



House of Commons  
CANADA

# Standing Committee on Public Safety and National Security

---

SECU • NUMBER 028 • 1st SESSION • 39th PARLIAMENT

---

EVIDENCE

**Thursday, February 1, 2007**

—  
**Chair**

**Mr. Garry Breitkreuz**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Public Safety and National Security

Thursday, February 1, 2007

• (1120)

[English]

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

This is the Standing Committee on Public Safety and National Security, meeting 28. We're dealing today with the arming of the Canada Border Services Agency officers.

We would like to welcome our witnesses this morning. We look forward to the testimony that you have for us.

I think we'll begin with the Canada Border Services Agency. Maybe you could introduce yourself, Mr. Jolicoeur, and take it from there. Perhaps you could give us any presentation you have.

Then we'll move, as we have in our agenda here, to the Department of Human Resources and Social Development and the Royal Canadian Mounted Police.

We have started a little late. With the committee's permission, I think we'll run a little over time.

Is everybody agreed? Okay.

Mr. Jolicoeur, you may begin.

**Mr. Alain Jolicoeur (President, Canada Border Services Agency):** Thank you, Mr. Chair, and good morning.

Since I have already provided the committee with my opening remarks, I guess I'll just say a few words of introduction and allow more time for questions.

[Translation]

I am here today to discuss the arming of border services officers. It is a government policy and, clearly, a major initiative for our agency.

[English]

The CBSA is fully engaged at all levels to implement the arming initiative safely, professionally, transparently, and without undue delay.

I know that you have many questions. While we're still in the early planning stage of this initiative, we are here today to respond to your questions to the best of our ability and to provide the most comprehensive information possible.

I'm joined by the CBSA vice-president of operations, Madame Barbara Hébert, who is also responsible for overseeing the implementation of the arming initiative in CBSA.

[Translation]

We are eager to report on the progress that we have made to date and to talk about the work that will be done in the months and years ahead.

[English]

We'll be happy to take your questions.

Thank you, Mr. Chair.

**The Chair:** From the Department of Human Resources and Social Development, Monsieur Fracassi.

**Mr. Fulvio Fracassi (Director General, National Labour Operations, Department of Human Resources and Social Development):** Thank you, Mr. Chairman. It's a pleasure to be here with you all today.

I'm the director general of national labour operations at the labour program at HRSD. The labour program is responsible for the administration and enforcement of part II of the Canada Labour Code. The code applies to federal jurisdiction workplaces, including the federal public service and most federal crown corporations.

Part II of the Canada Labour Code deals with occupational health and safety and its purpose is to prevent accidents and injuries to health in the workplace.

I'd like to highlight at this point in time that the labour program does not concern itself with issues of national security. The labour program's concerns relative to the CBSA and other workplaces under federal jurisdiction pertain strictly to employee health and safety.

Prior to discussing specific issues that have arisen with respect to the CBSA, I think it may be helpful for the committee if I briefly provide an overview of part II of the Canada Labour Code. Part II of the code grants employees three fundamental rights when it comes to their health and safety: the right to know about workplace hazards; the right to participate in health and safety matters; and the right to refuse dangerous work.

In recognizing these rights, part II also takes care not to unduly infringe on the employer's right to manage the workplace.

[Translation]

The Code also establishes specific duties for employers as well as for employees and provides that workplace parties play an active role in health and safety through participation on workplace health and safety committees.

The Code is very much focused on prevention. The Internal Responsibility System provided for in the Code is aimed at having workplace parties play a key role in achieving and maintaining a high level of workplace health and safety.

This being said, the Code and the Canada Occupational Health and Safety Regulations place the primary responsibility for health and safety on employers and require them to take measures to protect the health and safety of employees.

The recent addition of Part XIX of the Regulations dealing with Hazard Prevention Programs makes it explicit that employers must, in consultation with, and with the participation of the health and safety committees or representatives, develop, implement and monitor a program for the prevention of hazards in the workplace.

Should an employee have a concern relative to health or safety in the workplace, the Code provides for this to be dealt with through the Internal Complaint Resolution Process. The employee is required to bring health and safety concerns to the attention of his or her supervisor for resolution.

Any unresolved complaint may be referred to the health and safety committee or the health and safety representative, investigated and a solution implemented by the employer.

[English]

If the workplace parties can't resolve the issue, at that point in time one of our health and safety officers is notified, and the labour program becomes involved to investigate the situation.

Part II of the Canada Labour Code also grants employees the right to refuse to work if the employee "has reasonable cause to believe" that a condition exists in the workplace that constitutes a danger, unless the condition is a normal condition of employment or the refusal would put the life, health, and safety of another person in danger.

Part II of the code provides a specific process that must be followed when employees invoke this right. The employee must first report the situation to the employer without delay. The employer must then immediately investigate the matter in the presence of the employee and at least one member of the health and safety committee who does not exercise management functions, or a health and safety representative, and if neither of these are available, at least one person from the workplace who was selected by the employee.

If the employer agrees that a danger exists, the employer must take immediate action to protect the employee from danger and then must inform the workplace health and safety committee or the representative of the action that's been taken to resolve the matter.

If the employer disputes the matter reported by the employee, or if the employer takes steps to protect the employee but the employee believes a danger continues to exist, the employee can continue to refuse to work. At that point in time, the labour program is notified, and one of our health and safety officers investigates the matter.

A health and safety officer then investigates the refusal, as I've mentioned, and the employee continues to refuse to work after the established internal process has been followed. In cases where there's a finding of no danger, he so advises the workplace parties. The

employee who initiated the refusal to work must then go back to his job.

On the other hand, if the HSO finds that the danger does exist, the HSO issues a direction to the employer to correct the hazard or condition or to alter the activity, basically to protect the person from the danger that was complained against. The employer or the employee may appeal the decision of the health and safety officer to the appeals office on occupational health and safety.

As director general, I'm aware that the employees of the CBSA have exercised the right to refuse, under part II of the Canada Labour Code, on a number of occasions. Since May 2005, our health and safety officers have been asked to investigate 44 refusals to work by customs inspectors of the CBSA at various ports of entry across the country.

Among the 44 refusals, 38 were group refusals and two were individual refusals. The vast majority of these refusals to work were initiated following the release of a CBSA lookout bulletin warning of possible armed and dangerous individuals who might attempt to cross into Canada.

In all but two of the refusals that I've referred to, the labour program has rendered a decision of no danger. In the two cases where danger was found, the CBSA had not correctly followed its established internal practice aimed at reducing the risks faced by the officers.

That's it for my presentation. I'd be happy to also answer any questions that the committee may have.

• (1125)

**The Chair:** Thank you.

We'll now move over to Mr. Bourduas from the RCMP.

[Translation]

**D/Commr Pierre-Yves Bourduas (Deputy Commissioner, Federal Services and Central Region, Royal Canadian Mounted Police):** Thank you, Mr. Chairman.

Thank you for inviting me here today. I am accompanied by Deputy Commissioner Barbara George, who is responsible for training at the RCMP. After a brief statement, I would be happy to answer any questions you might have.

Meanwhile, I want to focus my opening remarks on the RCMP's commitment to work with the Canadian Border Services Agency in providing top-quality firearm training for maximum long-term benefit for the RCMP or, ultimately, for the Canada Border Services Agency.

[English]

Following the Government of Canada's May 2006 federal budget, in which funding to arm CBSA officers was announced, CBSA requested RCMP assistance in the development and implementation of a national arming initiative.

The RCMP agreed to provide that service. Indeed, in response to the aggressive timelines, we are already working with our CBSA partners to move forward on the first stage of the training program, such as the selection and training of CBSA trainers, also known as the “train the trainer” program. I’ll speak to that in a moment.

The training MOU we’ve signed with CBSA is a two-year commitment that will be re-evaluated on an ongoing basis.

