic data on rail and cargo to complement existing systems in the air and sea modes. We are continuing to work with federal partners, provinces, and the U.S. to ensure the western hemisphere travel initiative is implemented as smoothly as possible with minimal impacts on border traffic.

Legislation has been introduced in the Senate recently to modify the Customs Act to support some key border security programs, most notably to give our officers more effective powers in customs-controlled areas such as airport tarmacs, marine docks, warehouses, cruise ship terminals, and rail yards.

[*Translation*]

We also recognize that the cost of complying with border requirements is currently a concern for businesses; reducing red tape and simplifying interactions between businesses and CBSA are major objectives for the agency.

[*English*]

We spent a lot of time last year working with the Canadian Federation of Independent Business trying to hit our 20% target for

paper burden reduction. We have done that, 21% and climbing, and we are working closely through our consultative bodies to ensure that new systems such as e-manifests properly balance our need for data intelligence with the associated business costs and the need for a level playing field with the U.S.

We recognize that in today's economic environment, access to funding cannot be taken for granted. Given budgetary pressures, we will need to be creative in working with our partners and ensuring that optimal allocation of border resource priorities is achieved. The border is traditionally our first opportunity to interdict many threats, but we increasingly focus on our enforcement resources at the continental perimeter and overseas, for example, using migration integrity officers for immigration enforcement at 45 overseas locations.

We have signed agreements with South Africa and Japan that allow our resources to be on site in those countries and enable the facilitation of container security on cargo destined for Canada, and we are scheduled to sign a similar arrangement with Panama this week.

We also need to keep pace with and exploit the newest technologies. For two decades, our customs component has been viewed as a world leader in the introduction of electronic commerce systems, a tradition being continued in NEXUS and e-manifest, but our application of technology extends beyond electronic commerce. It includes detection technologies, examples of which are the radiation detection systems deployed at major seaports to screen virtually all marine containers and identification technologies such as biometrics.

•(0910)

[*Translation*]

In the context of global economic and social challenges, and of constant requests for new border services, this type of innovation is necessary to enable CBSA to carry out its twofold mandate.

[*English*]

Our success rests on something I refer to as "border integrity", which entails innovative risk management and partnerships, optimal resource allocation, and renewed orientation to public service.

Getting the border right is fundamental to Canada's security and economy. It is also fundamental to the health of the Canada-U.S. relationship. In my remarks I've tried to give you a broad overview of how we approach our responsibilities to manage the border so we can get it right.

[*Translation*]

Thank you very much for your attention. I will be pleased to answer all your questions.

[English]

The Chair: Thank you very much, Mr. Rigby.

We'll now move over to the Royal Canadian Mounted Police. Mr. Souccar, please.

[Translation]

Deputy Commissioner Raf Souccar (Deputy Commissioner, Federal Policing, Royal Canadian Mounted Police): Thank you, Mr. Chairman, and good morning everyone.

[English]

I'm very pleased to be appearing before you today. To try to do our best to be as effective as we possibly can in answering your questions, I have with me Assistant Commissioner Bob Paulson, who's in charge of national security criminal investigations, and Inspector Mike Furey, who's in our border integrity branch.

[Translation]

I'll start, Mr. Chairman, by saying that a secure and efficient border is essential for the protection and safety of Canadians as well as Canada's economic prosperity and security. In pursuing this objective, the protection of Canadian sovereignty and maintaining the integrity of its borders are imperative.

[English]

In pursuing this objective, the protection of Canadian sovereignty and maintaining the integrity of its borders are imperative. No single agency has the sole mandate or capacity to fully secure our shared border. The two primary enforcement agencies responsible for the border are the Canada Border Services Agency and the RCMP. At the ports of entry CBSA is mandated to administer the Customs Act and border-related legislation, including some parts of the Criminal Code. The RCMP is responsible for the carriage of major investigations at the points of entry and for the enforcement of the Customs Act, Criminal Code, and other federal legislation between the ports of entry.

This type of criminal activity that we're seeing today and the modern tools employed in carrying out illicit activities pose major challenges for law enforcement. Globalization and the Internet have fueled the ability for criminals to operate transnationally. Geopolitical boundaries, legal and regulatory impediments, and concerns over sovereignty are just some of the issues that law enforcement must overcome. These same challenges do not impact organized crime networks. We are mitigating those challenges by building meaningful partnerships through joint threat assessments and by developing innovative ideas and solutions.

Protecting the Canada-U.S. border is an enormous undertaking and one that we take very seriously. Given the diversity of the terrain, infrastructure, and population density, no single solution will address all threats. Our border security solutions must be uniquely tailored to address specific gaps and vulnerabilities along our diverse border and flexible enough to rapidly respond to the displacement of criminality.

The RCMP recognizes that a smart and secure border requires a balanced, multifaceted, intelligence-led approach. Effective security requires a clear understanding of the threats and risks of the border; efficient utilization of intelligence, technology, and personnel;

enhanced utilization of mobile assets and resources; and partnering with domestic and international stakeholders.

The joint Canada-U.S. threat and risk assessments are completed on a regular basis. They provide an analysis of the degree to which illegal activity is occurring, its severity, and its impact on national security and public safety. These assessments are developed jointly by Canadian and U.S. partners. This cooperation is vital, in that the risks, threats, and vulnerabilities along our shared border are identified, analyzed, and assessed on an international basis rather than a national or localized basis.

These joint threat assessments, which identified organized crime as the most prevalent threat along the Canada-U.S. border, require the participation of both border and inland investigative teams. The threat assessments have also indicated that organized crime groups are extremely adaptable to heightened enforcement activities, thus emphasizing the need for a comprehensive border strategy with flexible solutions to address the displacement of criminal activity from one geographic area to another. Completing the joint threat assessment is the border integrity national technology strategy. This strategy ensures that the RCMP is equipped with advanced technology necessary to deliver effective border integrity. As an example, a Canada-U.S. radio interoperability pilot project is under way in Montana and Alberta. Although progress was slow coming, we recently saw significant progress being made.

In March 2007 the United States Congress directed U.S. Customs and Border Protection to redirect \$20 million of the border security, fencing, infrastructure, and technology appropriation to begin addressing needs and vulnerabilities along the U.S. northern border. As a result of this directive, CBP is developing a secure border initiative network prototype that will inform and demonstrate the technology issues associated with the integration of air, land, and maritime assets along the Canada-U.S. border into a common operating picture.

● (0915)

[Translation]

The U.S. Border Patrol formally invited the RCMP to be represented at the SBI-net design table. In April 2008, the RCMP deployed an officer to Washington for a period of two years to work on the SBI-net design team. This secondment provides Canada with the opportunity to:

[English]

It will influence the design and rollout so as to address any Canadian concerns; incorporate, as appropriate, the integrated border enforcement teams into a secure border initiative implementation; and encourage, to the maximum extent possible, interoperability between U.S. and Canadian technologies.

As the border is more often than not a transit point for organized crime rather than a base of operations, law enforcement efforts must be coordinated both at the border and at inland communities. Intelligence gathered in one domain often leads to the identification of illegal activities in others. The RCMP strategy relies upon a fluid exchange of timely intelligence between our inland investigative units and border enforcement units, such as the integrated border enforcement teams.

Finally, as this committee heard on Tuesday, the integrated border enforcement team program encompasses many of the components required for a broad and effective border strategy. This is accomplished through enhanced law enforcement relationships at our shared border by identifying, investigating, and interdicting persons and organizations that pose a threat to national security or engage in other criminal activity.

Our border security solutions must continue to be uniquely tailored to address specific gaps and vulnerabilities along our diverse border and flexible enough to respond to the displacement of criminality. New initiatives in responses to counter cross-border criminality need to be a component of a comprehensive, integrated, multi-layered approach to cross-border threats. Law enforcement must address both the border and inland communities in order to effectively target organized crime groups as well as to address the domestic organized crime terrorist threats.

In August 2008 representatives from the CBSA and RCMP met with their United States counterparts from the U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the U.S. Coast Guard to discuss ways to enhance the border security efforts of Canada and the United States. This meeting led to a draft statement of principles document that recognizes that a smart and secure border builds upon a balanced, multifaceted, intelligence-based approach that is manifested through improved integration. It is important that integrated security models be created that will address the illicit cross-border activity as well as the displacement of such criminality.

