



House of Commons  
CANADA

# Standing Committee on Public Safety and National Security

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SECU • NUMBER 030 • 1st SESSION • 39th PARLIAMENT

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EVIDENCE

**Thursday, February 8, 2007**

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**Chair**

**Mr. Garry Breitkreuz**

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Thursday, February 8, 2007

•(1115)

[English]

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):** I would like to call this meeting to order. This is the Standing Committee on Public Safety and National Security, meeting number 30. We are today continuing our study on the arming of the Canada Border Services Agency officers.

We welcome to our committee today, from the Ontario Provincial Police, Acting Deputy Commissioner of Field Operations, Chris D. Lewis.

Welcome, sir.

The usual practice at this committee is to allow you an opening statement of approximately ten minutes. Then we begin with the questioning from the opposition side and end up with the government side.

So, again, welcome, and you may proceed as soon as you're ready.

**Mr. Chris D. Lewis (Acting Deputy Commissioner, Field Operations, Ontario Provincial Police):** Thank you very much, Mr. Chair.

Ladies and gentlemen, good morning. It is an honour and a distinct pleasure for me to appear before you here today representing OPP Commissioner Julian Fantino. He sends his regrets, but unfortunately he had other commitments that prevented him from personally attending here today.

My remarks are based on the collective experience of Commissioner Fantino and me and our many years in law enforcement, working collaboratively with many law enforcement partners, including the fine women and men of the Canada Border Services Agency.

By way of background, the OPP is comprised of almost 6,000 uniformed officers and almost 2,000 civilian support staff who are deployed across the province of Ontario. All applicants for the position of OPP constable undergo a rigorous selection process. This includes various security checks, including the Canadian police information system. Applications are screened to ensure they meet legislative requirements and local OPP policy.

OPP applicants must possess a certificate of results issued by the constable selection system, and all constable selection system assessors are trained and certified. They administer a variety of specific physical tests, and I have details on that if you're interested during any questions.

Successful applicants complete a background questionnaire and are screened by OPP recruiters who interview each applicant on a one-on-one basis. Candidates who pass these evaluations then complete psychological testing of a variety of types, and these tests are scored by the OPP psychologist and either approved or not approved. The psychologist has the option of conducting a one-on-one interview with the candidate should the written testing require any additional exploration.

New recruits undergo a full year of training and assessment by the provincial police academy and the Ontario Police College, or the OPC, as well as a field recruit training officer. Recruits receive extensive training relating specifically to firearms proficiency and safe handling.

Prior to being issued a firearm, recruits undergo 33 hours of on-range, firearm-specific training at the OPC and 16 hours at the Ontario Provincial Police Academy. Recruits are issued a sidearm on graduation day when they are immediately assigned to a field posting and placed under direct one-to-one supervision with a recruit field training officer for four months. The training officer monitors the performance of the recruit for the balance of one full year and submits written monthly reports to a supervisor. Safe and proficient use of the firearm is assessed continuously during this time.

In terms of the OPP's interaction with the CBSA, of course, Canada-U.S. border security is primarily a federal matter, but the OPP does participate widely with the intelligence community as members of joint forces operations, such as integrated border enforcement teams and marine safety enforcement teams. The OPP are also engaged in border security issues through teams and projects such as our provincial auto theft team, our provincial weapons enforcement unit, and the firearms interdiction strategically targeting smugglers—FISTS, as it is known.

Should intelligence information indicate a need, the OPP can mobilize resources to deal with border issues in areas where the OPP is the police service of jurisdiction or when we are requested by another police agency.

The OPP has no resources dedicated solely to border patrol. The full array of OPP resources available to meet a provincial policing mandate are available, as they are for any other issue arising within that mandate, including uniform patrol officers; investigators of criminal investigations, narcotics, and firearms; the tactics and rescue unit; the emergency response teams we have across the province; our canine units; underwater search and recovery; explosives disposal; marine units; aviation services, etc.

The OPP does not have any formal memoranda of understanding with CBSA for emergency response purposes. Except in specifically planned interdiction operations, CBSA officers routinely conduct their daily activities without the benefit of having armed police partners like the OPP readily available for support.

As our first line of defence, they encounter weapons, including firearms, or if they are required to arrest potentially dangerous individuals who are trying to enter Canada, they do so with the training and equipment at their disposal at that time.

If they do summon the assistance of a law enforcement agency, such as the OPP, we will attend on a priority basis and from whatever geographic location our officers happen to be in at that moment in time. In many cases, that response may take many minutes, in other cases a half hour, and in some cases much longer than that. Certainly, an urgent request for assistance from CBSA will be of the highest priority. But responding OPP officers could be many miles away or tied up at another high-priority occurrence that prevents them from immediately responding.

It is our belief in the OPP that our Canada Border Service Agency personnel are Canada's first line of defence against organized crime groups, other criminals, drugs, firearms, and many other illegal commodities that may at any given time be crossing our borders into Canada. In that role, it is important that these dedicated men and women be properly trained and equipped to protect the security of our border and thereby contribute, ultimately, to the safety of Canadian communities. It is equally important that they be properly trained and equipped to protect themselves while carrying out this important mandate.

No one law enforcement agency can protect Canadian communities. It's the partnerships and the cooperation that exist between agencies like CBSA and the RCMP, as well as provincial and municipal police services, that can. It is that collective web that surrounds Canada, the provinces, and the communities therein—from our surrounding borders and into the heart of our many communities—that provides that strength.

When we established the Cornwall regional task force on smuggling and related criminal activity in 1993, CBSA, then known, of course, as Canada Customs and Revenue Agency, was part of that task force, and they were the first line of defence against contraband that was entering Canada through the port of Cornwall. Millions of dollars' worth of contraband liquor, tobacco products, narcotics, and other illegal commodities, including firearms, were brought through New York state into Ontario at Cornwall each year.

CBSA personnel interdicted large quantities of that contraband and apprehended the criminals who were moving them into Canada, right at the port of entry, using their skill and their unique legislative

powers to search and seize illegal goods. The RCMP, the OPP, and the Cornwall police then patrolled the immediate area of the bridge into the city of Cornwall. Then the RCMP and the OPP established a further web, outwards, along area county roads and highways leading to the larger centres, such as Ottawa and Toronto, and further points east and west across this country.

Many of the criminals who were smuggling these illegal goods into Canada and then distributing them across Canada posed a threat to public safety, not only through the contraband products they were transporting and selling in our communities, but through their fear of apprehension and the subsequent penalties they would receive, as well as of the potential for significant financial loss.

Organized crime group members and their affiliates were quite prevalent in this trade, and in many cases, the men and women of the CBSA were their first law enforcement contacts at that critical point as they crossed that international line into Canada. Every arrest made by CBSA in that specific operation prevented criminals and contraband from further progressing into Canadian communities. It also prevented other law enforcement agencies, such as the OPP, from having to get involved with these criminals. This, of course, then eliminated some potential for police chases and the subsequent high-risk arrests from occurring along the highways or in the hearts of communities.

If these perpetrators were caught at all, the criminals were dealt with either at that very tense and most critical point of entry into Canada by the CBSA officers, or, alternatively, later, on a highway somewhere in Canada by a police service. However, in the case of CBSA intervention and interdiction, the criminals were approached by unarmed law enforcement officers.

It's interesting to note that my experience in managing that task force was that although the RCMP, the OPP, and the municipal police officers who were part of the task force were all committed to seizing contraband and preventing it from further getting into our communities, it was only a temporary assignment for us. For the most part, it wasn't our normal police business, nor was it an activity that we would participate in forever. On the other hand, CBSA officers were tirelessly dedicated to preventing contraband and unwanted persons from entering this country as an all-encompassing commitment, day in and day out, for their entire careers as public servants. They worked hand in hand with us, often in very tense situations where the potential for violence was ever present, but they did so as unarmed partners.

September 11, 2001, changed our world in terms of border security and community safety matters. The new environment tragically opened our eyes, as Canadian law enforcement agencies, to an increased threat to our safety and security.

As stated earlier, OPP officers on patrol, unfortunately, are not always close enough to the various ports of entry to respond and assist in a timely way.

• (1120)

When the Twin Towers were attacked, the OPP immediately dispatched officers to the various Canada-U.S. border points along the St. Lawrence in eastern Ontario to do nothing but provide armed support to unarmed CBSA officers as they dealt with the potential threat of individuals involved in the attack against the U.S. coming north to enter into Canada.

A minimum of four OPP officers, armed, stood watch to support and protect unarmed CBSA officers at Prescott and Lansdowne as they thoroughly questioned and searched people trying to enter into Canada, 24 hours a day, for a number of months. At the exact same time, at the other end of those bridges between New York and Canada, armed U.S. customs and immigration officers manned their posts, certainly with extremely heightened vigilance, but trained and armed as they always were, even prior to these tragic events.