Currently we have seconded two senior RCMP members to CBSA to assist on the training project. Also, we are working with CBSA to develop a national arming policy and the RCMP will provide additional secondments or temporary assignments of specialized members to CBSA for training purposes as resources and other circumstances permit. The salary and O and M relating to the secondment training delivery costs are being absorbed by CBSA.

As well, the RCMP and CBSA are in the early stages of developing a new training syllabus to incorporate the user-level firearm training, defensive tactics, and tactical intervention strategies into the CBSA cadet basic training.

As I’ve already mentioned, one of the key components of the firearm training is the concept of training the trainer. We are providing assistance in the selection of CBSA officers who will be trained in firearm proficiency and teaching techniques so that they will become the trainers themselves. These future CBSA trainers are being selected from a pool of candidates whose applications have been validated through a CBSA-authored process. This is intended to allow CBSA to develop and deliver its own training program for long-term self-sufficiency. Preparing CBSA in this way is essential for not only that organization but for the RCMP, which does not have the capacity to train all of CBSA’s 4,800 officers.

Simply put, as more CBSA personnel are trained to carry a firearm, the demands on the agency will increase because of ongoing obligations such as requalification and re-certification. Faced with this situation, the RCMP would not be able to maintain the training project without the train-the-trainer concept.

Furthermore, it is critical that Canadian law enforcement officers, whether regular police officers or CBSA peace officers, receive a level of training that allows them to safely and proficiently handle their firearm. This is key for public safety and the safety of CBSA employees and officers from other agencies who often work together on the investigations and other situations.

As you might expect with the aggressive timelines, the target date for the RCMP to begin training CBSA trainers is March 2007. The intent is to conduct two train-the-trainer courses back to back, in order to have approximately 30 CBSA trainers trained by the end of June of this year.

By March 2008, less than a year later, it is expected that 300 CBSA officers will have received the three-week duty firearm training course from the CBSA instructors. Although the CBSA trainers will be responsible for rolling out the user-level firearm training, the RCMP will continue to monitor and assist the rollout over the next two years.

As noted, along with the ability to carry a firearm comes increased responsibility, and this is particularly true when it comes to

potentially violent situations. One of the key ways the RCMP trains members on handling such situations is our incident management intervention model. This model teaches appropriate responses to levels of resistance based on individual perception. The preference is always weighted towards the least intrusive intervention to control the threat and to ensure the safety of the public and the police.

There is no question that the RCMP has earned an international reputation for policing excellence that results in a large number of requests from other law enforcement agencies and government departments for specific types of training. More specifically, we are a leading expert in training in the use of weapons. We provide basic firearm and instructor-level training, for example, to the Department of Fisheries and Oceans, and we welcome this latest opportunity to support our confreres from CBSA.

● (1130)

Although the RCMP has been providing training to CBSA in controlled defensive tactics for a number of years, we see the addition of the firearms training as simply adding another component to this partnership.

[Translation]

In closing, Mr. Chairman, the RCMP and CBSA have a great working relationship which will continue through the firearm training program.

We are committed to our partnership with CBSA and other law enforcement agencies to secure the border and ensure its integrity. We and our partners are also interested in high standards of training to ensure both public and officer safety.

I would like to thank you for your time, and now I would be pleased to answer your questions.

● (1135)

[English]

**The Chair:** Thank you to our witnesses for those opening remarks.

The usual practice at this committee is to begin with the Liberal Party for approximately seven minutes of questions, and then move around to the Bloc, NDP, and finally the government side.

Mr. Cullen, you may begin.

[Translation]

**Hon. Roy Cullen (Etobicoke North, Lib.):** Thank you very much, Mr. Chairman.

I would also like to thank Mr. Jolicoeur, Ms. Hébert, Mr. Bourduas, Ms. George and Mr. Fracassi for their comments.

[English]

I have concerns about why we need to arm border guards. I think our Liberal government consistently argued against it. As agencies, your mission now is to implement the decision that was made politically by the new government, the Conservative government. But I think there are much less costly solutions and much safer solutions.

Let me ask a couple of more targeted questions.

First, Mr. Bourduas, as a public safety officer, do you think this is going to create more violence? It seems to me it has the potential to create more violence or greater risk of violence at our borders. I know that you're going to be training individuals and training the trainers to be prepared. If most, or 80% to 90%, of our trade and commerce and the passage of individuals goes through seven or eight of our border operations—borders like Detroit-Windsor, like Fort Erie-Buffalo, etc.—wouldn't another option be to provide 24/7 response by the RCMP, to call them in as required, rather than going through this billion-dollar border gate? That's the number I've heard. It's going to cost a billion dollars over 10 years to train and equip these people. Isn't there a less costly solution and one that would actually make our borders more safe?

**D/Commr Pierre-Yves Bourduas:** The former Commissioner Zaccardelli always maintained the position that it was ultimately a Government of Canada decision. We of course are committed to work with our CBSA partners on this particular initiative.

The crux of the problem is to provide firearms to protect the people who are committed to protect the public at the border points. That is the reason we're going to focus our attention on this training aspect with our CBSA partners, to ensure that if we get called to the border... If there's an incident of running the ports, for instance, my suggestion to you is that the firearms will not prevent people from running the ports. I think we all agree with this.

The fact of the matter is that the RCMP is committed to providing support to CBSA in other forms, through the tactical deployment of people along the border, or, if need be, if there's a request for assistance from the local detachment of the RCMP or the local municipalities or provincial police. That will also be factored into this initiative.

The centre of the problem is that we've committed to the government and to CBSA to train these people, and we'll do so accordingly.

**Hon. Roy Cullen:** I agree with you that it's not going to really deter people who are trying to run guns or bring drugs through our borders, and we need to deal with that. But if there is an alert, surely the response would be to advise law enforcement people, people who have....

I have great confidence in the officers in the Canada Border Services Agency and that if, over time and at great expense, they are trained...but let's face it, training is one thing, experience is another. The RCMP and other law enforcement agencies have many years of experience in how to interdict at the proper time and to minimize the risk to innocent bystanders.

A border crossing is a place where there are many people. It seems to me the best place to interdict would be based on some reasonable and intelligent choices, which law enforcement people with great experience could make, in a place where innocent bystanders wouldn't be at risk.

To Mr. Fracassi, how can it be, sir, that in so many of the incidents, or in the vast majority of cases where there was an assessment done by your department when the union chose to leave their post, you concluded—in an objective way, I presume—that there really wasn't a risk to the officer's safety; whereas this study by

Northgate, which was commissioned by the union...? If one were cynical, one could say that it lacked, perhaps, objectivity. But even taking away the cynicism, how can you explain how different groups could arrive at such different conclusions?

• (1140)

**Mr. Fulvio Fracassi:** When there's a work refusal and it hasn't been resolved by the workplace parties, then our health and safety officers are called in to investigate. They basically look at all the information that's available to them. They look at the facts of the particular case in question; they look at all the information that's available, including any hazard assessment that's been done by the employer and the procedures that have been put in place. If there are any other relevant studies that have been conducted by others, those are also looked at.

Ultimately, the health and safety officer has to make a determination based on the requirements of the law as the situation exists at the time. As I've indicated, in the vast majority of those situations, based on the facts as they existed at the time, based on the information available to the health and safety officer, there was a finding of no danger, except in two circumstances that I mentioned earlier on in my presentation.

**Hon. Roy Cullen:** Then would it be fair to say—and I'm not going to put words in your mouth—that you'd probably disagree with the Northgate results?

I'm not going to ask you to answer that specifically, but I'd like to come back to this. Is it not true that with the arming of these border officers they'll be reclassified as public safety officers—I forget the exact terminology—and there'll be more pay required?

I can understand why the union would advance this position.

But Mr. Jolicoeur, it's true that you're going to have to pick up the tab on this. What is the cost? I've just heard rumours in the press of \$1 billion over 10 years. Is there any validity to that?