In closing, Mr. Chairman, I can assure you we are always seeking opportunities for improvement and we are constantly examining new and innovative initiatives to counter the ever-evolving threats. We can never be satisfied or become complacent with respect to border security. We must remain ever vigilant to work with domestic and international law enforcement partners to identify solutions to overcome barriers to effective cross-border law enforcement.

Mr. Chairman, I'd like to thank the committee for inviting us here today, and we would be pleased to take your questions when you're ready.

● (0920)

The Chair: Thank you very much. We appreciate those opening remarks.

We'll move immediately to the Liberal Party, the official opposition.

Mr. Holland, would you like to begin?

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for appearing before the committee today.

Certainly I would say that security is important, and I appreciate the work that's being done on that. I think it's also fair to say that when it comes to security, continental security is paramount. Our greatest threats don't come from within North America, they come from outside North America. In fact, the argument I continually make to congressmen is that they have as much to fear from Cleveland as they do from Toronto. That's a message I think we have to get through. Yet we see a thickening of the border in many different ways that is concerning, that has a major detrimental impact on trade.

In this regard, I'm thinking particularly of the western hemisphere travel initiative and the requirement for passports in June. A lot of the casual travel that we see between our countries is going to be impeded. Only 20% of Americans have a passport; a little over half of Canadians have a passport. We're going to be in a situation where there are a lot of people who are turned away, who just have spontaneous casual travel in mind.

In that regard, my first concern is with respect to the Olympics. There are going to be two billion eyes watching the Olympics. That border point is going to be a huge pressure point. There are going to be a large number of Americans coming to that border with an expectation of being able to come across, only to find that they require a passport.

In talking with many congressmen and congresswomen, this is not something they've given any thought to, and they would agree that it makes sense to push that date for implementation from June until after the Olympics, at a minimum, so we at least don't have to deal with this through the period of the Olympics. It gives a little more time for the enhanced drivers licences to get out into the hands of the population.

I'm wondering with respect to that if you could just talk about the Olympics. What's being done to deal with those concerns on the border? Have you had any conversations with your counterparts in the U.S. about trying to encourage this date to be pushed off until after we're done with the Olympic Games?

Mr. Stephen Rigby: Thanks, Mr. Holland.

First of all, in the broadest context we have been working for over a year now on our Olympics plan and preparation for the kinds of things that the CBSA is going to have to do in the run-up to and around the Olympic Games. We anticipate that a significant amount of the traffic we're going to see come into the country for the games will come through our major airports, and we've made fairly substantial provisions to ensure that we have the right number of staff, the right amount of overflow capacity, the right degree of technology deployed in the airports to deal with it.

At the land border, for traffic northbound, particularly through the southern B.C. corridor, the first thing to remember is that Canada's documentary requirements are not changing with the advent of WHTI. Our focus has been on ensuring that at our southern British Columbia border points we have good plans in place to deal with a range of potential volume propositions through all of those border points. We have worst-case scenarios, and beyond-worst-case scenarios, and we've done testing and modelling to see how those border points are going to hold up under these various scenarios. I feel fairly confident today that the kinds of contingencies we're putting in place and the sorts of resources we'll deploy, at both airports and marine and land borders, will be equal to the task.

Concerning the U.S. date, I have constant discussions with my U.S. counterparts on their preparation for implementation in June. I have no knowledge about any intention on their part to deviate from the current date and I can't shed any further light on that, other than to say—and I'm sure you're aware of this—that Secretary Clinton and Secretary Napolitano have recently certified their readiness, from a documentary and an infrastructure point of view, to go ahead with the June date.

• (0925)

Mr. Mark Holland: I understand that. My point is, shouldn't we be advocating this to try to push it off? The reality is that while our requirements won't change, theirs will. There's an expectation that an American citizen is going to have a passport to get back in. Surely we're not going to allow people in and not remind them that if they don't have a passport they're going to have a lot of trouble getting home. That requirement is going to have real implications.

But maybe I'll come back to this, because I don't have a lot of time.

The other thing, which continues that theme, is that some jurisdictions have been very progressive in trying to find alternatives to this in order to keep the casual travel going, because it's so important to both of our economies. I had an opportunity to talk with Governor Gregoire about what Washington State is doing in conjunction with Premier Campbell respecting enhanced drivers licences. Given that there's been very small pickup of NEXUS—and let's be honest, a NEXUS pass is not something the person who wants to go to a Buffalo Bills game is going to get, and not the thing that somebody who wants to go to a Stratford Festival play on a whim is going to have applied for months in advance—what type of work are you doing to ensure that we can find solutions for these casual travellers, most of whom don't have passports, most of whom aren't going to get a NEXUS pass? Do you support the enhanced driver's licence, and what efforts are being made to ensure that we can keep those casual travellers moving?

Mr. Stephen Rigby: We absolutely support the enhanced drivers licences. We've been working with the provinces for more than two years in an attempt to get these alternate documents established and to see agreements put in place with as many provinces as possible. You're aware of and you've referred to the B.C. pilot, which we have a lot of optimism about moving into full production in the near future. We've also had extensive discussions with Manitoba, Saskatchewan, Ontario, and Quebec and we've had discussions with the Atlantic provinces too, who are a little further behind but have

also expressed an interest. I think in most jurisdictions there is a fairly significant interest in bringing EDLs on line.

I take your point about NEXUS, but if I may add one comment to it, we have seen pretty good growth in NEXUS over the last year. It has been growing at the rate of about 4% per month. In fact, we've seen membership increase by 100,000 in the last 12 months.

Mr. Mark Holland: I don't disagree, but let me take the example Congresswoman Slaughter gave when I had an opportunity to speak with her. She was talking about the tremendous impact it's going to have in Buffalo, because there's a huge number of people who go across the border on a whim. Given the fact that only 20% of people have a passport, even if you got to the point at which 20% of people had NEXUS, they are just not the people we're concerned about: those are people who are travelling spontaneously. Her suggestion was to try to find some kind of day pass or two-day pass for a person who just wants to come across the border for a short period of time.

Has there been any thinking about that, and can you tell me how it might work? I was intrigued by the idea. Is there a possibility that we could ask additional questions or have some pieces of identification such that, if somebody shows up without a passport, they could get a pass for a couple of days? Is that a possibility?

How do we deal with those kinds of people, who are very casual and otherwise would be lost, with a really major impact upon the economies on both sides of the border?

The Chair: There is time for a brief response. Go ahead, sir.

Mr. Stephen Rigby: Thank you.

I would say once again that it's important to make a distinction between the U.S. requirements and the Canadian requirements. I think it is the U.S. position that the alternate documents are the passport or the NEXUS card as their passport card. They've been working very hard to encourage people to get it. The reason they're doing so is that it contains an RFID chip, which gives people the ability to get into the so-called fast lanes to move more expeditiously through the border.

But I'm not aware of any formal discussions around Congresswoman Slaughter's idea.

The Chair: Thank you.

If someone has a NEXUS card, they also need a passport, don't they?

Mr. Stephen Rigby: They do not.

The Chair: They do not?

Mr. Mark Holland: You need a passport to get a NEXUS card, though.

Mr. Stephen Rigby: You need to establish, through a vetting in both countries, your identity and your bona fides to make sure you have no criminal background. But you do not need a passport at the time you cross the border.

The Chair: In other words, if they have a NEXUS card, they wouldn't need a passport. I just want to make sure.

Mr. Stephen Rigby: That's correct. It's considered to be a WHTI-compliant document.

The Chair: Good. Thank you very much.

Monsieur Ménard, please.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Rigby, thank you for being here with us.

Is this the first time you've come before the committee?

[English]

Mr. Stephen Rigby: It is the first time, certainly, on my own.

• (0930)

[Translation]

Mr. Serge Ménard: All right.

I'd like to have some explanation from you. Why not treat the Mont-Tremblant de Rivière-Rouge International Airport like other airports in Canada of similar size? In those other airports, you provide free service to tourists, who are spending enough money here for us to be able to pay for services through the taxes we collect. After achieving major success with private jets, Mont-Tremblant Airport... I understand that it's the owners who pay customs duties. One airline is ready to make regular flights. Obviously we're talking about a much less rich clientele, but one that nevertheless spends money here.