Once again, the same criminals crossed the Canada-U.S. border day after day, but were dealt with at one end of the bridge by armed U.S. authorities and at the other end by CBSA officers who were virtually unequipped.

In summary, it is the opinion of the Ontario Provincial Police that properly trained and properly equipped armed Canada Border Service Agency officers will ultimately increase the safety and security of those officers, allowing them to rely less on the irregular and at times potentially untimely response of armed police partner agencies when faced with criminals armed with weapons.

Any arrests and seizures of contraband they make at the ports of entry will undoubtedly result in lessening Canada's police services'—federal, provincial, or municipal—need to deal with such criminals and contraband at later points, including on major highways in the heart of communities across Canada.

Thank you.

• (1125)

**The Chair:** Thank you very much, sir. I believe there will be many questions on what you have brought forward.

We will begin with the honourable Roy Cullen from the Liberal Party.

**Hon. Roy Cullen (Etobicoke North, Lib.):** Thank you, Mr. Chair. Thank you, Mr. Lewis.

I am wondering if you could talk a bit about this. One of the issues the former government was pursuing was the whole issue of counterfeit goods, which come in various shapes and forms. Some are copyright infringements—intellectual property—but there are some that create a risk to our public health and safety. It could be counterfeit pharmaceutical drugs or it could be counterfeit electrical products that can create fire hazards or other problems.

The thing is, it requires a coordinated approach by government to bring various departments together—Heritage Canada, Industry Canada, Public Safety and Emergency Preparedness Canada, the RCMP, the Canada Border Services Agency, etc. I'm hoping the

government is picking up on that, because I think it's a very serious issue, and we were starting to move on that on the other side.

But I'm wondering how you see it, sir, from your perspective—counterfeit goods. Is this a growing problem, and to what extent do you think organized crime is involved now?

**Mr. Chris D. Lewis:** If there's money in it, and I assume there is, organized crime will be involved. Anywhere there are profits to be made with a minimum of risk...and traditionally, smuggling hasn't been a really risky business for some of these individuals. The millions and millions of dollars of goods we seized in Cornwall in those years in the nineties, when we had the specific taskforce in place, probably were just a small percentage of what was actually getting through.

In terms of counterfeit goods, sir, I really haven't had any specific experience in that, given that the RCMP would primarily be responsible. I know that on occasion our officers would run across it on the highways just by chance, really, when dealing with a violator or at an accident scene or something. But we haven't been involved specifically, to my knowledge, in targeting that sort of contraband.

**Hon. Roy Cullen:** Okay, thank you.

You talk about training people, the use of guns, and police officers. I had the occasion as a university student to work as a constable with the CPR police on the docks in Montreal. There were a lot of longshoremen there who probably hadn't been Boy Scouts all their lives. I went to Windsor Station, down in the basement, where they fingerprinted me. I shot maybe 25 rounds and then got my gun. Hopefully things have progressed since then. That was a private police force that may have had different standards.

Police officers have a lot of experience with firearms, and it's more than just training; a lot of it is experience. If you look at Canada and our borders, there are about eight or nine border crossings that probably take up about 80% to 90% of the goods and trade that come through. Why not look at a model where, in lieu of arming guards, we just make sure those borders have 24/7 access to the RCMP?

I'm not sure what's going to happen if people are apprised—it's called a watch list or a notice—that there might be some gun runners coming to the border, or some people smuggling people, drugs, or whatever. So now you have an officer at the border with a gun. I'm not sure if that will have a deterrent effect. Will people who are going to commit this kind of act really say, oh, we'd better not head up to Canada because their border guards are armed now? I'm not sure the deterrent effect is there, and I don't think it's appropriate for these officers to be pulling out their firearms at the border where there are many people. This is where law enforcement people like yourself, sir, have the experience to know how to deal with this. You can train for a lot of things, but you can't train for experience.

So have they looked at that sort of model, and would that work? Maybe you could just comment on that.

**Mr. Chris D. Lewis:** Sure. There are a couple of things I'd like to comment on there. The deterrent effect may or may not be there on actually smuggling goods into Canada, whether or not the guards are armed. But it would only make sense that it might deter any aggressive action being taken against the customs officers, although not always, because people take aggressive action against police officers who are armed too.

For some time, because of some violence issues around the territory of Akwesasne and Cornwall, the RCMP actually assigned uniformed officers to stand at that bridge with customs officers, as they were then called, 24 hours a day. It was not an assignment any of the officers wanted to get. They found it extremely boring. It did nothing to train young officers on how to do police work. At a lot of airports years ago we used to see RCMP special constables, and after seven or eight years doing that sort of work they didn't have any real experience. They just stood there waiting for something to happen. At times they had to assist, make arrests, etc., but generally speaking, they weren't investigating crimes and dealing with the public in a way that a normal police officer would.

So it wasn't a good thing for morale amongst the officers. It wasn't a cherished assignment in the slightest. That in itself could lead to problems in terms of those officers not wanting that type of work. There's the potential for idle hands and idle minds to cause grief.

So that has been done in the past. The RCMP could comment on it a lot more effectively, but when I spent two years in Cornwall with the task force, we were doing it.

If we have advance notice that there's a load of guns coming through, by all means, we could put even a tactical team in there to try to deal with that. But the advantage of dealing with it in a more controlled environment is that it has less impact on public safety than if a chase erupts in the city of Cornwall, or if ultimately a gun fight erupts as you pull these people over in a parking lot at a mall or something.

So there really is some advantage, safety-wise, to handling them right there at that funnel as they come through customs.

• (1130)

**Hon. Roy Cullen:** But they wouldn't be necessarily confronted right at the border, with all the other innocent people standing around. You're saying it could maybe be dealt with and contained, and that would be a good focal point.

**Mr. Chris D. Lewis:** There are always people at these border points in various lanes of traffic, but the risk would be less than if they got into the city of Cornwall and pulled into a school area or a mall where there were hundreds and hundreds of cars parked. That was our experience there at the time.

Some cars got past customs, or for whatever reason didn't stop. That's going to happen too, and there are things that can stop cars other than firearms, like gates, etc. But we did end up in some chases in the city of Cornwall, and people were hurt, children were hurt, and it was terrible. If we could have stopped a chase from coming off that bridge into the city, we would have preferred that.

But if you're going to do that, you have to be prepared to take aggressive action if you're faced with aggressive action. That's tough to do if you're not suitably equipped.

**The Chair:** Thank you.

Just a brief addition to that. If we followed that suggestion and reinforced eight or nine crossings in Canada, do you think the criminal element would start going over to some of the other ones that aren't as well reinforced?

**Mr. Chris D. Lewis:** That's certainly a possibility. Not all of the contraband comes right through the customs ports. Sometimes it comes to shores in boats along the Cornwall area, outside of Cornwall, Morrisburg and all through that area. So that is a possibility.

**The Chair:** Okay.

Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Thank you.

Thank you for your contribution to our committee's work; it's definitely very much awaited and appreciated.

You told us about the training the Ontario police officers receive in weapons handling and the use of force. If I understand correctly, you provide a first unit of 33 hours, followed by another 16 hours, which I believe is given at the Ontario Police Academy.

Are there any simulation exercises during that training?

[*English*]

**Mr. Chris D. Lewis:** Yes, sir, we do. There's a variety of different situations with varying types of light and darkness, where officers have to shoot from behind barricades, shoot from a kneeling position, shoot from a lying position, standing with barricades to the right, standing with barricades to the left—a variety of situations. Through research, our trainers across North America—who also communicate a fair amount to get the maximum benefit from what other agencies have learned in their experience—try to come up with all the various scenarios that, generally speaking, people would be faced with in that type of shooting situation.

• (1135)

[*Translation*]

**Mr. Serge Ménard:** In some of those simulations, do you use professional actors who adopt gradually violent behaviour?

[*English*]

**Mr. Chris D. Lewis:** We do scenario training like that, but of course not with real guns. It's more the kind of scenario where you have to interact with actors, who are usually police officers acting the part. That happens a fair amount at the Ontario Police College. They have a little village set up with mock stores and mock buildings and apartments and street intersections, etc., where they can do that sort of training with actors.

[*Translation*]

**Mr. Serge Ménard:** If I've correctly understood, you aren't content with 49 hours of training. Later on in the police officers' career, you give more training in the use of their firearms.

[English]

**Mr. Chris D. Lewis:** Yes, sir, annually. It's legislated in Ontario under the Ontario police act that you have to have annual firearms requalification training, as well as personal safety training in terms of handcuffing and restraining people without the use of a firearm. Of course, the firearm is the last resort, so you have to learn the different techniques to disarm and do things without the firearm so that you have those skills to enable you to do that in a safer way if possible.