**Mr. Alain Jolicoeur:** Our cost evaluation for this initiative over 10 years, including the infrastructure required, the training, the administration required, and also the re-certification every year of all of our officers, plus the training of all of the new officers—because our turnover is fairly high in CBSA, about 12%—our estimated cost for all of that over 10 years is \$781 million.

**Hon. Roy Cullen:** And does that include, sir, the reclassification of the border officers to a new pay level?

**Mr. Alain Jolicoeur:** No, it has nothing to do with that. CBSA is changing its classification structure to have its own. It's going to be implemented in the next round of bargaining. There are no classification costs that are related to the arming initiative.

The discussion in terms of salary, of course, as in any bargaining round, will occur between the Treasury Board and the union representing our officers.

**The Chair:** Your time is up. It's way over. Thank you.

We'll go to Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Thank you. We also need to ask Mr. Jolicoeur some questions.

Mr. Bourduas, I greatly appreciated the part of your presentation that dealt with the training provided to police officers. If I understand correctly, police officers in Canada receive training not only on the safe handling of a firearm, but also on the progressive use of—

[English]

**The Chair:** Monsieur Ménard, could you just hold on so we that can get the interpretation? I'm not sure what is happening here.

[Translation]

**Mr. Serge Ménard:** What I like about simultaneous interpretation is that when I make a joke, people laugh twice.

Generally speaking, police officers in Canada receive training not only on the safe and effective handling of a firearm, but also on the progressive use of force. Is that correct?

• (1145)

**Mr. Alain Jolicoeur:** That is correct.

**Mr. Serge Ménard:** Is that the same kind of training that you want to give customs officers when you train them?

**Mr. Alain Jolicoeur:** Precisely. That is what I was alluding to in my opening remarks.

**Mr. Serge Ménard:** Yes, I greatly appreciated that, Mr. Bourduas. Moreover, I want to take this opportunity to congratulate you on the new responsibilities you have been given. I imagine that they are very heavy. Do you have any idea how many hours of training you will need to provide to your officers?

**D/Commr Pierre-Yves Bourduas:** The course will focus on firearm training, but also on the model that I mentioned: the progressive intervention and crisis management model. The course as such will be spread over a three-week period, and the use of force component is important. Bear in mind that our police officers are trained for this kind of intervention, which goes progressively from verbal support to the ultimate use of a weapon.

The training is provided in this context, taking, of course, into account what we call arcs of fire, in other words, during an intervention, we determine the arc to consider and what happens once the use of a firearm is initiated. All of these aspects must be considered.

**Mr. Serge Ménard:** The course lasts three weeks?

**D/Commr Pierre-Yves Bourduas:** Yes, it generally lasts three weeks.

**Mr. Serge Ménard:** How does this course compare to training provided to police officers in Canada?

**D/Commr Pierre-Yves Bourduas:** Training provided by the RCMP is spread over a six-month period. Within that period, we obviously cover firearm use and the intervention model process. A police officer's work is highly complex. Police officers face situations and scenarios that are completely different from those facing customs officers. I will invite Mr. Jolicoeur to comment on that.

With the exception of firearm training and the intervention model, the two types of training and the roles are different.

**Mr. Serge Ménard:** Are the use of force and steps that must be taken to quell violent situations important aspects of police training?

That training must undoubtedly last longer than three weeks, as they receive several courses in those areas.

**D/Commr Pierre-Yves Bourduas:** You obviously have considerable experience in the field, Mr. Ménard, given the roles you have played. I agree with you, but I will repeat that the work of police officers is dynamic: they process complaints and deal with highly delicate and volatile situations, whereas customs officers' work is more static, as people approach them. That is why the training is different.

**Mr. Serge Ménard:** You start by training the trainers, who go on to train others. Would it not be better for this training to be provided in one of the police academies?

**D/Commr Pierre-Yves Bourduas:** The training, as such, must be delivered in a context where the environment permits this kind of activity, at a firing range, for example.

I would invite Mr. Jolicoeur to comment on the topic, since it touches on both the work of customs officers and firearm training.

**Mr. Serge Ménard:** In police training, considerable importance is attached to the way—there is a word for that, but it escapes me—to quell a situation that may become dangerous.

**D/Commr Pierre-Yves Bourduas:** Yes.

**Mr. Serge Ménard:** Will customs officers receive any of that kind of training, that relies somewhat on psychology?

**D/Commr Pierre-Yves Bourduas:** Again, that goes back to the intervention model where we simply attempt to reduce the threat of confrontation that, ultimately, may lead to confrontation. But the verbal and non-verbal approaches aim to defuse situations that may lead to confrontation. The training is provided in that context.

**Mr. Serge Ménard:** There is very little time left, but I am getting to the issue that concerns me.

The RCMP was clearly unable to take on training so many officers in so little time. Therefore, you decided to train the trainers, who will in turn train the others. You also received offers from police training academies in Canada, and I know that the École nationale de police du Québec was prepared to provide this training to customs officers.

Why was the possibility of entrusting this training to professional schools rejected? I apologize, but this way of proceeding leads one to believe that recycled training will be provided. You are training people who will subsequently train others, instead of sending them all to recognized training schools.

• (1150)

**D/Commr Pierre-Yves Bourduas:** There are two aspects to your question.

First of all, Mr. Ménard, we did not decide what approach would be used. As I mentioned earlier, it was the Canada Border Services Agency that requested the assistance of the RCMP. So it was the agency that made that decision.

As for the specific location where the training will be provided, that is ultimately the agency's decision.

If Mr. Jolicoeur wants to comment, I will invite him to do so.

[English]

**The Chair:** Your time is up, Monsieur Ménard.

Monsieur Jolicoeur, I want to give you the opportunity to reply.

**Mr. Alain Jolicoeur:** Thank you, Chair.

Essentially, the arrangement we've come to is the one described by Mr. Bourduas.

[Translation]

Mr. Ménard, I apologize, I switched to English without realizing it.

Mr. Réal Ménard: That happens to me too.

Mr. Alain Jolicoeur: That is not to say that in the years to come we will not take advantage of the services and facilities of other police schools in Canada. Our present initiative involves using the expertise of the RCMP to prepare a course specifically for us.

Moreover, to complete Mr. Bourduas' answer, the situations that will be used, in the context of the three-week course, are situations that are specific to the environment our customs officers face.

After two years, the vast majority of the training, especially training for our new employees, will be provided over a much longer period of time, at our training institute in Rigaud, which is a national institute.

It is important for us to have a training program that is consistent, that is the same across the country. We did not want to end up with employees working with different procedures and different methods. Therefore it was important to have a single course.

Having said that, once the course is in place, once we have a sufficient number of trainers, we have not excluded the possibility—this is something that we are considering—of obtaining the support of other organizations, in the future, to enable us to train our employees a little more quickly.

[English]

**The Chair:** Thank you. We're going over time on some of these, but you're giving us important information.

We'll go to Mr. Masse for seven minutes, please.

**Mr. Brian Masse (Windsor West, NDP):** Thank you, Mr. Chair, and thank you to the witnesses for appearing today.

The first thing I'm going to touch on, Mr. Jolicoeur, is you were talking about the lack of, it seems, this urgency, in my opinion, in getting border guards armed right now.

Representing Windsor, Ontario, where 40% of the trade goes through my corridor, I've seen a lot of different incidents, and not just smuggling. We've had American police forces actually come through onto our plaza and draw their weapons. We've had American police officers try to hide their weapons and discharge them in their own vehicle accidentally. From my knowledge of those incidents, I believe it's the local police that always respond, because they're the quickest there.

In terms of training, what is being done with regard to the facilities? I know you say you aren't going outside house, but in Windsor, for example, we actually have a Department of National Defence facility that has indoor and outdoor firing ranges. It's a joint facility with the Windsor Police Service that has meeting rooms and all kinds of training accommodations for our national defence.

