

Policy Name:	CBSA – CANADA AND USA BORDER ENFORCEMENT		
Policy #:	OP 4.8	Last Updated:	2022-04-07
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

OP 4.21 *Extradition Proceedings*

OP 4.36.2 *Police Pursuits*

1. PURPOSE

1.1. To ensure Surrey Police Service (SPS) Members understand their responsibilities relating to Canada and the United States of America (USA) border security and enforcement.

2. SCOPE

2.1. This policy applies to all Members.

3. POLICY

3.1. Members must not commence any investigative activity in a foreign country without the explicit consent of that country, obtained through proper channels (e.g., through the *Mutual Legal Assistance in Criminal Matters Act*).

3.2. The Canada Border Services Agency (CBSA) has a mandate to provide integrated border services that support national security and public safety priorities, while facilitating the free flow of legitimate trade and travel. Members may be called to assist CBSA officials at a point of entry regarding:

- i. Border Runners;
- ii. persons interfering with the flow of legitimate trade and travel (e.g., blockades and protests);
- iii. impaired driving investigations; and
- iv. illegal drugs, substances, and weapons seizures and/or investigations.

3.3. Members must not pursue suspects or wanted persons from Canada, across the Canada-USA border, into the USA.

4. PROCEDURE

4.1. Members may be called for assistance at the following Canada-USA border crossings:

- i. Pacific Highway point of entry on 176 Street, Surrey, B.C.; and
- ii. Peace Arch (Douglas) point of entry on Highway 99, Surrey, B.C.

Border Runners

4.2. Members will assist CBSA for calls regarding Border Runners and be aware of motives which could cause a person to cross the border and not report to CBSA. Motives may include:

- i. attempting to enter Canada illegally;
- ii. attempting to smuggle commodities such as alcohol, tobacco, illegal firearms, illegal drugs and substances; and
- iii. attempting to smuggle other individuals into Canada (e.g., human smuggling, parental abduction).

4.3. When conducting a vehicle stop of a suspected Border Runner, Members must exercise caution and take necessary precautions for officer safety and the preservation of evidence.

4.4. When Members stop a vehicle that they have reasonable grounds to suspect has run a Canadian port of entry, Members have authority under s. 99(1)(f) *Customs Act* to search without warrant, the driver, occupants, and the conveyance (motor vehicle) for evidence to support an offence.

4.5. Members who locate illegal items found during the search of a Border Runner's vehicle may seize the vehicle for contravention of the *Customs Act* and/or impose fines and administrative penalties under the Act.

4.6. Members must report all Border Runner arrests to CBSA for follow up and immigration status verification.

4.7. Members who have arrested a suspected Border Runner must contact a Supervisor.

Pursuits Crossing Border

4.8. If Members are pursuing a suspect who crosses the border into the USA, Members must stop pursuing the suspect(s) at the border and notify the Operational Communications Centre (OCC) Dispatch to contact United States Department of Homeland Security and provide:

- i. reason for the pursuit;
- ii. location that suspect(s) crossed the Canada-USA border; and

- iii. suspect(s) description and vehicle information (see OP 4.36.2 *Police Pursuits*).

Supervisor Responsibilities

- 4.9. Supervisors who have been notified that a Member has apprehended a suspected Border Runner must contact the CBSA Risk Assessment Centre **S. 15**.
- 4.10. Supervisors, in consultation with CBSA officials, must determine whether a suspected Border Runner is to be detained under the *Immigration and Refugee Protection Act* and transported to the Surrey Cell Block, or transported to the Peace Arch (Douglas) Border Crossing and turned over to CBSA officials.

Immigration and Refugee Detainees

- 4.11. A CBSA officer may issue a warrant for the arrest and detention of a permanent resident or foreign national if the officer has reasonable grounds to believe the individual is inadmissible under the *Immigration and Refugee Protection Act*. If an SPS Member arrests an individual with such a warrant, the Member must immediately contact the CBSA.
- 4.12. Immigration and refugee detainees brought to the Surrey Cell Block are not to be fingerprinted unless under the direction of a CBSA Immigration Officer, and are not required during their confinement, to be placed before a Justice, or appear in Criminal Court unless charged with a criminal offence.

Protests / Blockades

- 4.13. Members who have been notified of a protest or blockade at a border crossing point of entry must immediately notify their supervisor.
- 4.14. Field Supervisors who have been informed of a protest or blockade at a border crossing must:
 - i. notify the Duty Officer; and
 - ii. have Members attend the scene and determine the size of crowd, tenor of the protest, and whether any criminal acts are occurring, have occurred, or are likely to occur.
- 4.15. The Duty Officer will notify:
 - i. the Chief Constable through the Chain of Command; and
 - ii. notify the Emergency Operations and Planning Section of the incident (see OP 4.4 *Crowd Management, Protests and Disturbances*; OP 6.2 *Emergency Operations and Planning*).

Impaired Driving Investigations

- 4.16. Members may assist and/or take conduct of investigations where CBSA officials have detained a person suspected of impaired driving at a border point of entry (see OP 4.36.7 *Impaired Driving Investigations*).

Illegal Drugs, Substances and Weapons Offences

4.17. Members who have been called to assist CBSA officials with seizures of illegal drugs and substances and/or weapons will inform their Supervisor, who will consult the applicable Investigative Services Bureau Supervisor regarding appropriate investigative measures.

APPENDIX A: DEFINITIONS

“Border Runner” means a person who has entered Canada and is believed to have committed an offence under s. 11(1) of the *Customs Act*.

“CBSA” means Canada Border Services Agency.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“SPS” means Surrey Police Service.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

APPENDIX B: REFERENCES

Customs Act, R.S.C. 1985, c. 1 (2nd Supp.)

Immigration and Refugee Protection Act, S.C. 2001, c. 27

Mutual Legal Assistance in Criminal Matters Act, R.S.C. 1985, c. 30 (4th Supp.)