So it happens annually within the OPP, and it has to occur within a 12-month period, not the calendar year, but within every 12 months. We review all our range rules and safety, firearm storage, and criminal code authorities to use the firearms. We review all of that in a classroom, and then our officers practise shooting 72 rounds from various distances and, as I described, various positions. Then after those 72 practice rounds, they have to fire 50 rounds to requalify at 10 different distances.

[Translation]

**Mr. Serge Ménard:** You said that, in that additional training, you give courses on the progressive use of force, firearms, of course, being the force of last resort.

Are these other control methods, without using ultimate force, taught during those 49 hours of courses that you told us about at the start, or are they part of an additional course?

[English]

**Mr. Chris D. Lewis:** It's in addition to.

[Translation]

**Mr. Serge Ménard:** How many hours are devoted to the use of force without firearms?

[English]

**Mr. Chris D. Lewis:** I don't know for sure. I'd only be guessing, sir, but certainly several hours. A lot of the self-defence training to take control of an individual who's fighting, to handcuff individuals who are uncooperative, that takes some hours for new recruits to get down to a science.

[Translation]

**Mr. Serge Ménard:** Is that roughly equivalent to what is devoted to the use of firearms?

[English]

**Mr. Chris D. Lewis:** No, it would actually be less.

[Translation]

**Mr. Serge Ménard:** So you devote less time to it.

[English]

**Mr. Chris D. Lewis:** Yes, it's somewhat easier to learn than the firearms proficiency part.

[Translation]

**Mr. Serge Ménard:** As a result of my previous career, I know a little about the case law in Canada on the use of force by police officers. It is not an easy topic.

Does part of the training that police officers receive enable them to understand what legal liabilities they incur when they handle a

firearm and what the consequences can be, that is to say that they could be charged or prosecuted?

[English]

**Mr. Chris D. Lewis:** They're certainly well educated on section 25 of the Criminal Code, which outlines the use of deadly force or force that might cause bodily harm, as well as on the legislation on the drawing of a firearm, etc., that's contained in the Ontario Police Services Act. They're examined on that. They have to know it. They have to pass exams, and that becomes part of their personal record in their staff personal file for their entire career. They go over that in their annual in-service training as well, in terms of what are the authorities to use deadly force.

● (1140)

[Translation]

**Mr. Serge Ménard:** Could you estimate the time spent giving that legal training on the use of firearms?

[English]

**Mr. Chris D. Lewis:** I'd only be guessing, sir. I certainly could find that out, or potentially some other witness could deliver that more accurately.

[Translation]

**Mr. Serge Ménard:** I'd like that very much. I imagine you can look at the syllabus and easily find it. That's in addition to the 49 hours of training that you give on firearms, isn't it?

[English]

**Mr. Chris D. Lewis:** Yes, it is, and that includes some long weapons—shotgun and rifle—as well.

**The Chair:** You have time for just a brief follow-up.

[Translation]

**Mr. Serge Ménard:** I have one final question. You also told us that you administer psychological tests to the people who are trained.

Is one of the goals of those psychological tests to determine whether they are capable of handling firearms or using extreme force?

[English]

**Mr. Chris D. Lewis:** Once again, I'd only be guessing, because I'm obviously not a psychologist. But that's always been my assumption: we don't want to have people out there potentially using force of any kind, including firearms and deadly force, who don't fit the psychological profile that's required.

We do fairly extensive testing. It's called the MMPI. I don't know what all that means, but ultimately people are turned down, including children of our own officers, for the reason that they did not pass psychological tests. So we take it very seriously.

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

Mr. Comartin, you have seven minutes.

[Translation]

**Mr. Serge Ménard:** You are a model witness. Your answers are precise and very useful.

[English]

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** I'm sure, Deputy Commissioner, that comes from many years of experience in having to testify in court rooms.

Thank you for being here.

Thank you, Mr. Chair.

I want to pursue the line of questioning of Mr. Ménard, but specifically regarding the process that a trainee goes through. I assume you're drawing that from best practices, either in Canada or even globally. Is that a fair assumption on my part?

**Mr. Chris D. Lewis:** That's a very fair assumption. I know that our academy director sits on a North American committee of police trainers, with other state and law enforcement agencies from across the United States and Canada. They really examine best practices, and they try to benefit from what others have learned. They analyze real-life situations that have shown them potential flaws in training or flaws in equipment, which were unexpected. They can then adjust training to better address these.

**Mr. Joe Comartin:** And those best practice standards are readily available to border service agencies so they can design a curriculum to put their people through?

**Mr. Chris D. Lewis:** Without a doubt.

**Mr. Joe Comartin:** This may be a follow-up to Mr. Cullen's question. We hear that they're going to be armed, they're never going to use these arms, and then after a while they're going to get stale and be a risk factor. I remember seeing Canadian statistics somewhere that a large number of police officers retire having never fired their guns in action confronting potential accused persons.

**Mr. Chris D. Lewis:** That's very true, sir. I don't know the exact figure, but the vast majority of officers, who are not involved in specialized units like tactical teams, canine, drug enforcement, or areas where they're continually faced with armed confrontation, would probably never draw their guns except in training situations. That's specifically why we do the annual training. Statistically they've proven that this annual model is a good refresher and keeps your skills to the proper level so you can respond in a real situation.

**Mr. Joe Comartin:** Do you have any reason to believe, given your experience, that it would be any different with the border service agents, and as they went through similar annual upgrading or training they would be as capable as officers in other detachments?

• (1145)

**Mr. Chris D. Lewis:** Without a doubt. I spent many years in various specialist positions, including a tactical team, but other than that I very seldom ever had my gun out of the holster. But I passed the training every year, and I take it religiously, knowing that some day the situation might arise, even at my rank, where I have to take action. I'm very confident that the training I've had still provides me with the ability to do that to this day.

**Mr. Joe Comartin:** You don't see yourself as a risk to the general community.

**Mr. Chris D. Lewis:** No. My wife might testify differently.

**Mr. Joe Comartin:** Deputy Commissioner, the concern I have, which is shared by other members and by the border service agents,

is that it's taking an awfully long time to implement this decision. One of the explanations we're given is that there are limited services available to do the training.

Do you know if the OPP has been approached to be one of the trainers to provide that service, either through the college or in some other fashion? Whether you have or have not been approached, would the OPP be available to provide that service on contract to the federal government?

**Mr. Chris D. Lewis:** I don't know if we've been approached, sir. I could find that out. I strongly suspect we would be available to provide that service under some contract. We have provided it to other police agencies, like first nations police services in Ontario. It's totally within our capability to help do that.

**Mr. Joe Comartin:** Those are all my questions, Mr. Chair.

Thank you.

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

Mr. MacKenzie.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Mr. Chair.

Thank you for being here, Deputy. It's a pleasure to see you once again.

There's been a lot of focus on firearms training, and that it's all about shooting firearms. Can you explain a little more about it? Perhaps you can tell us about shoot/don't shoot scenarios and more about not shooting and taking some other action.

**Mr. Chris D. Lewis:** Certainly.

Those other pieces of use-of-force equipment—the baton, the handcuffs, just your fists or hands or feet—are all precursors, hopefully, to a firearms shoot/don't shoot situation. At times you go from nothing to a shoot situation, and nothing in between is even possible.

Through all that training, in doing those scenarios, you are faced with progressively different scenarios where potentially you can take control of someone with your hands and handcuff them and not have to draw another weapon, to ones where you may have to actually draw the baton and at least show it. That may deter further confrontation, and then you can take physical control with your hands. It then goes onward and upward to where perhaps even putting your hand on your firearm or drawing your firearm may be enough to cause the person to acquiesce right at that point, right up until you actually have to shoot.

Through all those scenarios you're faced with all those different situations and are monitored to see whether you overreact or react accordingly to the degree of aggression you are facing. Perhaps just taking cover and getting the car between you and the suspect is enough, and you don't have to do any more than talk.



In all those scenarios that you go through, you're watched and scored very carefully so that you're acting appropriately, right up until the shoot/don't shoot situations where you may even be faced with multiple targets—some armed, some not armed—and where you actually have to take action against specific targets and not others. For example, there's a hostage-taker diagram type of target, where you have to shoot the hostage-taker and not the hostage, or a target will pop up and it will be a kid holding a camera or somebody with a shopping bag, and the next one will be somebody with a shotgun. You get that over and over again, so you really have to assess the appropriate level of force, never using more than what is reasonably necessary and acting accordingly.

**Mr. Dave MacKenzie:** I think Mr. Cullen has expressed more than once his concern about a busy border crossing plaza with a lot of people around. He suggests that part of the solution would be to have an armed police officer there. We would still have someone there with a firearm, whether it was a well-trained CBSA officer or a well-trained police officer.

**Mr. Chris D. Lewis:** That's correct.

• (1150)

**Mr. Dave MacKenzie:** As you have explained, it wouldn't change the fact that it still may be a crowded spot, as is the city of Toronto, where there are armed police officers.