Why not use that as a potential site for training, given that Windsor, Fort Erie, Buffalo, Niagara Falls, and Sarnia are very close to that area? As you noted, there is a high turnover rate in your department, and often officers move to the other professions. Why not use a facility like that to help move things along?

**Mr. Alain Jolicoeur:** Mr. Chair, there's no question that when it comes to re-certification, we will not be able to use just two or three facilities. We will be using facilities across the country to allow our officers to be re-certified, and there will be many opportunities similar to the one you describe.

In terms of the initial part of this important initiative, it was important to us to ensure we would have training that is exactly the same everywhere, and to go through the process with the RCMP, because in this organization we don't have that kind of experience. What we have been focusing on as one of our many parallel initiatives to make sure we can rapidly deploy our officers at the border has been obtaining and developing trainers. Many of our officers across the country are interested in obtaining that expertise through the RCMP.

These people have been tested. There is a series of tests related to training and ability. There are psychological tests, etc., because some of our employees would not be able to do that. That process is going on, and rapidly. As was described by my colleague, we will have the first group of trained, armed employees deployed next summer.

After that, and once we are comfortable with our process, we will look inside. We will ask for expressions of interest from other organizations that might be able to help us give exactly the same training that was developed initially. This is what is being done at the moment.

● (1155)

**Mr. Brian Masse:** You are committing that there could be expansion in the future on the two centres you have right now, provided there are the funds that I presume would be required to move this process along?

**Mr. Alain Jolicoeur:** There is no question, as I said, that we will use many facilities across the country for the re-certification process that our employees will have to go through every year. Even for the basic training, it's something we are looking at; I am opening the door to see if it's efficient to use other facilities.

**Mr. Brian Masse:** Okay.

Until that time, I know that CEUDA had done a freedom of information request and found that of the 119 land border crossings, there wasn't...CBSA information of over 30, I believe, had actually a two-hour response time from other types of jurisdictional supports.



Are you going through an audit right now to find out where the greatest vulnerabilities are in terms of people in isolated locations or areas where there's difficulty getting a quicker police response time? Are you doing an audit with that and trying to improve those in the interim?

**Mr. Alain Jolicoeur:** Yes. We have reviewed that. It's also one important criterion in the deployment plan. Pretty soon we'll be in a position to indicate exactly where the first armed officer will be deployed. Quite a few criteria need to be looked at, and that will be one of them.

Barbara, I don't know if you want to add something.

**Ms. Barbara Hébert (Vice-President, Operations Branch, Canada Border Services Agency):** Thank you.

Mr. Chair, as the president has said, we absolutely are in the course of trying to establish an implementation strategy, and we are looking at a variety of things that will help us prioritize where that rollout should be. Obviously we're guided by the government's direction in looking at high-volume ports, but we're also looking at response times, at risk generally, and at other things like that.

**The Chair:** You have one minute.

**Mr. Brian Masse:** Thank you, Mr. Chair.

I want to quickly return to the turnover. I believe you mentioned that it was 12%, which is still fairly high. You're losing them to other police departments, I assume, and to the RCMP and the OPP. Is that what's happening? Are those people, once they're trained by you, going to other departments? What can be done about plugging that gap?

One of the concerns I have is continuity, and if it's not 18%, it's still 12%, and that's a fairly high turnover rate for any organization to have.

**Mr. Alain Jolicoeur:** Large numbers of our employees are big centres. We are all familiar, for instance, with the employment and labour shortages in some parts of the country, in the west in particular. A lot of our employees quit for different jobs. Sometimes it's related to the market and the salaries that are offered. Some of our employees are going in the direction you are suggesting. But we could quote a variety of issues.

**Mr. Brian Masse:** Thank you, Mr. Chair.

● (1200)

**Ms. Barbara Hébert:** Mr. Chair, the president referred to different reasons. I can tell the committee of an example in Vancouver where there is a lot of market competition for skilled workers, and it's very difficult to maintain a stable workforce. In other parts of the country, as per your suggestion in your area, certainly there is an interest among some employees to go to another law enforcement agency. It really is a combination of factors.

**Mr. Brian Masse:** Do you have an actual plan to address this? Is there an actual business plan you have to address this? These are the people who guard our borders and our front line for us. If that's systemic, then are you actually developing a business plan on how to retain more of our people after they are trained? We'd present that to the government. Because it costs hundred of thousands of dollars to train them.

**Mr. Alain Jolicoeur:** I just want to say that we have the proper number of people deployed in each of these positions, but you're right that the higher turnover brings a higher cost. This has to be balanced with the other responsibilities of the government as an employer.

Most of these things are discussed and planned in the context of collective bargaining. One important element of the collective bargaining process is to compare the salaries and benefits that are given to our employees with what exists outside for similar jobs, and that is taken into account. As part of our new classification initiative and to prepare for the next round of collective bargaining, those things will be taken into account.

**The Chair:** Thank you.

We'll move over to the government side now.

Go ahead, Mr. Brown.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Thank you, Mr. Chairman.

I'd like to thank our witnesses for coming today.

I personally have a great deal of interest in the border situation. I represent a riding that has two border crossings: the Thousand Islands bridge and the Johnstown-Ogdensburg bridge.

I have read the altered ModuSpec report. I've also read the Northgate report, and I know a lot of the front line officers. These are people I grew up with and play hockey with. Their children are at school with my child. So I do know what's going on on the front lines.

I am concerned that the Canadian Border Services Agency seems to be taking too long and is not necessarily committed to moving this as quickly as it might. We heard, not that long ago, that it was going to take 10 full years and \$1 billion to do this, as well. Mr. Jolicoeur said it was \$781 million to date.

Mr. Jolicoeur, are you personally committed to carrying out the government policy on arming the border guards?

**Mr. Alain Jolicoeur:** Mr. Chair, yes. As a senior civil servant, I provided options for the government to consider, I provided options to do it faster, and I'm basically implementing the government decision to do it over that period of time.

**Mr. Gord Brown:** Have you ever said you would resign rather than implement this government policy?

**Mr. Alain Jolicoeur:** Mr. Chair, I'm here as an accounting officer, as per the new legislation, Bill C-2. Basically, my responsibility is to account before a parliamentary committee for the way I'm implementing the government's decisions. Basically we are faithfully doing it, there's no question about it.

**Mr. Gord Brown:** But did you ever say that you would resign rather than carry out the government's policy on arming border guards?

**Mr. Alain Jolicoeur:** Mr. Chair, in the context of labour relations, any civil servant has to implement government decisions and support government positions. In that context—

•(1205)

**Mr. Gord Brown:** Obviously you're not going to answer that, and that's fine. Thank you.

This is what I want to get at. I have a great deal of concern about, first of all, the withdrawal policy. How do you feel about the withdrawal policy—i.e., when there's a potentially dangerous situation, the border service agents withdraw?

**Mr. Alain Jolicoeur:** Just to be sure that I understand your concern, is it that employees are using the rights they have under the Labour Code?

**Mr. Gord Brown:** That's correct. How do you feel about that?

**Mr. Alain Jolicoeur:** Again, it's the law of this country. The law provides for the possibility for employees to withdraw when they feel they are at risk. They do it, and the process is fairly clear. Specialists from Labour Canada come in and they rule on every one of these situations.

**Mr. Gord Brown:** What's your opinion on work-alone situations across the country?

**Mr. Alain Jolicoeur:** My opinion on work-alone situations in this country is that it's safer to have two employees rather than one, especially in isolated areas, on any shift.

The government has given us the funds to correct those situations over three years. We're going to hire 400 people over three years. I think the first 50 are coming in the next fiscal year. That's basically what we're doing.

**Mr. Gord Brown:** Maybe I'll bring Monsieur Borduas in here. We have heard from some opposition members that they think local law enforcement could help. The situation in my riding is that we do not have RCMP detachments; the OPP does our area.