Why can't you adjust to the airlines' schedules and offer those tourists who come and spend their money here the same service as you offer in the Whistler region, on the other side of Canada, and in certain other Canadian regions where you have virtually the same problem?

Mr. Stephen Rigby: Thank you, Mr. Ménard.

You're right in saying that there are some differences in the treatment of certain airports in Canada.

[English]

The situation is that you have airports in Canada that receive certain levels of core service at the government's expense and other airports that pay for these services on a user fee basis. There has been substantial discussion within the community in recent years about certain inequities that have grown out of that situation, particularly as the airline industry has begun to change and evolve.

What we have been doing, over the last year or so, is look at a possible policy framework that would provide a better basis for determining what services would be provided, to whom, and when. While I can't comment on the specifics of any particular airport today, I can say that we hope to be in a position within the next few months to make some announcements regarding how we plan to deal with airport service and new requests for service to airports.

[Translation]

Mr. Serge Ménard: Let's hope that the Mont-Tremblant people will have some good news. This is an extraordinary success for tourism in Canada, and it's achieving real returns. It's even helped relaunch a region, but it's beneficial for Canada as a whole.

For some time now, some customs officers can be armed. I suppose you want to know exactly when they'll be called upon to use their weapons. In how many incidents have those officers found it useful to be armed?

[English]

Mr. Stephen Rigby: First, just to provide a little information, we're rolling out the arming of our officers over a ten-year period, as you're probably aware. Currently we have approximately 750 officers who have been armed.

Since the commencement of the deployment of weapons, there have been approximately 39 incidents in which weapons have been drawn. In each of those cases, it is our policy and our process for a panel to review the incident to ensure that the drawing of the weapon was appropriate and was consistent with our policies, and in each case, the actions in every one of these 39 incidents were deemed to be appropriate and consistent with our policies.

Generally speaking, and speaking broadly, the weapon is only to be drawn when the officer feels that there is a clear and present threat to his or her safety. There are various steps and an escalation process that they are required to go through. If the weapon is drawn, as an example, the first position is known as the "low ready position", which means that the weapon is taken from the holster, but it is not pointed or deployed in any significant way. Generally speaking, virtually all of the incidents we have dealt with to this point have been in that category.

• (0935)

[Translation]

Mr. Serge Ménard: I'm pleased that you've taken that measure to follow up on this question, and it may perhaps be assessed in your future annual reports.

I'd like to talk to the RCMP and to you about our border towns and what we can anticipate for the future.

I understand all the problems that you can have, but the population has been living in border towns for more than 100 years. In Stanstead, for example, the border runs right through the municipal library. In Beebe—that's the name of the town—where I ride my bike, the main street is located on the border, so that, when you head west, you're in Canada, and when you go east, you're in the United States.

Today, the main border control tool is information accumulation and surveillance. I understand why you focus so much effort on that activity.

However, isn't there some way of reconciling that activity with the day-to-day lives of these inhabitants? What future do you see for them? Currently, a number of incidents have been reported to us. For example, some individuals went to buy gasoline on the U.S. side and had to pay incredible fines. Others took the wrong road and, when they returned, authorities wanted them to pay a certain amount of money.

How do you foresee patrols in these border towns?

[English]

The Chair: That will be your final question.

Go ahead, sir.

[Translation]

A/Commr Raf Souccar: Thank you for your question, Mr. Ménard.

That's very unfortunate; I agree with you.

[English]

It is indeed a shame that our world has changed to the extent that it has. It has caused us to take communities such as Stanstead, which you mentioned, in a different light. They see themselves as one. I know exactly of the library and the theatre that are in the building, one on the U.S. side and one on the Canadian side, and they see themselves as one community. They don't see themselves as Americans and Canadians. They see themselves as one community. They've operated as one for many years and they like the back-and-forth flow that they have.

Unfortunately, with the way our world has changed over the last few years, others who perhaps don't have good intentions could exploit a community such as this, one that otherwise could operate as one. As you see, you can go in from one side of the building and come out at the other. I know that the U.S. has taken measures to put up barriers. They're not unsightly. I haven't seen them myself, but I'm told they're not hard to look at.

We have consulted with the communities on that very issue. We have gone and consulted with the communities—

[Translation]

Mr. Serge Ménard: I'm going to see them tomorrow with the minister.

[English]

D/Commr Raf Souccar: We've consulted with the communities to make sure that as changes are made that disrupt what they saw as their permanent way of living, the reason is understood, the rationale is understood, and to find ways to ensure security while disrupting their lives as little as possible.

The Chair: Thank you.

Mr. Comartin, are you ready to start?

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

Mr. Rigby, this is just in follow up to Mr. Ménard's question in terms of the guns being drawn. At any time in any of those 39 instances was a gun discharged?

Mr. Stephen Rigby: No.

Mr. Joe Comartin: On those instances when the guns were drawn, would there have been involvement by other police agencies?

Mr. Stephen Rigby: I do not believe so, Mr. Comartin, but I would have to confirm that.

Mr. Joe Comartin: At the last meeting of the committee we tried to get a better sense of the trafficking, the smuggling of guns into this country.

I have to say, Deputy Commissioner, we didn't get much information from the RCMP, so maybe we'll get it from CBSA.

We're seeing in the numbers that are being reported a reduction in the number of seizures of weapons coming into Canada over the last three to five years. It hit a peak at this point and it has been going down. I have to say, living on the busiest border crossing in this country, that I do not have much faith in those figures as accurately reflecting what's going on. Everything that we're seeing in Ontario, in particular, in the inflow of guns is that the number of guns illegally coming into this country is in fact going up. I guess I would have expected a corresponding increase in the number of guns seized at the border.

I've made a couple of assumptions there. Would you tell me whether you agree with me on my assumptions, that the number of guns coming into this country illegally is in fact going up and the number that we're seizing is going down?

● (0940)

Mr. Stephen Rigby: I guess in broad-brush terms I don't disagree with the assumption, but like yourself, for me it's a bit of an assumption. I think one of our problems is we have to build up better databases in terms of what the quantum of the problem is and we have to understand a bit better the extent to which the problem is manifest through ports and between the ports of entry in terms of where the smuggling is occurring.

You're absolute right. Our numbers have been essentially flat over the last few years and the larger proportion of our seizures are basically non-declarations, people who are not necessarily smuggling the weapon, but didn't declare it properly, so we end up seizing it or holding it as a result of that. The number of actual criminal smuggling situations within our seizures is relatively small, and that is an issue that gives me significant concern.

I have a lot of faith in my front-line officers to react to the situations they see at the ports and to conduct secondary inspections. We have consistently had instances when we have found smuggled guns and secreted weapons and we have successes around that. But the fact of the matter is that without significant improvements to our ability to have targeted intelligence on gun-running channels, on gang and organized crime arrangements, we are not going to make the significant advances that I feel we have to make.

Mr. Joe Comartin: My next question relates to one of the things that was going on. Deputy Commissioner Souccar may want to respond to this as well. My understanding was that we had established connections on the U.S. side to see if we couldn't get greater cooperation from them to identify the sources, the gun shows down my way in Indiana, in particular. Is that going on, and do we have any hope that it's going to be more successful than it has been up to this point?

D/Commr Raf Souccar: Thank you, Mr. Comartin.

Yes, the cooperation with the United States, especially with the alcohol, tobacco, and firearms agency, is going very well. In fact, they've recently deployed three agents who work out of the embassy here in order for us to have better contact with them for joint investigations.

As Mr. Rigby indicated, our responsibility for the RCMP is investigation between the ports of entry, and as such, we typically identify criminal organizations that are involved in the smuggling of firearms. As I'm sure you know, criminal organizations are very opportunistic, so they'll gravitate to whatever makes them money. They're not fixated on one commodity. So it could be drugs one day, it could be guns the next day, it could be a shipment of drugs with guns included in it.

The Cross-Border Crime Forum has a firearm subgroup within it that is actually very, very active and probably was—

Mr. Joe Comartin: Who is on that? Is it both the RCMP and CBSA, or just the RCMP?

