

PCMLTFA Level 2 Seizure Example-English

201X-0X-0X [times have been changed]

XXXX-XX-XXXX

SMITH, JOHN [name changed]

Seizing

Pierre Elliott Trudeau International Airport – Traffic [location changed]

XXXXX

EVIDENCE OF:

Border Services Officer: John SMITH

Badge: XXXXX

Date: XXX 0X, 201X

Start/End Time: 1200hrs - 1700 hrs

Location: Pierre Elliott Trudeau International Airport

Notebook: (XXXXXX) pages XX-XX

Officer's Reference Booklet: XXXXXXXX

THIS WITNESS CAN AND WILL SAY:

All times from here on are approximate.

On XXX, XX, 201X, I was working as a uniformed Border Services Officer (BSO) in the International Departures area of the Pierre Elliott Trudeau International Airport administering the Proceeds of Crime, Money Laundering, Terrorist Financing Act (PCMLTFA) and the Customs Act.

At 12:00 (hrs), I was conducting routine currency verifications. During the course of these duties, I intercepted a single male traveller whom I now know to be:

XXXXXXXXX, XXXXX

19XX XX-XX

Canadian passport: XXXXXXXX

I identified myself as a BSO and asked to see XXX's passport and boarding passes. I explained the currency legislation and asked XXX if he had reported that he was in possession of \$10,000.00 Canadian Dollar (CAD) equivalent or more. XXX stated that he hadn't as he only had \$8,000.00 CAD. I asked XXX where the money was from. He stated that he withdrew it from his bank. His voice wavered and he

avoided eye contact when speaking about the money. I asked XXX what his final destination was. He stated he was travelling to ----- for five weeks. I asked the purpose of his trip. XXX stated that he was born in ----- and returns once a year as he enjoys horse racing. I asked XXX if he was bringing the currency for family in -----. He stated that he was not. He appeared to tense when I transitioned from speaking about his trip to speaking about the currency. I asked if he could show the bank withdrawal on his telephone if asked to. XXX stated that he did not have online banking and again avoided eye contact. XXX then stated that he knows the rules about currency as he works at the airport for CATSA. I then selected XXX for a verification of his declaration. BSO YYY assisted with the examination.

I asked XXX to present the currency in his possession. He presented me with currency which contained \$1,500 CAD. I asked where the remaining currency was. XXX then passed me an envelope which contained \$3,000 CAD. I asked XXX where the remaining currency was as he had declared \$8,000 CAD. BSO YYY asked why XXX appeared to be pushing some currency to the bottom of the back pack as he reached within it. XXX stumbled over his words and did not answer the question. BSO YYY then began to examine XXX's bag. BSO YYY passed me a stack of \$100 CAD bills that appeared to be at least \$10,000 CAD. XXX then made a spontaneous admission that he has \$35,000 CAD.

I requested an offload from Supt. ZZZ based on the following grounds:

- XXX was travelling with currency well beyond the reporting threshold;
- XXX had not reported the currency;
- XXX made contradictory statements regarding the amount of currency;
- XXX was continuing to exhibit physical indicators of nervousness;
- XXX made an effort to conceal currency during the examination;
- the total amount of currency had yet to be determined;
- the source of the currency was still unknown;
- XXX was one of the final passengers to board; and,
- the examination was still not completed.

At 12:29, Supt. ZZZ approved the offload. When being escorted to secondary by myself and BSO AAA, XXX stated he withdrew \$8,000 CAD from his chequings account and \$15,000 from his line of credit. He stated that he didn't declare the money because he thought he would be taxed.

At 12:47, BSO AAA, XXX and I arrived in secondary. XXX was acting very nervous. I asked him if the bag belonged to him, if he packed it himself and if he was aware of everything in the bag. He stated yes, but appeared distressed and asked if we would be searching the bag. I told him that we would.