How long do you think it would take in the case of, for example, the Thousand Islands bridge to get a law enforcement agent from another agency to get to the border if there were a dangerous situation?

**D/Commr Pierre-Yves Bourduas:** That's purely a hypothetical situation. I would say it's all predicated upon the level of threat and what the threat is that's out there.

You may recall that last January, in 2006, at the Pacific entrance there was an armed and dangerous individual heading towards Canada. I think we all saw the news clip. This individual was apprehended by U.S. officials as he was approaching the Canadian border, but we had members on-site at the time ready to intervene.

It's predicated upon the environment. If you have a port that is in Forest City, New Brunswick, and it takes an hour to get there, then the situation is completely different.

**Mr. Gord Brown:** What if it were a situation that arose quickly? Our border service agents could be in jeopardy, if there were a dangerous situation, in waiting for other law enforcement agencies to show up at the border.

**D/Commr Pierre-Yves Bourduas:** As you've indicated, indeed danger is a potential, but as a law enforcement community at large we strive to serve to the best of our capacity, to intervene if need be.

**Mr. Gord Brown:** Thank you.

Mr. Jolicoeur, how many people ran the border last year? I think you probably have a number on that.

**Mr. Alain Jolicoeur:** Our estimate is that about 600 people ran the official ports of entry, going through without stopping, or stopping mid-process and then—

**Mr. Gord Brown:** All right, thank you. I probably have time to get one more question in here.

Can you confirm the \$781 million that you're talking about will put an end to work-alone situations and also make it less likely that the withdrawal policy would be used?

**Mr. Alain Jolicoeur:** The \$781 million does not do anything for work-alone situations. That's a separate budget and a separate initiative.

I'm sorry, I forgot the second question.

**Mr. Gord Brown:** Would it make it less likely that agents would choose to use the withdrawal policy?

**Mr. Alain Jolicoeur:** There is no question in my mind that it should be reduced dramatically when our employees are armed.

**Ms. Barbara Hébert:** Perhaps I could add a comment, Mr. Chair.

Just to complement the president's reply to you, the \$1 billion amount that was commonly known before was dedicated to two aspects. One was the arming initiative, as the president has already said, at \$781 million. The balance of that money actually applies to eliminating the work-alone situation.

•(1210)

**Mr. Gord Brown:** So the \$1 billion number that we heard the last time at the committee meeting would include the work-alone situation.

**Ms. Barbara Hébert:** That's right. There are two aspects to it: eliminating work-alone and the arming initiative.

**Mr. Gord Brown:** Thank you very much.

**The Chair:** Thank you.

We will now move over again to the opposition side.

Ms. Barnes.

**Hon. Sue Barnes (London West, Lib.):** Thank you very much, and welcome to you.

We have many questions, maybe not all of which we'll have time for today, but maybe another day.

When, as was just brought up by Mr. Brown, you have a number of people running the border, just running through, what difference will having a gun on a customs officer make to that situation? I'd like to handle that from a safety issue.

**Mr. Alain Jolicoeur:** The strategy we're using to deal with people running the port, as we say, is not arming. Arming is done for other reasons. One strategy we are using is to basically plug the biggest part of that. Among those 600 occurrences, 150 are linked to some logistical problems we have in one location. This should be resolved before the summer.

Of the other 450, more than 50% of the occurrences are linked to 18 locations. In those 18 locations, we are now investing in the infrastructure to put road separators and barriers in place. Again, that should be resolved probably before next summer.

So we expect that number to be reduced significantly using those two initiatives that I've just described.

**Hon. Sue Barnes:** But my direct question to you is, what difference will having a customs officer carrying a gun make to the situation just described?

**Mr. Alain Jolicoeur:** I suppose that psychologically people might be less tempted to take a chance if they are facing armed border guards. If you are asking me, will we ask our people to use their firearms in those situations, the answer is no, we won't.

**Hon. Sue Barnes:** That's right, because the customs plaza area is usually a busy area. You go from a primary inspection to a secondary inspection, and there are a lot of people getting in and out of cars to go inside and pay duties on goods. It isn't an area where you would want to....

To the RCMP, if this were a police situation coming in, is this an area in which you'd want any gun activity?

**D/Commr Pierre-Yves Bourduas:** Once again it comes back to the intervention model and the reason for using guns. What you have to bear in mind is that it's the ultimate solution. It's not a solution; it creates more problems than it is a solution.

**Hon. Sue Barnes:** Thank you.

**D/Commr Pierre-Yves Bourduas:** That's the reason we have to look at other intervention models before we get there.

**Hon. Sue Barnes:** In fact, the study that was done internally by the government did say, as one of its points, that putting guns with all of these officers actually could be another problem, another safety hazard in and of itself, just because there are guns in the area.

Is there any report, other than the one just created by the customs union, that you had, Mr. Jolicoeur, to wish for this arming situation that the government has chosen to go forward with? Was that recommendation in any other report, either in your agency or your predecessor agency?

**Mr. Alain Jolicoeur:** There is one that I remember for sure, and that's the report from the Senate committee SCONSAD. I may be wrong on the date, but I think about a year and a half or two years ago—

**Hon. Sue Barnes:** It was 2005.

**Mr. Alain Jolicoeur:** —they recommended that we have an armed presence, if I remember correctly, at the six busiest border crossings.

**Hon. Sue Barnes:** That armed presence, as I recall from reading it—I believe it was a report from the other House at that time—could have been supplied by other police forces or the RCMP, if that had been the decision of the government. It's an option that could have been there. Is that correct?

•(1215)

**Mr. Alain Jolicoeur:** Yes, from that report; they were not specific on how, if I remember well.

**Hon. Sue Barnes:** Thank you.

I understand the MOU with the RCMP at the current time is only two years in length, even though we know the training period envisioned by the current government is 10 years. Is that correct?

**Mr. Alain Jolicoeur:** That's my understanding, but it can be renewed.

**Hon. Sue Barnes:** Yes. There is a lot of turnover right now, but I would imagine some customs officers may not want to be part of the customs employment situation if they have to arm themselves. You must have done some studies on a human resource situation of having a higher exodus than normal during training.

I want to also talk about the student aspect of this, or the part-time people. As I recall from being a student customs officer on a very busy port many years ago, you have to go through the line. So it's not just one person; you still have the rotation.

**The Chair:** You have to allow a little time for a brief response, a very brief response.

**Ms. Barbara Hébert:** Yes, we have done some analysis about the people who may not wish to carry a firearm. No doubt there are some people who joined our organization and had a long and very productive career, but perhaps they joined the organization with other interests in mind. It's impossible to know exactly how many people would not want to carry a firearm. Our analysis right now leads us to estimate that it will be between 25% and 30%.

Of course, the benefits of a long phase-in time is that it will allow the agency and the employees to work towards a situation where we can minimize the accommodations.

**The Chair:** Ms. Mourani, do you have any questions?

**Hon. Sue Barnes:** Mr. Chair, there's a second part on students.

**The Chair:** Well, you've gone way over your time. I'm sorry. We can come back to that.

**Hon. Sue Barnes:** Okay. Thank you.

**The Chair:** Ms. Mourani.

[*Translation*]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Thank you, Mr. Chairman. I would like to thank all of the witnesses for coming. My question is for Mr. Jolicoeur. Up until now, why have we never thought about arming our customs officers?

**Mr. Alain Jolicoeur:** It is not that we have never thought of arming them, the topic was raised by the customs union well before I took up my position. The agency has existed for three years, but I think that the union has been raising the topic for 10 or 15 years.

**Mrs. Maria Mourani:** Perhaps I was not clear. Why did we never decide to do it, or why has it not yet been done? Why are customs officers still not armed? What are the underlying reasons?