**Mr. Chris D. Lewis:** That's correct, sir.

**Mr. Dave MacKenzie:** And I would just go a little bit further and say that the people who transfer large sums of money—private firms, from the college—are armed.

**Mr. Chris D. Lewis:** Yes, they are.

**Mr. Dave MacKenzie:** And they're in large cities where there are a lot of people.

**Mr. Chris D. Lewis:** They are in malls, changing money at ATM machines, etc.

**Mr. Dave MacKenzie:** So it's not a big stretch to expect that our people at the border, who are there to interdict drugs and guns and illegal individuals, could reasonably expect to be armed.

**Mr. Chris D. Lewis:** That's correct.

**Mr. Dave MacKenzie:** There are two things I would like to address. You did deal with the CBSA people at Cornwall, in that task force? Those officers were trained to a certain level in the use of force, but not firearms?

**Mr. Chris D. Lewis:** That's correct.

**Mr. Dave MacKenzie:** When we're talking about the 44 hours for firearms training, they already have had use-of-force training, but not firearms training. Is that fair enough?

**Mr. Chris D. Lewis:** That's right. They're trained in a variety of things, from observation skills to profiling individuals in vehicles, as well as in some kind of hand-to-hand types of arrest techniques, etc.

**Mr. Dave MacKenzie:** And it's to the level that we would expect well-trained police officers would be trained.

**Mr. Chris D. Lewis:** I couldn't testify as to what the level is, sir, but it's certainly to some acceptable level, yes.

**Mr. Dave MacKenzie:** Thank you.

**The Chair:** I have four more questioners on my list.

Ms. Barnes for five minutes, please.

**Hon. Sue Barnes (London West, Lib.):** Thank you very much. We welcome your testimony. I know we were expecting other witnesses to join you at the table, so I'm glad you could make it, sir.

How many border crossings are the OPP responsible for currently? I know municipal police forces actually fill in that role at a number.

**Mr. Chris D. Lewis:** In eastern Ontario, we have Prescott and Lansdowne. Cornwall, of course, is actually the responsibility of the City of Cornwall, but whenever anything significant really happens at the port of Cornwall, the OPP are there as well. The Cornwall police are not that large an organization, so we go in and help. In fact, last night there was a bomb scare at the Cornwall port of entry, and the OPP, the Cornwall police, and the RCMP were all there, just twelve hours ago or so.

But specifically, in eastern Ontario, we have Lansdowne and Prescott. Then as we move across Ontario, they're all in either municipal or regional police service areas, right across through to Niagara, Windsor, and Sarnia, etc., save and except for the odd ferries that cross, which are under OPP jurisdiction. I believe there are two of those, so we're up to four.

Across the north, Sault Ste. Marie's is under the city police service. In the far north, I think we have one at Fort Frances that the OPP is responsible for, so that's five. And I'm not sure, but there may be one other one specifically in northwestern Ontario.

So the total is about five or six.

**Hon. Sue Barnes:** Actually, I was hoping to talk to the municipal police forces because they are at the busy ones, like Niagara, Fort Erie, and Windsor. Response time was the issue. I know you alluded to it in your opening remarks. Has response time to the border crossings been a problem for the OPP?

**Mr. Chris D. Lewis:** It has been. At any given time within the OPP or any police service—more so the OPP just because of the breadth of area that we provide policing service to—we're not always where we need to be at the right time, unfortunately. We're dealing with something in one community and something happens in the other. So response times are always an issue for us. That's reality.

But even in a city like Windsor, where there's a very big police service, you would think without a doubt that they could always be there within minutes. I dare say that there will be times when their officers are all tied up doing something right at that moment in time, and it may take several minutes for them to get there. If someone is faced with a violent individual with a knife or, God forbid, a gun or whatever, that seven minutes or five minutes or three minutes of response time can be deadly.

**Hon. Sue Barnes:** One of the themes of a report from the Senate, the other place, talked about the difference in cultures. What this government decision has done is a switch in culture—and these are not my thoughts; I'm attributing them to their source.

As a police officer, as an OPP officer or a municipal police officer, you're an enforcement person 100% of the time, and there's a culture around that. Your sensitivities, your instincts, and your training are focused in that direction. Is that a fair statement?

● (1155)

**Mr. Chris D. Lewis:** It's a fair statement to varying degrees, depending on where you're actually policing and the type of area. It would be more so on the streets of Toronto than it potentially would be in rural Ontario. Certainly there is a culture that develops, and there's a mindset of being very cautious and being very observant. That is something that is a very self-preserving type of mindset, for obvious reasons.

**Hon. Sue Barnes:** When we have armed border guards, they are obviously going to have to be in this enforcement culture all the time, yet right now a lot of their roles are not enforcement. They are enforcement in different manners, like revenue collection or immigration screening as a primary before sending over to secondary. They protect the border. They facilitate traveller flow and goods flow. A lot of it is commercial. There is enforcement of over seventy different pieces of legislation, but they're not all security-related. Do you understand what I'm asking you? You have a border agency right now that does many different tasks that are not enforcement culture tasks in the way that those of a person operating in a police force would be. Is that something you could agree with?

**Mr. Chris D. Lewis:** In part I could, without a doubt.

I just came back from the Dominican the night before last, and coming through Toronto airport, I dealt with CBSA folks who were in the building just looking at luggage in a very controlled environment, where people had gone through metal detectors, etc. Even though they're very observant, they're going to be very cautious from all kinds of perspectives, including personal safety, but probably less so than someone sitting at a booth in Cornwall, where people are coming across and are maybe carrying kilos of coke and have the potential of being armed, are trying to escape, etc.

There may be different mindsets, but I think all those who are sitting on a line at Windsor–Detroit, Cornwall, etc., must have that enforcement mindset and that caution mindset. They would have to be always very cautious of what the next person who comes to that line is up to.

**Hon. Sue Barnes:** A lot of people think a customs officer spends their whole shift on the front line, in those little booths. That's not really true. There is a rotation around doing different functions, especially at a very busy border crossing point. That's a very contained space, especially in busy time periods with a backup of cars. That potentially is an extremely dangerous setting because of large numbers of people in close proximity.

In that scenario, what would the protocol be if it was a police officer in that booth, looking at a dangerous situation? What would be the primary objectives in a confrontation?

**Mr. Chris D. Lewis:** The primary objectives would be to protect members of the public, number one, and yourself and your fellow officers, number two. It would be just sitting there watching, being observant and looking for potential threats, looking for people who may be smuggling contraband. That's obviously their main role. At the same time, though, whether they're a police officer or a customs

officer, they always have to be very vigilant as to potential threats and potential sources of harm for those people around them and for themselves. Their number one role would be to protect people around them if they're faced with a weapon or something of that nature.

**Hon. Sue Barnes:** It wouldn't be an ideal setting to have to draw your gun, though.

**Mr. Chris D. Lewis:** Really, ma'am, if there are people around us, it's never an ideal setting, but largely, in any municipal or OPP jurisdiction, there are other people around when you have to do it. As Mr. MacKenzie said, situations are very seldom one on one.

**The Chair:** Thank you.

Monsieur Carrier.

[*Translation*]

**Mr. Robert Carrier (Alfred-Pellán, BQ):** Good morning, Mr. Lewis.

I'm not a security specialist. In fact, I'm replacing someone. However, the citizens and voters that I represent tell me about their concerns.

The regulations currently under study are a bit disturbing, in view of the fact that we're talking about arming border services officers. We obviously feel that they need to receive training.

Earlier, in response to questions by my colleague, you clearly described all the training that your police officers must undergo, not only with regard to the arming here in question, but also on the appropriate way to react when not using weapons.

The training that would be required for border services officers would be quite elaborate. These people are not hired for their skills as police officers or specialists in the field.

How do you think you'll train them adequately when they are simply border services officers? Are you considering a possible success rate, such as 50 percent of officers who meet requirements?

● (1200)

[*English*]

**Mr. Chris D. Lewis:** It's a very valid question, sir, but I'd only be guessing about the percentage of how many would or would not pass. Certainly our benefit in policing is that we give them that training at the front end and then continue it throughout their career, on a regular basis annually.

To take people who are 20- or 25-year border service security folks and train them would be a bit of a challenge at that front end. I would only assume—and it's a guess on my part—that more would be unsuccessful when compared to the younger officers we select and train to be police officers.

There may be issues from a labour perspective. If some of them don't pass, what do you do with these people? You can't give them guns if they don't successfully meet the criteria you establish. As was said earlier, maybe it would be the Canada Border Services Agency's decision on how to deal with that, but they obviously have other functions into which they could put people.

We have taken firearms away from our own officers at times because they have not passed the training, and we have assigned them to roles in which they did not need a firearm. They worked behind a desk in an office. And there are many different roles in policing as well in which you don't necessarily need a firearm, as is the case in CBSA work.