D/Commr Raf Souccar: I believe we're both on it.

Mr. Stephen Rigby: Yes.

Mr. Joe Comartin: Thank you. I'm sorry for interrupting.

D/Commr Raf Souccar: It is no problem.

As well, the Ontario Provincial Police is on it, because they have a provincial weapons enforcement unit. They highlighted, at the last Cross-border Crime Forum, actually, an outstanding investigation they had completed into a criminal organization that was importing a major quantity of firearms into Canada.

What was especially gratifying about this operation, from what I heard at the Cross-Border Crime Forum, was the ability of these teams, through the national weapons enforcement support team, to not only trace firearms but to.... A lot of these weapons come into the country with their serial numbers filed off. They have a technique now for lifting the serial number to identify the origin of that gun, which in fact they did very successfully in this last operation. Again, we probably don't have as many weapons enforcement teams across the country that focus on these types of investigations, but as I said, whether it's a drug unit or an organized crime unit, weapons always seem to surface in their investigations, and at the end there are seizures related to weapons.

• (0945)

Mr. Joe Comartin: Mr. Chair—

The Chair: You have half a minute.

Go ahead, Mr. Rigby.

Mr. Stephen Rigby: Just the same, Mr. Comartin, I want to see, in the near term, a better correlation between our seizure rates and the general thinking in terms of the level of crime that's being committed domestically with smuggled guns. Our emphasis is going to be on the following: more intelligence work within the CBSA; more work with police forces domestically; more work with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; and from time to time, running sting operations or blitz operations at key border points that we think relate to traffic routes coming up from the States.

The Chair: If you have a very brief—

Mr. Joe Comartin: On NEXUS, there was a report out within the last year specifically on renewals—people are not renewing, they are still using them, and there is fraud and abuse of that system. It was a fairly significant percentage—I think it was 10% or 20%—which suggests that the NEXUS cards are being abused. Is that fairly accurate, and if so, what are we doing to clean that up?

Mr. Stephen Rigby: I think there's some abuse. There are some people who from time to time attempt to go across with an out-of-date NEXUS card. Generally speaking, the key is getting the vet done right at the initial time of issuance. But when the renewals do occur, we also re-screen. So I'm reasonably optimistic that some of the issues raised we can get to in terms of improvements in re-vetting.

The Chair: Thank you.

We'll go to Mr. Norlock, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you, gentlemen, for coming this morning.

I'd like to carry on on the theme of firearms, but also the theme with regard to what Mr. Ménard said about villages and towns on the border. Both of those are akin to the loss of innocence in our society. In the last couple of days we've heard tremendous horror stories of multiple deaths from south of the border and from Europe.

I think back to just a few years ago—I guess it's a lot of years ago now—when I was just old enough to go hunting and carry a firearm. I can recall vividly just up the valley here, being able to go down to the basement, open up the cabinet, go rabbit hunting with a couple of my friends, and just walking down the street, as it was a small town. We headed into the bush and we met people there and nobody got excited. If we were lucky, we brought home a couple of rabbits.

Today, if a couple of 17- or 18-year-olds went down to the basement and did the same thing, they'd have an OPP or a city police SWAT team out there surrounding them, although they were just going to do something we used to take for granted. That's a loss of innocence in our society, very similar to the loss of innocence in the life of a village on the border of our two great countries, the U.S. and Canada, where people didn't see a difference between going across the street, whether it was the border or not. Today, you can end up in jail or with a big fine, so I can understand Mr. Ménard's point.

I think it's important for us to see in our society, because of fear or because a few individuals in this world such as terrorists or members of organized crime have changed our lives significantly, we can no longer do the things we used to do that didn't cause a problem. Innocent people, people who just want to go hunting and people who just want to do some target shooting, are now made to feel as if they're criminals and they go through all these processes. Why? Because somebody's broken the law, and now everybody has to suffer.

Going on a little bit further, to the seizure of firearms at the border, I think Mr. Rigby touched on it. Wouldn't the reduction in the seizure of firearms also have to do with a reduction in the number of people from the U.S. coming to Canada to go hunting who just failed to have the proper documentation? Could one of the reasons be because there's a reduction in the number of those persons, or in that particular part of our tourism industry, and could another reason be because the criminals are getting smarter in their ability to hide firearms from detection?

● (0950)

Mr. Stephen Rigby: I think both of those are factors, for sure. A lot of the hunters and the casual travellers we encounter at the border who have a firearm aren't aware of our laws. Generally speaking, there's no effort on their part to substantially secrete the weapon at all. Just through a series of one or two questions, it becomes apparent they have a weapon and we have a discussion with them and we seize the weapon sometimes. We hold it sometimes or we keep it permanently.

Certainly as the criminal element has become more sophisticated, and as the market for smuggled guns becomes more acute, I think I agree with Deputy Commissioner Souccar that the sophistication we see there and their ability to move rapidly from one point to another on the border to exploit opportunistic situations is something we have to become more adept at responding to.

Ultimately, just to come back to my earlier comment, the key there is going to be the most rapid gathering, assessment, and deployment of intelligence. We can run all kinds of search procedures at the border. The problem is that the consequent hassle and lineup for legitimate travellers will be unacceptable. For us, it's a constant balance, and the key to that balance is getting good information from law enforcement.

Mr. Rick Norlock: Thank you.

I was most interested in some of the things in your presentation. I just saw the end of the program on the radiation detection systems you mentioned. Could you explain to us what that system entails, what it does, and what it's designed to detect? How about a general overview? Don't give away some things somebody else might take advantage of.

Mr. Stephen Rigby: I'm going to defer to the expert here, but generally speaking we're talking about radiation portal monitors at our ports, which are designed to provide radiation screening of containers. But let me ask Ms. Johnston to comment.

Mrs. Kimber Johnston (Vice-President, Enforcement Branch, Canada Border Services Agency): Thank you.

Mr. Norlock, you are quite correct. We've installed radiation detection portals at all of our major marine ports of Halifax, Montreal, and Prince Rupert in northern B.C., and we are in the process of finalizing the installations in our Vancouver terminals.

The radiation detection portals are used to screen 100% of the marine containers coming into Canada for what we call CBRNE materials—chemical, biological, radiological, nuclear, or explosive materials. This is a complementary initiative to what we call our CSI, or container security initiative. As our president pointed out in his introductory comments, we have people stationed abroad to try to interdict possible shipments of CBRNE materials prior to them coming into Canada. But this is an extra no-risk, zero-tolerance screening measure in our marine ports to ensure that any containers that might contain that type of material do not get through the port.

Mr. Rick Norlock: Thank you.

I think you may have answered this, but could it also be used for the detection of weaponry?

Mrs. Kimber Johnston: It is specifically for explosives. It may pick up a certain type of weaponry that has a certain type of explosive material associated with it, but its primary focus is chemical, biological, radiological, and nuclear.

Mr. Stephen Rigby: The radiation monitors are complementary to what is known as Vacus technology, which is X-ray technology we have at the ports designed to identify suspicious-looking shapes within the containers. They work in tandem.

● (0955)

Mr. Rick Norlock: Good. Thank you very much.

Deputy Commissioner, in your presentation you mentioned that intelligence gathered in one domain often leads to identification of illegal activity in another. I wonder if you could expound on that a bit. Sometimes when people—having a similar background here—find a little problem it's like an onion; you begin to peel back various levels.

Could you give us a couple of examples of how some small piece of intelligence from one particular area might lead you into a bigger area or something more significant?

D/Commr Raf Souccar: Maybe I can explain it this way. There needs to be a very seamless integration between our borders and our inland teams and our international partners, our liaison officers abroad. As we get information and we start to verify it and dig into it a little deeper, we very often find ties that were not substantiated at the outset. Through our international liaison officers, through partners—whether domestic partners or international partners—we were able to tie into other pieces that were missing.

If we're referring to the borders specifically, the criminal organizations that exploit the borders do not reside at the border. They usually reside in the large centres, in the large cities. They exploit the borders through facilitators who know the borders well and do that. They facilitate work for those major criminal organizations. Here is where it becomes very important to be able to get those links and be able to push the border in and out as far as possible.