**Mr. Alain Jolicoeur:** You are leading me into the area of the policies of different governments.

**Mrs. Maria Mourani:** Fine. So what you're saying is that the decision to arm or not to arm customs officers is a political decision. So taking that decision was a matter of politics and did not reflect the situation on the ground. Is that correct?

**Mr. Alain Jolicoeur:** That's not what I said. I said that it is a major policy decision for a government to bring about this type of change. However, if you ask our employees on the ground, the vast majority of them are convinced that they need to carry a weapon.

**Mrs. Maria Mourani:** I have a few questions for Mr. Fracassi. In your presentation, you said you counted 44 incidents where customs officers invoked their right to refuse to work. Of that number, 38 were collective refusals to work. Over what period of time was this evaluation conducted? Was it over a one-year period?

[English]

**Mr. Fulvio Fracassi:** Mr. Chair, that was in the timeline I had indicated, starting from May of 2005 to the last refusal that we dealt with, which I think was around December of 2006.

[Translation]

**Mrs. Maria Mourani:** So it was over approximately a one-year period. When you said that most of the refusals were based on situations potentially involving armed and dangerous persons, does that mean that the refusals were based on potential or real threats?

[English]

**Mr. Fulvio Fracassi:** Mr. Chair, in terms of the refusals that we dealt with, basically employees who feel that they have a reasonable cause to believe they're in danger can exercise their right to refuse. There's a process, as I mentioned in my presentation, that's followed, to be dealt with internally. But if there is a continual refusal, where the matter isn't addressed between the workplace parties, then it's the health and safety officer who's basically notified, and he comes in to conduct an investigation to see whether indeed, based on the facts that are before him or her at the time, there is a situation of danger or not.

As I mentioned, in the vast majority of the cases that we did investigate, based on the facts and the situations as they existed at the time, there was a finding of no danger.

• (1220)

[Translation]

**Mrs. Maria Mourani:** I have another question. Since you took up your position, how many officers have died, or were injured, hospitalized, attacked, or were assaulted, in the exercise of their duties? Have you counted?

[English]

**Mr. Fulvio Fracassi:** Mr. Chair, I don't have that particular information. I don't know if my colleague from the CBSA would have those numbers.

[Translation]

**Mrs. Maria Mourani:** Mr. Jolicoeur or Ms. Hébert, would you like to respond?

[English]

**Ms. Barbara Hébert:** Mr. Chair, if I understood the question correctly, it was generally across the entire public service perhaps. If you'd like to know about the Canada Border Services Agency, I

personally am not aware, in the last 15 years, of any fatality, as the question was phrased, or serious injuries such as that.

[Translation]

**Mrs. Maria Mourani:** Are you saying that there has not been a single incident, or that you do not know the answer?

**Ms. Barbara Hébert:** Mr. Chairman, I don't think that there have been any.

**Mrs. Maria Mourani:** Fine. Thank you.

[English]

**The Chair:** Thank you.

We'll now—

[Translation]

**Mrs. Maria Mourani:** Do I still have time to ask further questions, Mr. Chairman?

[English]

**The Chair:** This is only a five-minute round and you've had five minutes.

[Translation]

**Mrs. Maria Mourani:** All right. Thank you, Mr. Chairman.

[English]

**The Chair:** Mr. Norlock, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much for attending today. It's very much appreciated.

One of the questions with regard to the arming of border guards and the use of force concerned highly populated areas. I think they were referred to as "plazas".

To the deputy commissioner, in policing aren't the same issues taken into account? In other words, using a side arm as opposed to a high-powered rifle, you have to know that it will go through walls, material, so the police officer is trained. Would you not agree with me that police officers are trained to take that into account? So those issues with regard to high-populated areas would not only be of consideration to an armed border guard, but it would also be the same situation as is faced by a police officer in a similar circumstance.

**D/Commr Pierre-Yves Bourduas:** I agree wholeheartedly with your approach. The point is to protect the officer, but also, first and foremost, to protect the public. And that's the main focus of our intervention model. Whereas you have to factor in, in your arcs of fire, for instance, the risk that if you apply deadly force you have to stop the threat immediately in its tracks and not create additional damage. That is always factored into our decision-making process as peace officers and police officers in these types of interventions.

**Mr. Rick Norlock:** With regard to training CBSA officers, that would be included in the course curriculum to take into account those situations to make sure that they would be cognizant of their responsibility in the use of that tool, which is the firearm?

**D/Commr Pierre-Yves Bourduas:** Indeed, because that's the ultimate goal, given that these people are also our precious partners when it comes to securing our borders. We want to make sure that we apply the same types of training standards so that we're all on the same page, so to speak, when it comes to these types of interventions.

**Mr. Rick Norlock:** So for the layperson, what you're doing, based on some of the previous questions that you've been asked, is you're customizing your training to the needs of the client, in this case CBSA?

**D/Commr Pierre-Yves Bourduas:** That is correct. And it's done in full consultation, as I've indicated earlier, with our people from CBSA.

**Mr. Rick Norlock:** Just as you customize your training for the Department of Fisheries and Oceans officers vis-à-vis the requisites of their job, you would do so in the same way to CBSA to ensure that all the components of the training, all the possibilities of the use of that tool, which is the firearm, are taken into account.

• (1225)

**D/Commr Pierre-Yves Bourduas:** That's correct, bearing in mind that it's the full spectrum of intervention and that we have to consider all of these options before we get to this ultimate option.

**Mr. Rick Norlock:** Thank you.

When I was taking similar training on when to use a firearm and when not to use a firearm—it was quite some time ago—we were told that you begin with what we referred to as “verbal judo”. In other words, the first thing you use in officer safety is your mouth—your brain and your mouth.

**D/Commr Pierre-Yves Bourduas:** In fact, it's your uniform. When the officer gets there, even before the officer has verbal exchanges with the individuals, just the mere presence at times will pacify the situation. We take it from there. I agree with you that if your verbal intervention is the first one, then within the spectrum we progress from the verbal to just a slight touch, and then we move from that point on.

**Mr. Rick Norlock:** We referred to it as a use of force continuum, and you refer to it as—

**D/Commr Pierre-Yves Bourduas:** Exactly.

**Mr. Rick Norlock:** Okay.

**D/Commr Pierre-Yves Bourduas:** So you know what you're talking about.

**Mr. Rick Norlock:** This type of training, from a police perspective, would be exactly the same type of training that a CBSA officer would get?

**D/Commr Pierre-Yves Bourduas:** That's the type of training we're providing with CBSA, taking into account their role and their environment.

**Mr. Rick Norlock:** In your experience, does the RCMP use the train-the-trainer model in training, from depot right down to...? In the police force I belonged to at least, it's a yearly firearm qualification. In other words, with all the tools a police officer uses, they're trained frequently in the use of those tools, whether it be pepper spray, or use of the *baton*, or use of any other tool of the trade.

Does the RCMP use that training philosophy? You'd have dedicated personnel, but they would receive training: the trainers would receive training at depot, and then it would go on down, through the division to the detachment.

**D/Commr Pierre-Yves Bourduas:** That's correct. There are two key aspects here. You're talking about basic training and then about training the people who will train our members. What you have to bear in mind is re-certification, because the Canadian public has the right to have professional police officers who have the appropriate training.

In that vein, we want to ensure that our people are trained and refreshed on a regular basis, also taking into account the latest case law that would apply, and so on. It's all part of our full training package, and it's done on a regular basis, just to ensure that people remain proficient in the use of their firearm, bearing in mind also that it's the last resort.

**The Chair:** Could you make this your final comment.

**Mr. Rick Norlock:** Is the training model you're going to use for CBSA based on that model?

**D/Commr Pierre-Yves Bourduas:** It's basically the same IMIM training, or incident management intervention model, that is used within the RCMP and applied to CBSA.