Upon opening the bag, one of the first things that I found was a vape pen. XXX stated that it contained THC. There were also numerous cartridges in the same pocket of the bag which he stated also contained THC. I placed XXX under arrest, informed him of his right to counsel and cautioned him. He stated that he understood. When asked if he wanted to speak to counsel, he did not answer. I asked him if he

understood. He stated that he didn't. I re-explained that it is his right to contact any counsel of his choosing or duty counsel, and explained duty counsel. I asked him if he wished to contact counsel and he stated he would like to contact duty counsel. I then placed XXX in handcuffs and escorted him to the cell area where BSO AAA conducted a frisk for officer safety which was non-resultant.

I reread XXX his arrest, right to counsel and caution verbatim from my Officer Reference Booklet. XXX stated that he understood everything and wished to speak to duty counsel. I then escorted XXX to the lawyer room where BSO AAA removed XXX from handcuffs. I attempted to contact duty counsel multiple times, but the line was busy. I left a message and call back number. I explained to XXX that as he had requested to speak to counsel, I would not be questioning him until they returned the call but I would have him attend secondary with myself and BSO AAA while we completed the baggage examination.

At 13:31, BSO AAA, XXX and I returned to secondary. XXX's checked bags had arrived. BSO AAA and I then completed the baggage examination. During the course of the baggage examination, I found additional THC vapes, a prescription bottle containing suspected marijuana, and a plastic bag containing suspected marijuana that had been zipped into the inner lining of XXX's carry on bag. I placed all of the currency found in one pile. There were numerous \$50 CAD bills throughout the bag. A TD Bank envelope was found hidden within a boxed quill set. Upon opening the lid of the box, a quill set sat in a factory produced plastic mould made to fit within the box. The TD Bank envelope was found underneath the plastic mould.

I then received a call back from duty counsel who identified themselves as a Mr. DOE. BSO AAA and I escorted XXX to the lawyer room at 13:52 and allowed him to speak to counsel privately.

At 14:54, XXX indicated that he had completed the call. I asked if he was satisfied with the counsel he received and he stated that he was.

At 14:59, BSO AAA and I escorted XXX to the currency room to conduct a currency count. The count revealed the following:

Funds given to him by his father the previous night. XXX stated that his father wanted the \$1,000 USD placed in a ----- account on his behalf. XXX stated that the envelope containing \$3,000 CAD was money given to him the previous Tuesday or Thursday by a friend to give to their family in ----- . XXX stated that he withdrew the rest of the money from his TD Bank. He stated that he withdrew \$8,000 CAD from his chequings account at the ---- Location the Friday before. He stated that on that Friday, he ordered \$25,000 CAD in cash from his line of credit. He said that he attended an appointment at the same location on the Saturday at 3:30pm where he picked up \$24,000 CAD in cash. He stated that he owed some money on the line of credit which had a \$25,500 CAD limit so that \$24,000 CAD was the maximum that he could withdraw.

XXX stated that he intends to stay in ----- and start a business which was the reason for bringing his life savings and maxing out his line of credit.

Media examination revealed messages consistent with what XXX stated. XXX was also able to log in to his online banking and show the Friday and Saturday withdrawals for \$8,000 CAD and \$24,000 CAD from the respective accounts.

At 15:48, I requested approval from Supt. ZZZ to seize the currency at Level 2. I requested the Level 2 based on XXX's untrue statements, the intentional concealment of currency within and among his belongings, in addition to his stated knowledge of the reporting requirements. Supt. ZZZ approved the seizure at Level 2.

The currency was seized on K19C XXXX-XX-XXXX with \$2,500 CAD terms of release.

The suspected marijuana and THC products were seized on K19 XXXX-XX-XXXX with no terms of release.

At 16:49, XXX was provided his K19C and K19 Seizure Receipts. He was explained each seizure and his appeal rights. XXX paid the terms of release for the currency.

At 16:55, BSO AAA and I returned the currency to XXX in the currency room. XXX stated that he did not want to recount the currency and that he had no further questions. I explained to XXX how to rebook his flight, as well as where and how to properly report his currency on departure.

At 17:00, XXX departed the secondary area without incident.

END OF REPORT

Smith #XXXXXX