We talked about the seizure of guns, for example. A customs officer, through his alertness and discussion with someone coming through, uncovers contraband in a vehicle, whatever it may be—a gun, drugs, whatever. That's thanks to the alertness and good work of the customs officer, and that's great, if it's small—such as a gun, for example, a one-time thing.

Where they come across major shipments of something, and they have, they've done excellent work in that regard. They have done this on cold hits, without any information being passed on to them to tell them that something would be coming through the border, and that's well and good and great. They've done that because of the training they have and so on. But I view that as a failure, not on their part, but on the part of the intelligence. I always ask the question, how did that large amount of contraband—drugs, guns, whatever—get to the border without our knowing about it? Where are the pieces that are missing that should have uncovered the larger picture?

Having liaison officers who uncover links before the items ever get into North America, before they get to our borders, having inland teams who investigate those criminal organizations in Canada to find out exactly what they're up to and what exactly their intentions are, if their intentions are to internationally import or export, whether it's... Canada is seen now as a source country for methamphetamine and ecstasy, and we have a strategy in place to deal with that. That is being exported out of Canada, mostly to the United States.

Whether it's being imported or exported, we need to be able to join the dots to be able to interrupt that activity before it gets to our borders.

The Chair: Maybe we could finish later. You're well over your time.

Mr. Oliphant, please.

Mr. Robert Oliphant (Don Valley West, Lib.): Thank you, Mr. Chair.

My questions are mostly for Mr. Rigby.

You mentioned in your statement that you annually detain about 14,000 people. That's in the same paragraph that you mention refugees. Is that refugees, or is that your total number of detainees?

•(1000)

Mr. Stephen Rigby: That is the number of detainees.

Largely, they would be detained because there is some question of criminality, a risk of flight, or some question of their identity.

Mr. Robert Oliphant: On Saturday, February 21, a group of people who had gone over to the United States the day before, a caravan of buses, many of them from my constituency, returned from the United States and were detained at the crossing at Fort Erie for

nine hours. There were 20 busloads of Canadians who were detained for nine hours—men, women, and children.

When they got on their buses in Toronto and the GTA they were all required to present, voluntarily, their documentation, their citizenship papers, etc., to ensure that one person didn't detain a whole busload. They went over to the United States. They had no problem entering the United States. They came back, and all 20 buses were detained for nine hours—men, women, and children. They weren't allowed to get off the buses to go to the washroom or anything.

How could that have happened? On what basis would these people have been held? There were 1,000 people, so it must have gone up through your ranks, unless you detain 1,000 people every day. And 1,000 people out of 14,000 would be a significant event in the life of your agency, I would assume.

Mr. Stephen Rigby: Well, it certainly sounds like a significant issue to me. It sounds very out of the ordinary, sir. The 14,000 detainees I mentioned are people we hold in our detention centres, as opposed to people we would stop at the border for questioning over a protracted period.

On the face of what you're telling me, I find it to be a very disturbing story.

Mr. Robert Oliphant: In the end, not one of them was actually detained longer, because they did all have their appropriate papers. What is perhaps unusual about them is that they are of Tamil origin. What flags would go up, or how are your people trained, or what intelligence would they have received, and from where, to cause them to detain them for nine hours? What is your protocol?

Mr. Stephen Rigby: Well, again, this is purely speculative on my part, without having the details, but we have various intelligence systems that would provide lookouts to our front-line border officers for specific people for specific reasons. It may have been—may, I would stress—that one or more of the people on the buses may have been the subject of a lookout. There are myriad reasons why this may have happened. I'm very hesitant to speculate on what the reasons were, but, as I say, the fact that so many people would have been detained en masse is something I'll certainly look in to.

Mr. Robert Oliphant: I happened to be in New York City that day, but my constituents tracked me down and found me. They called a number of their MPs. Luckily my colleague, Mr. Holland, was actually speeding on his way to the border—legally—to go to a meeting in Washington. They had no phone numbers to call to exercise a complaint. There was no complaint process, except to call their members of Parliament. As Mr. Holland arrived, the last bus was finally let go, because they announced to them that their MP was coming.

Would it be normal for citizens to have to call their MP to get across the border, when they all had legal papers?

Mr. Stephen Rigby: Admissibility into Canada is a decision that's made by the border officer. It's in the border officer's hands to determine admissibility. I don't think, in terms of the way you're putting it, that it is appropriate for someone to have to call their MP to exercise their right to come back into Canada. On the face of it, the answer is no.

However, I have to believe that there was some reasonable basis for detaining these people for a period of time in order to determine the background, the identity, or some other issue pertaining to one or more of them. Again, sir, I'm speculating here, and I'm loath to do that. I would like to look into the case that you've mentioned and find out what happened.

Mr. Robert Oliphant: What is the oversight procedure? With the RCMP there is a complaints process. With CSIS there is SIRC. What is the oversight procedure through which someone could exercise some system of natural justice to complain against such an activity?

Mr. Stephen Rigby: Currently, there's no formal oversight procedure. People write to me frequently with complaints. They write to the minister. They are all looked into. Many of them are investigated. We are examining internally a separate adjudicatory function that we may instal in CBSA to give people a point to write to when they have complaints, but we haven't take a decision on that.

• (1005)

The Chair: Thank you. You may have just a brief question.

Mr. Robert Oliphant: Is your agency supportive of the report issued by Justice O'Connor, which suggests that the government put in oversight over your agency?

Mr. Stephen Rigby: I think that would be a policy position of the government. I have no view on it today.

The Chair: Thank you.

Go ahead, Mr. Rathgeber, please.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for your helpful testimony here this morning.

I'd like to follow up on a couple of lines that my friend Mr. Comartin began. I must premise my remarks by saying his experience is much different from mine, I suspect. He lives in Windsor, and I live in Edmonton. I live a long way from the border. I travel to the United States very infrequently, and almost never by land. I know nothing about this, so if my questions appear to be of a general nature, forgive me, but I'm sure they'll be easy for you to answer.

We hear all the time that between the United States and Canada we have the largest undefended border in the world. I have some knowledge of the geography, of how many kilometres and miles it is, and there are great areas with little population. I'm thinking of the Great Lakes in particular, and in the west we have mountainous terrain between Montana and Alberta and between Washington and British Columbia. In Saskatchewan, where I was born, there are very sparsely populated areas south of Estevan and in southern Saskatchewan. I think you made reference, Mr. Rigby, to barriers being installed in Quebec. What percentage of the border is

barriered, as opposed to barrier-free? I appreciate that you might not know, but you might make a guess.

Mr. Stephen Rigby: I don't have that figure today, sir. I can get it for you. In terms of ports, the majority of our ports are manned ports. There are some that have barriers, and there are some that are unguarded, in fact. I think it's our long-term proposition, working with our friends on the American side, to look at what the future of all those unguarded roads and gated roads is going to be and at what the balance should be going forward in terms of what should be manned and what should not be.

Mr. Brent Rathgeber: I'm correct in assuming, for example, that in Saskatchewan, where the land is typically quite flat, if one had an all-terrain vehicle, one would have very little trouble crossing the border cross-country.

Mr. Stephen Rigby: That is correct. There are places where the border is essentially field or scrub. I've been to a lot of places throughout Canada. The border runs through backyards, through schools, through the middle of forests, and so on.

So yes, there are places where you could cross with an all-terrain vehicle.

Mr. Brent Rathgeber: Thank you.

I want to pick up on a question Mr. Comartin asked about statistics. Of course, it's always very newsworthy when weapons, specifically, are smuggled into Canada, and anecdotally or otherwise, are involved in criminal offences. He said that seizures were actually down. I'm not sure how he knows that. Why does border security not publish more of its success stories, its successes in apprehending illegal weapons and apprehending individuals who are attempting to smuggle either weapons or drugs or other contraband? We always hear about the stuff that gets through, but we never hear about the good work you are doing.

Mr. Stephen Rigby: I think you raise a very good point. I think there are times when we could be more aggressive in publicizing some of this information, and it's something that I hope we can do in our regular plans and through other fora. There are times when we would choose not to, largely because we don't want to disclose a particular enforcement technique or a pattern of effort we may be pursuing. So those sorts of things we tend to keep a fairly low profile on.