**Mr. Rick Norlock:** But also filtered down is training the trainers, so that CBSA would have their core group of trainers, who would in turn filter that down to a place like Rigaud, where they may end up using, perhaps, the Sûreté du Québec to help them out.

**D/Commr Pierre-Yves Bourduas:** As I've indicated, our main objective over the next two years is to have 300 of these trainers who will ultimately train 4,800 of these border safety officers.

**Mr. Rick Norlock:** Thank you.

**The Chair:** Thank you.

Mr. Chan.

**Hon. Raymond Chan (Richmond, Lib.):** Thank you very much, Mr. Chairman.

Also, thank you very much to the civil servants, and to their ministers, for their being here today. I have a lot of respect for the work you're doing and always believe that you are very objective in providing recommendations to governments and duly implementing programs that are decided by politicians.

Mr. Fracassi, you talked about the 44 walkouts by the unions or the complaints that you investigated. How many of these incidents were related to long response times of armed officers to support them because of which they felt unsafe?

**Mr. Fulvio Fracassi:** Mr. Chair, I don't know the exact numbers related to the specific nature of the complaint. I can say, though, that a number of them raised that issue as a concern in the context of the work refusals. In those particular cases, as I mentioned, when the investigation was conducted to see whether indeed those concerns constituted a danger as it's defined under the code, the HSO, after looking at all the facts and all the information that was available at the time, determined that there were no dangers in those circumstances.

•(1230)

**Hon. Raymond Chan:** Right. You mentioned that only two of the refusals were found to be in dangerous situations. Do you remember either of these being related to response time?

**Mr. Fulvio Fracassi:** In those two instances, I believe it was not related to response time. It was related to issues of whether the safety procedures, the notify and release procedures, had been properly followed.

**Hon. Raymond Chan:** In other words, you have never found a situation where the refusal to work was based on the response time of armed officers to support the CBSA officers.

**Mr. Fulvio Fracassi:** To the best of my recollection, none of the decisions where there was a finding of danger—the two that we just mentioned—raised that element as a reason of concern with respect to the issue of danger.

**Hon. Raymond Chan:** You see, from listening to all the facts and reasons for arming the border guards, it was so clear that response time was one of the biggest reasons. That is why I'm so glad to hear that in none of the refusals to work was it found to be dangerous because of the lengthy response time.

If you look at the cost of implementation, I think arming all the border guards is like killing a fly with a sledgehammer.

To Mr. Jolicoeur, when you provide recommendations or options for the government to choose from in terms of policy in dealing with this refusal to work issue, is there any option other than arming the whole border guard task force?

**Mr. Alain Jolicoeur:** Every government, on basically any option we put to them, can use the “do nothing” option for any situation. You frame the problem as how to deal with situations where people go off work because they are concerned about the risk. We have a labour code that's fairly clear. If people are threatened by a situation, they have the right to basically move away from the work.

The only thing I can offer to any government is to bring the experts in. If there's something we can do to improve the situation, we will. You frame the problem as being a situation where people go off work. As I said earlier, I do believe that arming officers will significantly reduce those situations.

**Hon. Raymond Chan:** All right.

Let me go back to the—

**The Chair:** Mr. Chan, your five minutes are actually up.

To the witnesses, we're three minutes over time. Are you able to stay for maybe a couple more minutes to answer questions? Are you all able to do that?

**D/Commr Pierre-Yves Bourduas:** My time is your time, Mr. Chair.

**The Chair:** Okay, so you're able to stay a few more minutes. Because the meeting started late, we're a little bit over time.

I think we'll have to divide the questioning up so everybody gets a turn.

Mr. MacKenzie, please.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Mr. Chair, and thank you to the panel.

Obviously there's a bit of a philosophical difference between my colleagues on that side and this side. Our belief is that we need to secure the border to protect the border guards and protect Canadians. Part of that is the RCMP would know that they don't send their people out unarmed, because you don't know what's coming across the border, and I think that's a fair assessment.

But what we do want to make sure is that we get good value for the cost. Mr. Jolicoeur and Ms. Hébert will know that this is and has been one of my concerns.

Yesterday, just as a matter of interest, I checked the Ontario Police Commission website on the Internet. I found that their basic officer training, which brings their police officers in Ontario to the standard required in the province of Ontario—which is probably similar to everywhere across the country, because there is that concern from the citizens' point of view—is a 12-week course and it costs \$7,500 to provide that training. That may be subsidized somewhat, but it's a 12-week course. And we're talking about a three-week course.

I know we've talked about the need to backfill in salaries in that time, but if we took the number that you provided us with here, that looks like about \$100,000 per border guard to arm them and train them. Have we looked at other agencies to provide that? As well, would we look at partnering with other agencies, like the Ontario police commission, the police facility in Quebec...and across the country?

•(1235)

**Mr. Alain Jolicoeur:** Thank you.

The cost estimates and projections that we have developed are the best we think we could have developed. They've been tested inside and outside. They've been tested by Treasury Board, who basically had to do the due diligence before they released the money. They're also been tested by private sector experts now.

The number here—the size, the period—always surprises everybody. We're talking about a big organization. When we're talking about training 4,800 people, it's a lot more because of the turnover; it is probably around 7,000 or something. I don't remember the exact number, but it's a large number of people. And in the project we're also talking about transforming an organization. It's not like a police force already established with its procedures, with its firearms and process to manage that with oversight and everything. We have to build from zero, so this explains some of that cost. That \$100,000 that you referred to is \$10,000 per year per head including re-certification and all the overhead.

Having said that, and I'm confident it's the best number we have right now, we have, certainly for some elements of that package, to basically see what's outside, to open the door, as I indicated earlier, to expressions of interest from any organization that could do better. And if there is any way to reduce any one of those numbers, we'll definitely do that.

**Mr. Dave MacKenzie:** Okay.

**The Chair:** You have one minute.

**Mr. Dave MacKenzie:** Just in that regard, the RCMP does partner with other outside agencies. Does the Ontario Police College, for instance, provide training facilities for the RCMP?

**D/Commr Pierre-Yves Bourduas:** That's a good question. I'll defer this to Deputy George.

**Ms. Barbara George (Deputy Commissioner, Human Resources, Royal Canadian Mounted Police):** While there will be collaboration among police services for training, we would look to have any efficiencies that we could find in any local environment. But for our own training, the RCMP has our depot and we often have fire ranges that are shared with other agencies such as the military.

**Mr. Dave MacKenzie:** On re-certification, would you know if it is currently being done at the Ontario Police College?

**Ms. Barbara George:** No, I wouldn't have that information.

**Mr. Dave MacKenzie:** Fair enough.

**The Chair:** Okay.

Mr. Cullen, you're taking Mr. Cotler's place, are you?

**Hon. Roy Cullen:** Yes, thank you, Mr. Chairman.

This is really a question that should be directed to Mr. Day, but I'm going to throw it out to the witnesses if you have any answers.

Mr. Bourduas, you said—and I think we'd all agree—that arming the border guards won't reduce the number of people who want to run guns or drugs across our borders. The deterrent effect will be minimal, at best, and I think these are serious problems. As Mr. Jolicoeur and others well know, the government did have different options apart from arming the border guards; this government chose to go with this particular option, but if the deterrence effect is minimal or zero and the people at the border, as Mr. Jolicoeur has said, will not be asked to interdict, apart from the border people having guns and being reclassified—I think Mr. Jolicoeur said he was going to put them in with his own scheme—there's an implicit cost somewhere within that classification scheme, because if you're carrying a gun, you're going to be entitled to more pay. Whether it's a new scheme or otherwise, there is an actual cost to that.

I don't know what the benefit is whatsoever of arming the guards. If it's going to result in the border people not withdrawing their services less, and if that seems to be the only benefit coming out of this, it's a very high cost to pay for that kind of benefit. I don't know; has any cost-benefit study been done on this?