We train all of our people, because in the event that we have to deploy them somewhere, into a situation they normally might not be in, they can put their guns on and are properly trained. That's why we do it. But we certainly have some we won't give guns to, and we put them in desk jobs where they will never have to use a gun.

[Translation]

**Mr. Robert Carrier:** You also mentioned that the presence of a police officer had a deterrent effect or prevented the commission of an offence.

I wonder whether it should be obvious that officers are armed in order to do their job and trained for that purpose. People who didn't realize that might be taken by surprise. Would it be preferable to make it very clear that the officer is armed and can react? Do you think that should be clearly posted so that the public is informed of the fact?

[English]

**Mr. Chris D. Lewis:** I'd really have to give that some thought. I can see pros and cons to it.

Even in policing, we have many officers who are not carrying guns on the outside of their clothing. Their guns are hidden. Undercover officers carry guns, and if faced with a dangerous situation in which they have to show the gun and take action with the gun—whether they actually have to fire it or not—they very quickly identify themselves as police. They have set things they yell out, like, “Police, don't move”, etc. They're specific commands so that people will know they're dealing with police officers.

I'm assuming it would have to be similar. I don't think it would take very long for the world to know, when pulled up to the customs booth, that the person in there was carrying a gun. In some circumstances, visitors from foreign countries might not expect that, but I think that would be more surprising. But if the visitor took aggressive action, they'd know fairly quickly. I think that's what would dictate the ultimate end result: how an officer handled that at the time and whether they made the appropriate notifications and went through the proper progressive steps of the use of force before they actually fired the gun.

[Translation]

**Mr. Robert Carrier:** In order to prevent unfortunate incidents stemming from the fact that people might not know that officers are armed, do you suggest that we post this information at the entrance to customs posts, that is to say that officers are armed and ready to react in any circumstance?

[English]

**Mr. Chris D. Lewis:** I'm a little confused by the potential for accidents. If a customs officer is ultimately going to pull the firearm, the other person has to have done something. A CBSA officer pulling out the gun for no reason is an issue you'd have to deal with through legislation or disciplinary procedures or whatever.

I don't know what the expense would be to post it. I don't really see the need, personally. If it's affordable, then I guess it's a potential good step. I don't know. I think there would have to be some thought to that. It's tough for me to answer that off the top of my head.

• (1205)

**The Chair:** Thank you.

We'll go over to the government side now.

Mr. Norlock, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much.

Welcome, Deputy Commissioner.

I'm just going to fire off a bunch of quick questions.

At one point in my career I was a bean counter. I'm going to ask you some bean-counting questions, because the beans we're dealing with here are big numbers.

At the beginning you mentioned the average of about 49 hours to train a police officer in the proficient use of his or her firearm.

I note in the province of Ontario that we have other law enforcement agencies that carry firearms, such as the MNR. I also know that the Province of Ontario, in particular the OPP, does contract work for other municipalities. If I recall correctly, most of the models and training have a cost accounted to them. For example, we know how much it costs for block training, which I believe is still four days a year, part of which is firearms training.

Do you have any numbers to indicate the cost of the firearms officer's personnel safety component of the training module, whether that be in the beginning of an officer's career or the block training?

**Mr. Chris D. Lewis:** No, sir, I do not. Once again, I could acquire that for you.

If you counted person-days, I suppose you could do some quick math. With respect to the four days a year, I think only one day of that is firearms.

I think it's important to note as well that the 49 hours the OPP get isn't totally for the use of sidearms. It is also for long rifles and shotguns. It's 16 hours more than most municipal departments train their people. Many municipal departments only get the training at the Ontario Police College. The OPP bring them back for the additional 16 hours. They don't necessarily get that in other departments.

So what is the bare minimum you would have to give a CBSA officer? If they're only issued sidearms and they don't necessarily have to have those other hours, then I think it would be fairly easy to cost in terms of the number of rounds fired, hours spent, and how many instructors are involved.

**Mr. Rick Norlock:** Would it be fair to say that with the firearms training provided by the RCMP you'd be comfortable having the people under your command work side by side with RCMP officers?

**Mr. Chris D. Lewis:** Yes, I would be very comfortable.

There would have to be an agreed upon training standard, which would really become the guide for reaching the ultimate training goals. It would be something they could put together as a group and then go forward and deliver it.

The training and score they receive would become a part of that CBSA staff member's personal file. That becomes really legendary in terms of the rest of their career. That would always be on their file.

Although the OPP and RCMP firearms officers have different weapons, which results in different training, I imagine there are a lot of similarities. They certainly could agree upon what is best for CBSA, particularly the types of scenarios they might be faced with.

We don't do scenarios where someone who is policing in a booth is faced with a firearm. You would have to create scenarios in the training that are specific to the duties of the CBSA officers. That could be worked on very well with the expertise of both agencies.

• (1210)

**Mr. Rick Norlock:** So what you're talking about is basically customized training to meet the individual needs of the parties requesting such training.

**Mr. Chris D. Lewis:** That's right.

**Mr. Rick Norlock:** Okay.

Since we're dealing with the OPP, this question is for the OPP and you personally. Would you agree with me that police agencies would be the first organizations or people to object to persons who are not properly trained—within accepted standards of the day—carrying firearms?

**Mr. Chris D. Lewis:** I would agree. They would have to be properly trained.

**Mr. Rick Norlock:** If you were to attend this body, as you did today... You did mention in your preamble or at the beginning that you felt that the arming of Canadian border services people would be an appropriate route to take, given today's realities. Would you predicate that upon proper training?

**Mr. Chris D. Lewis:** Yes, sir.

**Mr. Rick Norlock:** If the RCMP were to commit to the Government of Canada and to the CBSA to enter into an agreement to train border services personnel within accepted training standards in Canada and indeed North America, you would feel comfortable with that assurance given by the RCMP?

**Mr. Chris D. Lewis:** Yes, sir, very much so.

**Mr. Rick Norlock:** And you would be comfortable being able to provide the Government of Canada with an opportunity to allow the

OPP or any other police force in Canada to enter into training jointly with the RCMP, to work on those standards of training?

**Mr. Chris D. Lewis:** It wouldn't necessarily be any police force in Canada, but certainly most of the large police departments, yes, and many small ones. I'm not trying to pick on the small ones, but some police departments are a little more advanced than others in terms of training. So I would be a little more cautious on who, but once there was an agreed-upon training standard, with approved instructors, that could be done.

**Mr. Rick Norlock:** Just so that I and others can understand, I'd like to go back to the psychological training. Would it be correct to say that the psychological testing we're referring to is done before the recruit or the candidate is hired?

**Mr. Chris D. Lewis:** That's right. They have to pass that before we actually accept them into the organization. We conduct subsequent psychological tests depending on whether they're in a specialized function, such as undercover work, canine, tactical teams, etc. Other than that, the average uniformed police officer in the OPP receives the testing only prior to being hired.

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

**The Chair:** Thank you.

Before we go to Mr. Hawn, I would like to ask a brief question.

I'm wondering if the OPP has had any experience with Canadian border service guards having to withdraw from their posts because they were informed that someone from the U.S. was approaching who was dangerous, probably armed.

Have you had any experience, sir, with that kind of situation, or are you aware of it? If so, what was done in that situation? If you haven't experienced it, or you're not aware of it, what would you have done if you had been informed that these border guards had to withdraw and you had to go and take over?

In other words, what would be an on-the-ground example of what you would do?

**Mr. Chris D. Lewis:** I personally haven't been involved in that. I've heard that this has occurred, but I couldn't even state where. I believe it happened in Cornwall at least once or twice, but I couldn't state that for certain.

If as a police officer I were called to that event, I certainly would not start conducting the activities or the operations of the Canada Border Services Agency officer. It would be more to secure the scene and to protect anyone from any target or suspect who may arrive. Traffic would come to a standstill, in all likelihood. We would investigate and try to figure out what had happened and what we needed to do to mitigate the situation and get the CBSA people back out on the line to do their jobs and get traffic moving again. We certainly wouldn't start doing their work. We're not trained to do that.

**The Chair:** Thank you.

Mr. Hawn.

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

Welcome, Deputy Commissioner. Thank you for being here.

I'd like to follow up on the enforcement culture that Ms. Barnes talked about. Is it fair to say that there are two sides to enforcement culture—that is, the side felt by the officer and the side felt by the public?

•(1215)

**Mr. Chris D. Lewis:** Oh, I would imagine, yes.

**Mr. Laurie Hawn:** We've all encountered police officers and we've all encountered customs people. I think it's fair to say, and you can agree or not, that people are encouraged to look upon police officers as their friend, not just as the local enforcer.

**Mr. Chris D. Lewis:** Certainly you'd like to think most police officers like to have that type of relationship with the public.