Mr. Brent Rathgeber: Thank you, sir.

Am I still good?

The Chair: Yes.

D/Commr Raf Souccar: May I just add that sometimes this non-publication is at our request because of ongoing investigations, for example.

Mr. Brent Rathgeber: With respect to Mr. Oliphant's question about a recommendation in the O'Connor report, I appreciate that when people are detained at the border and they're asked for paperwork or they're questioned about how much money they spent on their trip across the border, it's an inconvenience. I suspect, initially, that there's probably a lot of unhappiness with the work your agents do at the border. Commissioner Rigby, you indicated that you do receive complaints from individuals who feel that they have been mistreated at the border.

I'm curious about volume. I'm assuming that if people feel that they've been mistreated or that their time has been wasted, after they go home and think about it, it's probably not that big a deal. But I don't know. Do you get a high volume of complaints that come to your attention?

•(1010)

Mr. Stephen Rigby: Formal complaints—and again, if I'm misspeaking here, I'll write and correct the record—I believe are in the 600 to 700 range per year, and that's on 95 million transactions. There's a range of other informal ones that wouldn't be in that count. So the total number is probably higher.

We see complaints that are serious, and we look into them and we mediate them. There are others, quite frankly, where an allegation has been made, and it's the view of the border officer that the event did not unfold that way, and we simply have no way of corroborating one way or another. But we take all of them very seriously, and many of them, as I say, are referred for internal investigation.

The Chair: Thank you.

That's it. We can come back to you later.

We'll go to Ms. Mourani, please.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you, Mr. Chairman.

Good morning, everyone, and thank you for being here.

I have three questions for Mr. Rigby. First of all, I'd like to go back to the matter raised by my Liberal Party colleague about detentions, which are your responsibility. It has been brought to my attention more than once that those persons being detained in holding centers include mothers and their children.

I'd like to know whether that's true or whether it's an urban legend. And what do you think about incarcerating children? I'm willing to believe they're waiting to be deported, but I was also told they could be detained for long periods of time.

Furthermore, complaints from my constituents have often been brought to my attention. Those complaints concerned treatment at the border based to a large degree on racial profiling. These individuals were questioned either because they were of Arab extraction or because they looked Arabic. They could be Latin American, but had a certain type of face and were questioned endlessly, whereas they were Canadian citizens who were innocent and who were simply going to the United States on vacation and were coming back.

There is one last subject. In 2007, we looked at the issue of arming border officers. One argument was repeated in favour of officers bearing arms: when information was received from the United States to the effect that vehicles were going to cross the Canadian border carrying weapons or drugs, border officers could not intervene because they feared for their safety. For example, the RCMP could not intervene at that point to make arrests or to take action. Consequently, the need to bear arms was justified on the ground that it would enable officers to proceed with arrests and to intervene when this type of information was brought to the attention of border officers.

Do you have any figures? Have you noticed a change in the number of seizures or arrests compared to when your officers—you now have 750—had no weapons? Do you have any figures on that?

Mr. Stephen Rigby: Thank you for your questions. With regard to children in our holding centres, the answer is yes.

[English]

There are children who are detained in our facilities from time to time. It is our general policy to keep families together. When there is a detention of one or the other parent, generally speaking it's our practice to keep the families together in the detention centre.

These aren't prisons. They are centres where people are held while their files are being dealt with. I think the conditions in which the children are kept are more than acceptable. We work with the Red Cross and other organizations to ensure that the conditions in our detention centres are appropriate.

With regard to complaints about racial profiling, certainly from time to time I too see complaints alleging racial profiling. I can tell you that today we do not practise racial profiling in any way, shape, or form. We act on intelligence quite significantly and frequently. Sometimes there is an association between a certain origin country and that intelligence, but it is not based on ethnicity, religion, or any other profiling; that is not something that we do.

Concerning seizures, yes, I can provide you with figures on seizures. In weapons seizures, for example, as I've said, corroborating comments made earlier, the numbers have been essentially flat or moderately up over the last few years. We have seen an increase in narcotic seizures over the last year. Sometimes the increase is the result of several large seizures occurring, and that's generally the result of good intelligence.

I would not, however, attribute it to any linkage whatsoever between increases in seizures and the arming of our officers. That initiative is designed to ensure their protection and was not undertaken to allow them to be more aggressive in the undertaking of seizures.

•(1015)

The Chair: Thank you.

We'll go over to Mr. McColeman next, please.

Mr. Phil McColeman (Brant, CPC): Thank you. I share the thoughts of my colleagues about your taking your time to be here today. We really appreciate your being here to field our questions.

I have a couple of questions. I'll start with NEXUS. It seems to me that it is a technology that has some potential for good and for future growth. Is it the only technology—or are you looking at it in that way—for a much broader application, or are there other technologies you're looking at in parallel to it that could enhance the security at our borders?

Mr. Stephen Rigby: The key technology in NEXUS is an RFID chip, which allows it to be actively read by a machine. I think, speaking broadly and without reference to any specific initiative, one of the things that all border agencies globally are interested in is the possibility for exploiting biometric technology, going forward. It is one of the true enablers of identification. It cuts down on identification fraud, etc.

We are constantly looking at possibilities. We have no specific initiatives that we'll be announcing in the near future around this. But as we look to the sorts of things that would offer a good option for providing additional safety and security at the border, this is an area we will continue to examine and continue to develop options around.

Mr. Phil McColeman: Could you describe to me what this entails? What are the technologies that are being explored in the biometric area?

Mr. Stephen Rigby: Biometrics generally involve the capture of just that, a biometric profile of one sort or another. The sort we use with NEXUS, for example, is an iris scan. You can also use one-, five-, or ten-print fingerprints. There is also biometrics involving facial recognition software, which is used by some countries around the world. Those are the typical sorts that other administrations have been using.

Mr. Phil McColeman: Okay.

I need the definition of one term for which, in my mind, I can't get clear definition. What do you mean by "inland teams"?

Mr. Stephen Rigby: The typical customs role in the past was border-focused; it dealt with our operations at the border. In the immigration business, a lot of the activity that we pursue involves working with people who are either in the immigration system in one of our detention holding centres or who are the subject of an immigrant warrant that we have issued for their arrest because they have not appeared for a hearing or some other activity.

We have teams of approximately 350 officers who work inland on these sorts of things: doing investigations, running down warrants, going out and arresting people who have not appropriately presented themselves for immigration hearings, etc.

• (1020)

Mr. Phil McColeman: So they're distinctly not working at any inland border crossings; they're doing investigations?

Mr. Stephen Rigby: No, they're generally deployed in our urban sites, where most of the business is.

Mr. Phil McColeman: Okay.

Then that leads to the third area I wanted to ask about; that's the intelligence-sharing area. Would you say that we are, as a country, a net importer or exporter of intelligence information?

Mr. Stephen Rigby: I am far from an expert on this, but I would say in general we are probably a net importer.

The Chair: You have 30 seconds left because that was such a short answer.

Mr. Phil McColeman: There's a lot of trafficking in illicit materials, including human trafficking and cigarettes, guns, drugs—all of that. On the human trafficking front, are you seeing any trends or things happening—more activity, less activity...?

Mr. Stephen Rigby: Maybe I can get Kimber to comment.

Mrs. Kimber Johnston: Thank you very much.

At this time we are investigating some cases around human smuggling and human trafficking. The challenge in this type of criminal activity is actual intelligence on the extent to which it exists. I think my colleagues from the RCMP would agree it's a crime that is very difficult to detect. It's conducted in a clandestine way, and the intelligence we have around organizations involved in human smuggling and human trafficking has been fairly limited to date.

The Canada Border Services Agency provides a lot of training to our officers to try to detect signs of smuggling of humans or trafficking of humans at the border. Even our migration integrity officers abroad have been trained to detect that kind of criminal activity. We've recently issued our own internal guidelines to all our border services officers on how to respond when they suspect that criminal activity is taking place. As you know, it is often the case that those who are being trafficked or smuggled are dealt with primarily as the victims of crime, as opposed to the perpetrators of the crime.

The Chair: Thank you.

We'll go to Mr. Holland now, please.