Second, I'd like to come back to my colleague's question about summer students. Will they be armed as well?

• (1240)

**Mr. Alain Jolicoeur:** I'll take the last one, which is obviously addressed to us.

We will change our policy on summer students. As you know, CBSA is a big organization. We are about 13,000 people. We have more than 1,000 points of service and we are using students in very many situations, but we will use fewer. At some points we will use no students to do the work of our border service officers at the land border. We have been doing that in the past; that will not continue. We will do it certainly in airports and other locations where we

provide other services, but there will be a reduction at the land border.

**D/Commr Pierre-Yves Bourduas:** On the issue of deterrence, it remains to be determined whether it will be a deterrent. It would be purely speculative on my part to say at this point whether or not it will be a deterrent. What I can tell you, though, is that the RCMP is working jointly with border safety officers in these integrated border enforcement teams to detect criminality taking place on both sides of the border and doing a timely intervention along the border or at the border points. We are working together with our CBSA partners.

With regard to the arming issue, it is, as I indicated earlier, simply to protect people who are protecting citizens. That's a government decision, and we'll support the government's decisions.

**Hon. Sue Barnes:** Perhaps I can ask a quick question.

Are you aware, Mr. Jolicoeur, of which countries around the world arm their border guards, other than the United States?

**Mr. Alain Jolicoeur:** We did a study. I don't if Barbara remembers the—

**Hon. Sue Barnes:** If you don't have it now, you can send it in. That's fine.

**Ms. Barbara Hébert:** Mr. Chair, I know there are other organizations that do arm their border officers; I know there are some that do not.

I apologize, but I don't remember off the top of my head.

**Hon. Roy Cullen:** Could you send that in?

**The Chair:** Yes, if you can locate that information for us, you can send it to me and I can distribute it to the committee.

**Ms. Barbara Hébert:** I will forward that.

**Hon. Roy Cullen:** Has any cost-benefit study been done on this initiative? Could that be made available as well to the committee?

**Mr. Alain Jolicoeur:** No, I'm sorry, Mr. Chair, the analyses that were done on this initiative were done in the context of preparing the federal budget. They are basically advice to government, and we don't have what you are looking for.

**The Chair:** In relation to that, have you not done a study and survey of the border guards as to how many of them wanted to have those arms? Somebody mentioned this. Do you have that available for us?

**Mr. Alain Jolicoeur:** Yes, and I believe that actually the union has commissioned Northgate to do that. I believe they will be one of your witnesses next week.

**The Chair:** Okay.

I took some of your time. Are you finished?

**Hon. Roy Cullen:** I'm fine, thank you.

**The Chair:** Okay.

Our final questioner is Mr. Hawn.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Thank you, Mr. Chair, and thank you, witnesses.

Mr. Jolicoeur, ModuSpec has declined to appear at this committee. Did the Senate committee conclude that the Moduspec report was altered by deleting the armed presence requirement?

**Mr. Alain Jolicoeur:** The Senate committee concluded—I don't know the exact words they used—that in an earlier version of the Moduspec report there was reference to...I think it's arming at the sixth biggest port of entry, in a draft version of their report. In their final report they didn't recommend that.

• (1245)

**Mr. Laurie Hawn:** Did the Senate conclude that their report had been altered?

**Mr. Alain Jolicoeur:** That may be the word they used. It's certainly not the one I would use, although I was not there.

**Mr. Laurie Hawn:** You spoke of not having officers shoot, I think, at persons running the port. Why have you forbidden officers to pursue port runners pursuant to their authority under the Customs Act?

**Mr. Alain Jolicoeur:** First of all, with regard to the policy we are developing about when and how to use firearms in different situations, this one about port runners is basically modelled after what they are doing in the United States. For security reasons they don't allow their employees to do that.

In Canada, at the moment the responsibility outside the specific location of the port of entry is with the RCMP. We don't have the mandate or the authority to move away from our location for that purpose.

**Mr. Laurie Hawn:** To the RCMP, you talked about gun running not being deterred by armed CBSA, in your professional opinion. As you said, nobody can tell that for sure. But would it potentially have the effect of funnelling cross-border gun running away from border points to areas—across the St. Lawrence River, for example—that might be more easily controlled and concentrated on, then, by other forces such as the RCMP?

**D/Commr Pierre-Yves Bourduas:** Organized crime readjusts quite rapidly to a changing environment, very much as business does, and therefore they'll adjust when seeing whether customs officers will indeed intervene or not. They'll adjust. Our intelligence has clearly told us that could be the case.

I'd just like to go back to Mr. Jolicoeur's latest comments in relation to police jurisdiction. The RCMP at times would be the first responder, but also there are other police jurisdictions, such as the OPP or municipal police forces, that would intervene in the case of running the ports.

**Mr. Laurie Hawn:** Mr. Jolicoeur, we talked about the number of officers who may or may not be armed, and we haven't really talked about airports. That's an area of concern to me in Edmonton, because the international airport, like a lot of airports in Canada, is very big.

The RCMP is on site, but they're in the terminal. The CBSA folks operate up to two or three miles away; at the moment, sometimes alone, and certainly unarmed.

My understanding is that there's no current move to arm those people because of the perception of RCMP presence. Is that true?

**Mr. Alain Jolicoeur:** The plan at the moment is not to arm our officers in airports. Again, as with the timing, the options that were presented to the government included the whole organization or part of the organization.

The decision that was made was not to arm people in airports, basically because, contrary to what's happening at the land border, we have advance information now in our system on every person who comes to us. We do risk analysis on them. Also, most of them would have been screened by the equivalent of our CATSA; that is, before boarding an aircraft, they go through that.

**Mr. Laurie Hawn:** Are you aware of the frequency of incidents—and I'll just pick Edmonton, for example—where flight-planned aircraft come in, are handled at considerable distance from the main terminal, and have been found to have contraband material, or have people who are in fact not who they said they were?

**Mr. Alain Jolicoeur:** I don't know the numbers for Edmonton, but I am aware that the situation I'm describing is not exactly like this everywhere. But the decision was made on the basis of the fact that by and large—it's not even close—security and safety are higher in airports for our employees than at the land border.

**Mr. Laurie Hawn:** Are you aware that some of your employees may disagree with that?

**Mr. Alain Jolicoeur:** Oh, yes.

**Mr. Laurie Hawn:** And quite strongly.

**Mr. Alain Jolicoeur:** Yes, I am. But the decision was taken that it was to be done at the land border.

**Mr. Laurie Hawn:** Do you see any limiting of posting options? You're going to have under the current plan some people trained and some people not trained. Is there any concern about that limiting the posting and career options for CBSA members in general?

**Mr. Alain Jolicoeur:** There's no question that from a management perspective it's more difficult for us to do it in an environment where they are not under the same regime. The fact that the time horizon is longer than we had thought it would be gives us a bit more flexibility to move people and train people. But one cannot escape that it's a lot more difficult to manage an organization when you have two separate sets of rules.

• (1250)

**The Chair:** Wrap it up, please.

**Mr. Laurie Hawn:** You talked about your turnover rate of 12% and the CBSA folks probably being actively recruited by other paramilitary forces. Do you see an increase in that, given that they will now have some extra qualification?

**Mr. Alain Jolicoeur:** There could be; this is something we have to worry about. Of course, as I said earlier, this is certainly one point that will be discussed at the table when collective bargaining starts this coming spring. But by and large, if you have more similar conditions, and differences in benefits or salary, there could be some pressure.

**Mr. Laurie Hawn:** Thank you, Mr. Chair.

**The Chair:** Thank you very much.

I'd like to thank all of our witnesses for the testimony you've given us here today. We appreciate your patience with the time as well.



We're going to briefly suspend the meeting. We'll have to continue with future business, but we'll give our witnesses a chance to vacate the table.

Thank you very much.

*[Proceedings continue in camera]*

---





**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**