**Mr. Laurie Hawn:** And last, as an individual—and we can all relate. I'll suggest I've never gone to a customs border guy or gal and said, there's my friend; they're going to help me. Is that a fair statement?

**Mr. Chris D. Lewis:** In fairness, I have some personal friends I've met over the years, but I've also gone through and dealt with the nicest, friendliest people in the world, and I certainly have dealt with others who weren't. I'm sure the same holds true for some police officers.

**Mr. Laurie Hawn:** Absolutely, and there's no question about that.

But to suggest there's a lack of enforcement culture between the public and the CBSA, I don't think is an accurate statement.

**Mr. Chris D. Lewis:** I don't think so. I think there's a pretty strong enforcement culture.

**Mr. Laurie Hawn:** No. There's a pretty strong enforcement culture.

I have another question from Mr. Carrier. Concerning the question about success rate, obviously we don't know what the success rate will be in a new program like this where you're starting with a mature organization and starting a new program. In your personal view, are legitimate questions about what the ultimate success rate would be at the start of a program like this, due to age or other factors, reasons in themselves not to start the program?

**Mr. Chris D. Lewis:** I don't believe so, no.

**Mr. Laurie Hawn:** You mentioned that the OPP has 6,000 in uniform and 2,000 civilians. Is there an establishment for the OPP? Are you at the establishment? Are you fully staffed?

**Mr. Chris D. Lewis:** We're never fully staffed. Just through attrition, we are always in recruiting mode. At any given time, we hire at least a couple of hundred recruits a year.

**Mr. Laurie Hawn:** Do the 6,000 uniforms you have match the establishment, or are you always playing catch-up?

**Mr. Chris D. Lewis:** We're always playing catch-up. Particularly in recent years, there have been a lot of retirements because of the hiring glut of 30 years ago, etc., so we're into more retirements right now than we had been. It's tough to keep up the recruiting to match that attrition.

**Mr. Laurie Hawn:** Is there any increase in establishment, and therefore staffing, that is intended to correspond to or keep pace with the increase in general population or demographic shifts in the population?

**Mr. Chris D. Lewis:** For sure. We analyze statistics constantly in terms of the number of calls per officer, the number of hours they spend on those calls, and those are built into the individual contracts with the municipalities.

At any given time, we can say the workload has increased  $x$ , so we have to hire  $x$  more officers to meet that workload in the new contract. And sometimes you're playing catch-up with that too.

**Mr. Laurie Hawn:** So have you been able to recruit, train, and retain to match that?

**Mr. Chris D. Lewis:** Generally speaking, we have, sir, but it has become more and more challenging all across Canada in recent years.

**Mr. Laurie Hawn:** So is it safe to say that with that kind of a challenge, the issue of response times and distances in response to a border situation could become more problematic as the population grows, and so on?

**Mr. Chris D. Lewis:** It could be, but not greatly. I think we generally keep pace with our workload.

**Mr. Laurie Hawn:** Okay.

Arms smugglers are obviously armed, it goes without saying. In your experience—and maybe it's just anecdotal, but I'm looking for a number. I know you probably can't give me one, but other types of smugglers, whether it's cigarettes or booze or whatever, are they typically armed or unarmed?

**Mr. Chris D. Lewis:** They're quite often armed, particularly with high-priced loads like narcotics. They are not necessarily armed. You never really know. They're not necessarily armed to fight off law enforcement agencies. They're often armed to fight their competition.

For example, and it's tough to equate people who are selling drugs out of houses to smugglers, but I think while executing narcotics warrants, we have seen a rise to an alarming level in the number of firearms. And it is mostly protecting themselves against other drug dealers and the competitiveness in those turf wars, but they're there constantly.

**Mr. Laurie Hawn:** If they were confronted with an armed CBSA agent, would they be more or less likely to draw their firearm?

**Mr. Chris D. Lewis:** That probably varies, depending on the individual and their history and their mental state, etc. There are no hard and fast rules.

I think the average sane person is less likely to take aggressive action against someone who is armed than they are if someone is not armed.

For example, over the years, as I've travelled unarmed at times, in a suit and tie, and I've had to stop someone for reckless driving, I get a whole different feeling from the person I'm dealing with than if I were standing there with my uniform and my gun on. They want to challenge you much, much more because they suspect you're not armed because you're in a suit and tie.

• (1220)

**Mr. Laurie Hawn:** This is my last question. In your opinion, are the borders and the public at the borders or in the vicinity of the borders, the communities around them, going to be more or less safe with CBSA's being armed?

**Mr. Chris D. Lewis:** I think, number one, the officers will be safer. I think if the officers are safer, they're better equipped to ultimately protect public safety there. If someone pulls out a gun at a border crossing now, and there are five lines of traffic and there is not a single gun among CBSA people, the potential for any member of the public as well as for the CBSA people to get hurt is very great. If they can mitigate that circumstance by pulling a gun or exhibiting a firearm, or potentially just letting people know it's there and not pulling the gun in an aggressive manner, then public safety has been improved.

**Mr. Laurie Hawn:** Thank you very much. That's all I have.

**The Chair:** Ms. Barnes, you had some follow-up questions?

**Hon. Sue Barnes:** Yes, thank you.

I just want to reiterate again that I was speaking of a Senate report, and I hope Mr. Hawn noted that.

To me, arming border guards is a serious issue. It's not about who is friendlier. It's a serious piece of work here that we're trying to do.

**Mr. Laurie Hawn:** But that's a serious perception. It's part of a serious issue. It's a very relevant question.

**Hon. Sue Barnes:** I think it's my time. Thank you.

I did want to ask you about the storage of firearms by off-duty officers, because we've had conflicting evidence in prior hearings. I was wondering what the protocol is for the OPP. Do officers take their guns home? What's your protocol? I'm just looking for informational pieces. I'm sure it has to be consistent and strict, and you must have a protocol. Does this, to your knowledge, vary with different municipal officers? As I understand it, the protocol for arming border guards has not yet been divulged to us.

**Mr. Chris D. Lewis:** Our policy is that you will store your firearm at work in an approved storage facility. Our detachments have them, and they're inspected. They have specific areas where they can safely unload the weapon—they're trained how to do that—and store it in a safe manner.

Some officers do bring their firearms home. That's only with written permission by the Commissioner of the OPP. That is in the case of specialists who don't necessarily go to the office all the time—some investigators, undercover people, etc. Because I travel a lot and I'm not always going to the office, at times I have my firearm at home. I keep it locked up. I have a specific locked container in the trunk of my car that's cabled into the trunk, etc. It's very safe. But those who do bring their weapon home specifically have to make sure it's stored safely, as does any other member of the public, in accordance with the Criminal Code of Canada.

**Hon. Sue Barnes:** But your evidence is that the majority of officers are storing their weapons in off-duty hours at the facility of work.

**Mr. Chris D. Lewis:** Yes.

**Hon. Sue Barnes:** I think it would go without saying, but I'd like you to confirm it anyway, that this must be a very secure facility that you would have for storage.

**Mr. Chris D. Lewis:** Yes.

**Hon. Sue Barnes:** Do you know if there are secure enough facilities on-site at border crossings right now to safely store firearms?

**Mr. Chris D. Lewis:** I don't know. I would assume maybe some buildings are better than others, but you can buy commercially or have designed lockers in which individuals can lock their firearms up, which are secure.

**Hon. Sue Barnes:** In your opinion, would this be an extra cost to getting facilities ready if we were arming at all of our border points?

**Mr. Chris D. Lewis:** I would assume that yes, it would be.

**Hon. Sue Barnes:** I will leave it at that.

Thank you very much.

**The Chair:** Our final questioner is Mr. Lauzon.

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Thank you very much, Mr. Chair.

Thank you very much for being here, Deputy Commissioner Lewis.

I can maybe add some personal touch to the conversation, because I represent the riding in which Cornwall is situated. I should start by thanking you for the good work that you performed while you were there, as well as for what IBET is doing currently.

Just for the benefit of the other members, I must tell you that, boy, this smuggling situation is a really serious problem. Everyone knows where Cornwall is, unfortunately, because of this terrible situation that we have there.

I was thinking, when Ms. Barnes mentioned a secure place to store these firearms, that I believe we have the only customs building that is bulletproof. The customs building on Cornwall Island is actually bulletproof, so that you can't fire bullets. When I speak about my riding, my situation, one of the best reasons for arming border guards—and I'm going to give you a few—is that everyone is intimidated, everybody in our city is intimidated, by these smugglers; the border guards are intimidated and the smugglers know that. They know that, and they let the border guards know that they have weapons, because the border guards don't have anything. To my mind, that's the best reason for arming the border guards.