Mr. Mark Holland: I feel compelled to go back to the story Mr. Oliphant was talking about, because there was a comment about how this might be an inconvenience, but after a day or two you forget it. When these individuals were calling me on the phone as I was approaching that border, they didn't feel Canadian. They were there for nine hours. They had gone effortlessly into the United States and couldn't get back into their own country. That's something that lasts with them for a long time.

When you're talking about complaints, I talk to so many constituents, and I have scores of complaints about incidents that happened at the border. These people don't feel comfortable reporting them because they travel back and forth to the United States. If they have to complain directly to CBSA instead of an independent oversight body, their concern is retribution; that they're going to be marked as troublemakers, and when they go back through they're going to have trouble.

Whether that perception is right or wrong, they have it. It's one of the reasons why I think Justice O'Connor's recommendations about the necessity of having independent oversight is so critical. I think it's equally important for your agency, because it's very difficult for somebody to trust that if they write you and CBSA directly they're going to get resolution to this, or they won't become a target.

I just want to make the point that this stuff lasts with people. If there isn't an independent body to which they can appeal and feel, rightly or wrongly, they're not going to be subject to retribution, we won't have a way of really remedying this. The thousand people who were on those buses never complained, mostly for the reason I just stated, but also because they expected that when we had the opportunity at committee we would raise it.

I don't want this to be seen as some kind of minor inconvenience or something they forgot about. This is something they'll never forget. We need to have a way for them to be able to get answers on this without having to fear retribution.

•(1025)

Mr. Stephen Rigby: I did not make that comment, and I would never make that comment.

Mr. Mark Holland: I know you did not make that comment.

Mr. Stephen Rigby: I take your point completely. I am in total agreement with you that if residents of Canada, Canadian citizens, have been subjected to that, it does stay with them. That is an unacceptable situation for me.

Mr. Mark Holland: It was a comment made by a member of the committee, and not by you, sir. I just wanted to underscore that point, because I don't want anybody to walk away feeling differently.

I want to come to a comment that Assistant Commissioner Cabana made yesterday. He said that the missing piece at the border was additional personnel in border communities. We know that while many American officials agree with that, they want to go much further. They feel we have the largest undefended border in the world and we have to use new technologies. One is drones.

What consultations have you had about these drones? What agreements are in place about flying into Canadian airspace? What is our position, and what discussions have taken place with respect to these drones?

D/Commr Raf Souccar: Would you like me to comment as well on the statements about the missing pieces of the puzzle that Mike spoke about?

Mr. Mark Holland: No, not on that; we had an opportunity to talk about that yesterday. I'm specifically interested at this moment about what discussions you've had, about what the agreements are about these drones going into Canadian airspace, and how you feel generally about this kind of technology being deployed along the border.

D/Commr Raf Souccar: We have had discussions with our U.S. counterparts. Initially they were running these drones on their southern border. Then when they began to implement them on the northern border—our southern border—they were implementing them on their side. We've had discussions over how to improve border security, over technology, over how to work together to complement each other, as opposed to duplicating our efforts.

They're working right now on the secure border initiative. We have one person seconded to them to ensure that all technology that's brought in, such as drones, for example, is done in a way that we can work together to complement each other.

Any time a vehicle such as a drone enters Canadian airspace, we're notified before that happens.

Mr. Mark Holland: What agreements are there on these drones being allowed into Canadian airspace? Aside from notifying you, what are the conditions under which they're allowed to cross? Is it simply a matter of notification that one of their drones is crossing? How does this work?

D/Commr Raf Souccar: I'll turn it over to Mike for the details on that.

Inspector Mike Furey (Inspector, Royal Canadian Mounted Police): The drones are not allowed to fly in Canada. Transport Canada will not authorize a certificate for air-worthiness. As a result, those drones are currently going to fly only on the U.S. northern border within their territorial area. They will not be flying in Canada.

The Chair: Thank you.

Mr. Richards, please.

Mr. Blake Richards (Wild Rose, CPC): Thank you.

Thank you to the witnesses for being here today. We certainly appreciate the information; it's been very informative and useful. I was pleased to note that both groups in your presentation indicated the threat we face from organized crime and how it is a major priority at our border. It certainly is probably the biggest threat to Canadian safety and security, not just at our border, but within our borders as well. I was pleased to note you identified that. I'm particularly pleased with the deputy commissioner's remarks that we have to make sure that our efforts within the borders and our efforts at the borders have to complement each other and work in synchronization.

I'd like to get some examples from you, and I'll start with Mr. Rigby. In your remarks you indicated you recognize that given the economic environment we're in today there's going to be a need to be creative and work together with your partners to ensure optimal allocation of border resources to priorities. I was wondering if you could give me an example of a way you feel you could be creative working with your partners, be it the domestic partners or international partners, to save money, to save duplication, maybe an example of how you feel we could be creative in that way.

•(1030)

Mr. Stephen Rigby: Thank you.

To echo remarks I made earlier, one of the prime areas where I think we need to continue to evolve relationships is with law enforcement on the gun-smuggling side. A lot of work is going on there now. I think all of us who are involved in these dialogues simply have to become more adept at exploiting the sources we have, sharing them and making sure we can get those to the point of attack, if I can use that term.

The so-called “cold hits” that Deputy Commissioner Souccar referred to earlier, which we do have and we do have successes on, are a very inefficient way of tackling the problem, because it's purely reliant on the skills of the border officer. You're typically going to end up with a onesie-twosie type of situation. That would be one area I would mention.

Another area is in our efforts to push our efforts offshore and do interdiction earlier in the supply chain, we have migration integrity officers and we have officers associated with our container security initiatives. I've started discussions with my U.S. colleagues along the lines of where are there ways in which our officers abroad can work together more efficiently and perhaps reduce the burden on both administrations in terms of the sorts of intelligence we can find, and the sorts of information we can share in terms of assets that are coming onto the North American perimeter.

Mr. Blake Richards: Okay.

Maybe I'll go with a similar question to you, Deputy Commissioner. You've recognized as well that there needs to be a focus on building partnerships. In your comments you mentioned that you could do so with joint threat assessments and developing innovative ideas and solutions. Maybe you could provide some examples of how you feel you could accomplish those goals.

D/Commr Raf Souccar: Absolutely. Thank you.

I spoke about the importance of inland teams and the seamless integration that exists between inland and the border. That is crucial to getting ahead of the problem, internationally and domestically. We have a number of integrated teams working inland—combined forces, special enforcement units that look at organized crime. We have integrated national security enforcement teams that focus on national security-related issues, integrated proceeds of crime teams that look after the laundering of money and movement of money back and forth across the border. That integrated portion exists within most of our teams.

But that's one component of it, one piece of the puzzle. We need to ensure also that people who live at the border are our eyes and ears. Having 10,000 police officers standing shoulder to shoulder across a stretch of land is an ineffective use of resources. We have to be intelligence-led, we have to be able to squeeze criminality to where we are, and we have to adapt to crime as opposed to having it adapt to us. I'm referring to technology.

In terms of technology, I mentioned earlier the SBInet, the secure border initiative that the United States is working on. We have a person seconded to Washington, an inspector who works with them to ensure the flow of communication so that as they move forward, the work we're doing in Canada and the work they're doing in the United States complements each other, rather than duplicating.

There's one other point, and that's the choke points. As people come across the border, there are certain areas where you have no choice but to end up at one single point. We call that the choke point. Sensors at one part of the border crossing give us time to be able to get to the choke point.

Visibility is important, outreach with the community is important, technology is important, integrated teams are important, as is the international part—pushing the borders out. Those are all components.

● (1035)

The Chair: Thank you.

Mr. Kania, please.

Mr. Andrew Kania (Brampton West, Lib.): Inspector Furey, does Canada have any plans, that you're aware of, to deploy drones of our own in areas that have no personnel?

Insp Mike Furey: Currently we use helicopters and fixed-wing aircraft. We do not have the types of UAVs that the U.S. has. Again, as I mentioned earlier, UAVs are not authorized to fly in Canada, other than in specific military locations. That is not on our radar for the near future.

Mr. Andrew Kania: I understand what the current system is, but are there any plans? Have you thought about this, have you made any requests, anything whatsoever, in terms of trying to implement such a system?