It was in Cornwall where somebody ran the border on the American side, the police had been chasing them, so they phoned over to the Canadian border patrol and said, listen, you've got this crew coming through with machine guns, you'd better do something about that. Our border guards had pepper spray. Really, that's what they had. So what did they do? Obviously, they did the right thing; they left, thank God. I don't know if these people were ever apprehended.

The other thing is, when you mention the police chases in the cities, I got a call from a constituent trying to resolve the problem because he had a bullet hole through his picture window because of this very thing, a chase. He said, I've got an 8- and a 10-year-old daughter, and both daughters were playing in the living room probably two hours before that. So those are the kinds of things we live day to day.

Of course, the border guards and their wives come into my office and say, "You have to do something. I was just down at the Royal Bank, and Pinkerton's were down at the Royal Bank, and they'd been at Wal-Mart and picked up the cash that was there, and they had sidearms. My husband is dealing with crooks and he's not allowed to have a sidearm." So I think there's a lot of things.

Can you see any reason, Deputy Commissioner—and you've lived the experience for two years, so I think you understand, probably better than anyone at these tables—why we wouldn't arm a border guard? I'm talking about the Cornwall border crossing, as an example, having lived that experience for two years.

• (1225)

**Mr. Chris D. Lewis:** Only if the officers couldn't pass the training. Personally, I can't see any other reason. If they can be trained and equipped adequately, then I cannot see a reason not to.

**Mr. Guy Lauzon:** Okay. I'm convinced that when we get through the process and these people are properly armed, our smuggling is not going to go away, but I feel we are going to reduce our problem significantly. Would you agree with that?

**Mr. Chris D. Lewis:** I would agree with that, yes.

**Mr. Guy Lauzon:** As a matter of fact, our whole community is really behind this, Mr. Chair, 100%, so I would encourage everyone to support this move. And I'm sure the other communities must face the same problems.

Thank you very much.

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

Do you have any brief comments before we suspend for a moment?

**Mr. Chris D. Lewis:** No, I don't, sir. I certainly am quite willing to get some of this information back to you. I might have to deal with the clerk to make sure I've got the right information you require, and I'll get it back to you through the clerk. I assume we're—

**The Chair:** I think some of the information that was requested here was actually supplied in a previous meeting, but if you have any other additional information, you can supply it. I know some of our witnesses were asking for things that were told to us previously, but go ahead and give us any other information you think would be helpful.

**Mr. Rick Norlock:** Mr. Chair, I don't know if the OPP provided the information I requested, which would be the cost to train per officer.

• (1230)

**The Chair:** No, I'm not referring to that.

**Mr. Rick Norlock:** Okay. I'm hoping we can be provided with that.

**The Chair:** Yes, that would be extremely valuable, absolutely.

Okay, thank you very much, sir.

We will suspend this meeting for a brief moment and reconvene to deal with some of the other issues. Thank you.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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**The Chair:** Let's reconvene here.

I was given a notice of motion from Mr. Comartin, but while Mr. Comartin is coming to the table, I'll let you know that we have a couple of other things we can discuss, since we have a little bit of time here. Hopefully we don't have to go right until one o'clock.

We have proposed a budget for Bill C-286. You will have it front of you in a minute. If you have a problem with it, let me know. Let's think about it. We can approve that in just a matter of a few seconds, I believe. And we have had the analysts here suggest some additional witnesses for Bill C-286. When do you want to discuss those additional witnesses?

**Mr. Dave MacKenzie:** Mr. Chair, I think it's fair to say from the government side that we are trying to develop something with respect to Bill C-286, and that at this point we may be wise to not proceed, to not use the committee's time or bring witnesses in. We haven't been able to bring that to fruition as quickly as we would have liked.

I would suggest at this point that we might be wise to just hold Bill C-286 in abeyance.

**The Chair:** We're not in camera, so I'm not going to proceed with this discussion much further. But do the rest of you tend to agree that we should suspend or not deal with Bill C-286? We're still going to have Mr. Blaney come. Would we—

**Hon. Sue Barnes:** Bill C-286 is the witness protection that we've already agreed to?

**The Chair:** Yes. But some people had concerns about what's happening.

**Hon. Sue Barnes:** So this is the royal prerogative problem?

**Mr. Dave MacKenzie:** It's partly that, but there are some other issues that we think we can resolve with the sponsor of the bill and take care of the issues here in a different way. It's a private member's bill, from one of the government members and—

**The Chair:** Are you suggesting that next Tuesday we not proceed?

**Mr. Dave MacKenzie:** I would suggest that, yes.

**The Chair:** Okay. Does the committee agree to that?

**Hon. Sue Barnes:** I have no problems with not dealing with Bill C-286.

**The Chair:** We have a deadline, but it's not until March 22, so—

**Hon. Sue Barnes:** Okay. I will just raise my concern. I do not think we should deal with Bill C-286 until we have a royal prerogative.

**Mr. Dave MacKenzie:** And I apologize to the committee, because we thought we were on the way to another solution to it.

**The Chair:** Okay.

• (1235)

**Hon. Sue Barnes:** This is not necessary at this point, right? Withdraw it?

**The Chair:** Yes. So we don't have anything on our agenda for Tuesday or Thursday yet.

**Hon. Roy Cullen:** Before we started this study on the arming of Canada Border Services Agency officers.... I don't really know what the plan was, but it seems to me that before we wrap up this study we should have the minister here, Stockwell Day, because this was a political decision and it's the minister who is ultimately going to be accountable.

I think Tuesday's probably a little short notice, but I think we should get the minister here before we wrap up this study. That's my view.

**The Chair:** Okay. Well, we don't have anything on our agenda for Tuesday, so I'll see if maybe we can have a planning session Tuesday for half an hour or an hour. Instead of having witnesses, should we do that?

**Hon. Sue Barnes:** That's fine with me, but—

**The Chair:** Or should we wait till Thursday to do that?

**Hon. Roy Cullen:** Why don't we do that Tuesday? Obviously, we can't get the minister for Tuesday, so—

**Hon. Sue Barnes:** Why don't we have a meeting on future business on Tuesday?

**The Chair:** Okay, let's have a meeting on future business on Tuesday at 11 o'clock, for half an hour or however long we need. That's what we'll do Tuesday, and take it from there.

Do you have the budget in front of you? Oh, of course, we'll deal with that Tuesday.

Mr. Comartin, the floor is yours.

**Mr. Joe Comartin:** Thank you, Mr. Chair.

**The Chair:** Would you like to do this in public or in camera?

**Mr. Joe Comartin:** No, in public.

Mr. Chair, I think everybody has the motion in front of them. I think we're pretty well all fairly knowledgeable on the issue, the incidents that we're addressing in this motion, so I will try to be as brief as possible.

Essentially, what the motion asks is that the government pay serious attention to the three detainees in Kingston who are there subject to security certificates and who are on a hunger strike. In one case, we're into 70 or 75 days; the other two, somewhat shorter.

Mr. Chair, what the motion really attempts to do is to get the government to bring the office of the correctional inspector in, which is there as a standard position to deal with complaints from all other inmates in our federal institutions. Because these three individuals are there subject to security certificates and are in fact there under a very specific mandate, the corrections investigator has not been allowed access to them.

The information we have is that the office is prepared to be involved, but they have to be directed to do so by the Minister of Public Security because it is beyond their normal mandate because of the nature by which the three detainees are incarcerated in the institution.

It's my understanding further, Mr. Chair, that simply by the minister's allowing the investigator to undertake an investigation, the three individuals would then, feeling that they will get some justice in their complaints, stop the hunger strike. All three of them are in seriously failing health.

In that regard, I want the committee to be aware that a similar motion was put forward at the citizenship and immigration committee and passed, but it was significantly amended to give the investigator specific issues to address. I'm not asking for that in this committee. The real purpose behind this is that because security certificates are within the scope of this committee's responsibility, we should be putting forward what our position is with regard to the manner in which these three men are being detained and what should be done to address the crisis.

I and my party feel it's important that we pass that message on to both the House and to the minister.

I'm moving that motion. I understand we have fairly widespread support, but I did want the committee to be aware that it also has been addressed at another committee that has some responsibility for this area.

• (1240)

**The Chair:** What did that committee do, if I may ask?

**Mr. Joe Comartin:** The citizenship and immigration committee passed that resolution and it passed it on to Parliament. I assume it'll be reported or tabled either today or in the early part of next week.

I would ask that we do the same.

**The Chair:** Okay, thank you.

Mr. Cullen, do you have some remarks?

**Hon. Roy Cullen:** Thank you.

I'll probably be supporting the motion.

If we go back, it was the Liberal government that decided to move these people being detained under security certificates. Many of them were in provincial institutions, because it was less than two years, but some of them were incarcerated for longer periods than that. I think it was the new government that went about to implement that, to move them to Kingston and set up the operation there.

So I wasn't aware that the Office of the Correctional Investigator did not have that jurisdiction. It seems to me that if they're in a federal penitentiary, they should be covered by that officer.