Insp Mike Furey: I'm sorry, could you repeat the question?

Mr. Andrew Kania: Sure.

I understand what you're saying in terms of what's currently occurring, but has this been considered, and do you have any plans for it? Do you want this to occur, in terms of what may happen in the future?

Insp Mike Furey: We're always looking at new initiatives that can move forward in border security. As I said, at the current time that's not available, but if it should become available later on, that's something we would like to entertain. But it currently is not in our plans.

Mr. Andrew Kania: So you don't have any internal studies or recommendations or anything you're waiting on, in terms of trying of implement such a system?

Insp Mike Furey: We're looking at various alternatives and initiatives, but I'm not quite sure I understand. What are you referring to?

Mr. Andrew Kania: Have there been any internal recommendations in terms of adopting any such system?

Insp Mike Furey: We're always looking ahead at new initiatives and what we can move forward on—the advances in technology, what's currently available, what's going to be available in the future. So yes, we are looking at alternatives. We have a technology strategy. We're looking at things that we can adapt, dealing with DRDC on new initiatives that are coming forward, some things that we can try to bring into the fold.

So to answer your question, we're always looking forward to other initiatives.

Mr. Andrew Kania: Mr. Rigby, did you have any input whatsoever into Homeland Security Secretary Napolitano's report, into her study?

Mr. Stephen Rigby: I did not.

Mr. Andrew Kania: Were you asked by anybody to have any input to assist with that study?

Mr. Stephen Rigby: I was not.

Mr. Andrew Kania: Mr. Rigby, in terms of the arming of border guards, I assume that's occurring at present.

Mr. Stephen Rigby: It's occurring, yes. It started two years ago and will continue for some time to come.

Mr. Andrew Kania: In terms of the initial estimates of how much this would cost, where are we now in relation to what the initial estimates were in relation to what is being spent?

Mr. Stephen Rigby: The initial estimate and total project cost was \$780 million. That is still the estimated cost.

Mr. Andrew Kania: It has not gone up at all?

Mr. Stephen Rigby: It has not gone up at all.

Mr. Andrew Kania: I want to go back to the report from Secretary Napolitano.

Assistant Commissioner Cabana, when he was here earlier this week, specifically stated that he was asked by the Border Services Agency to make a recommendation or provide input in terms of this report for Secretary Napolitano, and that he was asked to do so by the Border Services Agency. Is that accurate? Did anybody from the Border Services Agency, to the best of your knowledge, ask the RCMP to contribute anything towards this report?

Mr. Stephen Rigby: At this time, perhaps I could ask Deputy Commissioner Souccar to comment.

Mr. Andrew Kania: But can I ask you first, are you aware of anybody from the Border Services Agency making the request to the RCMP?

Mr. Stephen Rigby: I am not.

Mr. Andrew Kania: Are you aware of any submissions that were made from the RCMP to the Border Services Agency on this issue?

Mr. Stephen Rigby: On Secretary Napolitano's report?

Mr. Andrew Kania: Correct.

Mr. Stephen Rigby: No.

D/Commr Raf Souccar: If I may, I'll just add a quick response to this.

I have a letter here, Mr. Chairman, addressed to you that I signed this morning, indicating that Assistant Commissioner Cabana was not accurate in his response to you with respect to contribution to the report. He consulted with Canada Border Services Agency and can confirm that neither the RCMP nor CBSA has either received or commented on the northern border strategy, which was recently requested by Secretary Napolitano.

The Chair: Okay.

Mr. Andrew Kania: I understand I still have a minute, is that incorrect?

The Chair: You have about 20 seconds.

Mr. Andrew Kania: Going back to the border guards issue, you're saying that the initial estimates, to the best of your knowledge, will not be exceeded. Is that correct?

Mr. Stephen Rigby: To the best of my knowledge at this time, no, they will not be exceeded.

Mr. Andrew Kania: Do you have any internal reports showing why it would be preferable to arm border guards, as opposed to simply having RCMP officers increased at the border?

• (1040)

Mr. Stephen Rigby: There may well be some documents around that. Those deliberations predated my time.

The Chair: I'm sorry, your time is up, and I promised Ms. Mourani and maybe Mr. Comartin.

Go ahead, Ms. Mourani, or Monsieur Ménard. It's the Bloc Québécois turn.

[Translation]

Mrs. Maria Mourani: Thank you very much.

I have a question for Mr. Souccar. Mr. Cabana, whom we met recently, said that it would be interesting to have ground patrols, and thus people on the ground patrolling the border.

What do you think of that? How much would that cost? How many patrollers do you think would be necessary?

A/Commr Raf Souccar: The border patrol is definitely a possibility.

[English]

But it's very important that when we're talking about a border patrol, we're not simply talking about driving back and forth on the highway—as I always say, burning gas with no goal in mind. We operate very much on an intelligence-led basis, so we go where crime is, or we squeeze crime where we want it to go in order to be able to be there waiting for it. So if you're going to have a patrol along the border, the benefit of that is visibility and deterrence, as well as the other component that becomes very necessary when you do that, which is outreach to the community that lives along the border so that they can work together.

[Translation]

Mrs. Maria Mourani: How much would that cost?

[English]

D/Commr Raf Souccar: We have not done a study

[Translation]

to determine how much that would cost, but we are discussing the possibility of doing a trial at a specific location to verify that.

[English]

The Chair: We'll go to Monsieur Ménard.

[Translation]

Mr. Serge Ménard: There's one final, very important subject that we were considering when we invited you both together. And that is trademarks.

A lot of people have reported that they have information to the effect that full containers are arriving from countries like China or from Asia and so on, and apparently nothing is being done. There's also talk about tobacco. It appears that Chinese tobacco is coming in by the container load. When people learn that, they're obviously very interested in reporting the situation.

Who do they contact? Do you in fact consider these reports? Because some people tell us they have alerted police or customs authorities that a container was arriving at such and such a port, on such and such a boat, and in those cases they were never intercepted. So where do they direct their complaints?

[English]

D/Commr Raf Souccar: I think that CBSA and the RCMP work very closely together with respect to intellectual property rights, because merchandise will come through a port of entry or through a marine port or through an airport. I think, again, that this close integration, working together to leverage each other, becomes very important.

Intellectual property rights and copyright are very much on our radar and very much in fact on the government's radar. It was the subject of an in-depth discussion, I believe, at the 2007 North American leaders summit.

When we talk about copyright, it's important to understand, because some in the general public believe that when we're talking about intellectual property rights, we're talking about purses, T-shirts, and belts and so on. We're talking about serious intellectual property rights issues, such as counterfeit medication, car parts, brake parts for trucks, counterfeit hospital equipment, and so on. There are health and safety-related issues, such as batteries that explode in toys that children may be playing with. It's a very serious concern and one we're certainly mindful of.

[Translation]

Mr. Serge Ménard: Who do they contact when they know that one of these containers is coming in?

[English]

D/Commr Raf Souccar: If it's with respect to an organization that's involved in this type of activity, we can conduct an investigation. In organized crime, as I say, they're very opportunistic. There's a lot of money to be made, and as such, we'd be willing to investigate it. They can address themselves to the RCMP. They can address themselves to the Canada Border Services Agency. Regardless of who they address themselves to, we will be working together, because at some point or other, it's going to be coming in a container through a marine port or a port of entry. If it comes between the ports of entry, then we'll be working on it through our integrated border enforcement teams, which CBSA is also part of. At the end of the day, we'll be working together.

• (1045)

The Chair: You can have a 30-second question, Mr. Comartin. We're over time.

Mr. Joe Comartin: Thank you, Mr. Chair; I appreciate it.

I understand that there's a strategic review going on at the department, and that as part of that, there are some proposed cuts of about \$88 million over the next three years. Are you aware of that? And do you know where the cuts are going to be?

D/Commr Raf Souccar: I am aware of it, but I'm afraid I'm not at liberty, at this point, to discuss exactly the contents.

The Chair: Okay.

I'd like to thank our witnesses for coming. We're really pressed for time. We'll be kicked out of this room in 15 minutes, and we have a short in camera session to deal with.

Thank you again.

[Proceedings continue in camera]

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