But what we want to do here, it seems, is end the hunger strikes.

In the last Parliament, there was discussion—I think there might have even been a motion—for members of the committee to actually attend at one of these facilities to witness first-hand what's going on. I think the Minister of Public Safety went to Kingston, but because of legal issues he wasn't able to actually talk to them.

I'll support this motion, because I think that has to be done, but it might be useful to actually go there and make sure that the government has followed through and has put them in a unit, a facility, that is humane and appropriate.

One of the things I would like to see happen—I don't know if it's feasible, but I just throw it on the table—is that if committee members, or some of the committee members, would go, they would go only if the hunger strike was ended. Maybe not make it a precondition in those precise terms; the committee members would like to visit the facility and talk to the detainees, but they cannot do that while they're on a hunger strike. I think the bottom line is to end the hunger strike.

I don't know how quickly the Office of the Correctional Investigator can be given this new mandate, how quickly the government will respond, but it's within the jurisdiction of this committee to decide if we would want to go and visit.

The other part of that, I would suggest, is if there is a will, a desire, within the committee to go and do that, and if they end their hunger strikes, at some point, whether it's before or after, we would like to get a briefing from Public Safety and Emergency Preparedness Canada on these detainees. I know some information cannot be shared because of secrecy, confidentiality, and security aspects, but I know in the subcommittee of this committee in the last Parliament that was looking at Bill C-36, we brought the department to the committee.

There was an alleged Iranian assassin who at that time was being detained under a security certificate. The department actually took the committee through the dossier. Parts were whited out, of course, because it might compromise security sources, but it was as much information as could be legally presented and the amount of information that would come through a Federal Court, and so on.

So I throw that on the table. Certainly I'll support this motion, but the bottom line is to end the hunger strike, to make sure they're in a situation that is humane and reasonable in the circumstances, and that the government has followed up on the intent that was set in motion in the previous Parliament.

**The Chair:** Okay, thank you.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** Actually, I have a number of issues. The very first thing is that it is not part of the Kingston penitentiary system. It is a CBSA facility on the land there, and it is operated purely by CBSA. Going back to part of what Mr. Cullen said, it is absolutely true that the construction of the facility was begun under a previous government, for I think the proper reasons. The provincial people didn't feel it was their responsibility to house these people; it was a federal responsibility.

I think the facility itself was built with the proper intentions. I think, Mr. Cullen, you and I and others have described it many times as being like a three-sided cell. The detainees, as you know, are not there as convicted criminals but are there because they pose a threat and a danger to Canada. They've been through the court system that has ruled all of those things to be the case, and that's why they're being detained. They are free to leave.

They have their reasons for believing they should stay here as opposed to going back to their countries of origin. We concur with all of those things that actually occurred in a previous government's time. We think they did the right thing then, and we think it is still the right thing. But there are a number of issues here with the motion at this time. I understand the reason for it and the urgency in Mr. Comartin's mind. Recently an issue, which is part of this, has been brought before the court in Ontario, so we can't discuss the particular issues because it is before the court. But there is that redress.

The Red Cross has access to these folks and has confirmed that they are held in a humane way. It may not be that it is to the liking of the detainees, but it is humane and proper. There is already a grievance redress process that these individuals who are held in the facility can use and have used.

For a variety of issues, we think it is inappropriate to ask somebody to investigate. We think it is outside of their mandate. You can look at it and say that this is a CBSA facility and you think the correctional investigator should be brought in. There are a lot of other CBSA facilities across the country. If we do it for all those situations in which we have those complaints, or just for this situation because of this particular issue that is before us, I think we are setting a very dangerous precedent when they are in the process of using the courts to address those things.

I'm not sure that the attempt here of having the correctional investigator go in and investigate is the solution in the long-term big picture. At this point, certainly we would be opposed to it. It just doesn't fit the proper mandate.

• (1245)

**The Chair:** Thank you, Mr. MacKenzie.

We've got Ms. Barnes next on the list, followed by Mr. Norlock and Monsieur Ménard.

Ms. Barnes, go ahead, please.

**Hon. Sue Barnes:** Thank you very much. I'll be very brief in saying that this resolution has already passed in another committee. The resolution requests that the Government of Canada consider giving a mandate.

I am quite surprised that the parliamentary secretary is even against a consideration of a mandate. I am just saying that's surprising.

I am going to support this resolution. I realize that some might think it's a duplication of an existing process in another committee, but I think there is some area that we need to give consideration to.

I think, Mr. MacKenzie, that considering the ongoing situation in the country, it is worth at least a consideration by the Minister of Public Safety.

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

**Mr. Rick Norlock:** I fully realize the composition of our Parliament. As a democrat, I will always uphold a democratic decision.

I do have a concern, however. In my previous occupation... I know that parties that form the government at one time or another can, and probably do, look upon every issue as setting a precedent. If every person or every prisoner in this country wanted something from somebody, and said the best way to get whatever you wanted was to go on a hunger strike, would we be wrong or right in always acquiescing or trying to make accommodations for individuals or groups of individuals, and change the way we do things specifically because of that situation?

A person's health is a very important thing. We have a responsibility to make sure we provide the necessities of life and take care of people whose freedoms we limit and curtail. It's a personal choice, but I am very worried that we will begin to change the way we do things, change the fundamental way governments operate, and change policies because somebody doesn't agree with something.

It's important to take care of people's health. I think we should afford every Canadian, every person in our custody, equal access or ready access to health professionals so they can guard their health. But I am really concerned that we will begin to change the way we do things. Maybe I am not seeing the whole picture, so I'd like to keep an open mind and listen to other people's points of view.

I know that Mr. Comartin cares very much about people, but to get what I want from somebody, if I put my life in jeopardy, my health in jeopardy, is it right for me to expect people to change the way they do things significantly, change the rules? That's my concern right now.

•(1250)

**The Chair:** Mr. Ménard.

[*Translation*]

**Mr. Serge Ménard:** I got the answer to the question I wanted to ask. That will be all, thank you.

[*English*]

**The Chair:** Okay.

I have a question, Mr. Comartin. In part a. of your resolution you use the words, "open discussion with regard to a resolution". Do you want the minister to discuss with the inmates? What are you referring to—an open discussion between whom?

**Mr. Joe Comartin:** I think Mr. Cullen has already made the point that there are limits on what the minister can do. It would not be him. It's really the second part of it—that the government appoint the correctional investigator to play that traditional role.

I realize we are crossing jurisdictional mandates here. It could just as easily be a retired judge or somebody else of that status, or perhaps the ombudsman in Ontario. I don't really much care who it is. It's just that the correctional investigator is the most logical one in these circumstances.

To answer your question more directly about opening that discussion for a resolution, there are other people who have been acting as intervenors. They may be able to act as brokers, so some of them may be people with whom we should be discussing this.

The real problem we have is that the head of the agency, who should be taking on the process Mr. MacKenzie is speaking about, has almost washed his hands of it. Complaints go in, and there's no response to them other than them being denied. It's in that kind of discussion we're talking about that something meaningful has to go on.

If you were a convicted murderer you would get greater access to your families than these three men. They haven't even had access to their families in six or seven years, and two of them have children. It's that kind of thing that we need some attention paid to.

Let me just say this to Mr. Norlock. Over my career there have been a number of times when I've had to deal with people who felt so compelled to act, including sacrificing their own health by going on hunger strikes. He is very right that every time we confront that we have to ask whether we should be responding to this.

It's not just these three individuals who I care about. I hardly know them, but I care about Canada's reputation. We have to do more in responding to these circumstances. They haven't been charged. They don't know the evidence against them. They're not getting any kind of meaningful legal representation, and what legal representation they've had is cut off from knowing what they're charged with. In circumstances like that, I think the state's responsibility is to bend over backwards to respond to this kind of conduct on their part.

•(1255)

**The Chair:** The reason I ask is if you refer something like this and pass it, the first question they will ask is what you mean by open discussion. Open...is that public?

Mr. MacKenzie.

**Mr. Dave MacKenzie:** I want to respond to one of Mr. Comartin's comments that they haven't had access to their families. I believe in actual fact they have access to their families almost every day. What they don't have are private conjugal visits.

**Mr. Joe Comartin:** They can't hug their children, Mr. MacKenzie; that's the point. This man has a young child. He hasn't touched his child in seven years, since he was a baby.

**The Chair:** I don't know whether people wish to comment, so I guess the next thing is to take a vote on this.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Did you say point of order?

**Mr. Joe Comartin:** Yes. I just want your assurance that this will be prepared by way of a report and will go back to the House as quickly as possible.

**The Chair:** Okay. I think the usual practice is within five days.

**Mr. Joe Comartin:** If we can do it more quickly, I would appreciate it.

**The Chair:** That is duly noted.

This meeting stands adjourned.







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

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