

## INTRODUCTION

1. Detection and prevention of border-related offences such as smuggling, fraud or wilful non-compliance with immigration, trade and tax laws depends on the knowledge and commitment of the Canada Border Service Agency's (CBSA) workforce. They ensure the success of our enforcement program by applying their training, good judgment, skills and tools in a fair and responsible manner.

## PURPOSE

2. The CBSA Enforcement Manual is intended as a support and guide for CBSA officers in the execution of their enforcement related responsibilities
3. This when complete, will entirely replace the Customs Enforcement Manual published in 1993 and all of its' subsequent amendments and bulletins.
4. The CBSA Enforcement Manual provides clearly defined boundaries through comprehensive policy statements. The manual also provides methods for achieving optimal results through logical procedural steps.
5. Where applicable, references to related sources of information are also provided.
6. The manual is divided into parts to reflect CBSA policy and procedures relating to enforcement priorities, selection, examinations, sanctions, systems and prosecutions.

## PRIORITIES BASED ON RISK MANAGEMENT

7. Risk management is a systematic method of identifying, evaluating, analyzing, and controlling potential adverse events and consequences. Effective risk management decisions must reflect a balance between social and economic benefits and the costs associated with control activities.
8. Successful risk management takes four factors into account:
  - the potential existence of non-compliance;
  - the magnitude of the non-compliance;
  - the damage that non-compliance will cause; and
  - our ability to deal with the non-compliance.

9. Included in the cases of non-compliance routinely detected by officers are goods ranging from relatively low value general merchandise to large shipments of illicit drugs that would have a significant impact on the social and economic welfare of the country. In order to make effective use of our enforcement resources, the focus of our enforcement activity is directed at prohibited goods (i.e. narcotics, pornography, weapons), counter-terrorism, export control, commercial fraud, and other identified areas of high risk.

## ENFORCEMENT ACTIONS

10. CBSA enforcement is supported by a sanctions regime that imposes penalties in proportion to the type, frequency, and severity of the infraction. Also, non-compliance has a negative impact on traveller and trader performance records, and results in the withdrawal of previously designated privileges and increased targeting for examinations. Cases of criminal activity, such as fraud and smuggling, are subject to seizure and criminal prosecution.
11. As well as stopping the criminal offences involved in the cross-border movement of contraband and inadmissible people, we have designated officers with added powers to arrest and detain individuals who have outstanding arrest warrants or who are suspected of *Criminal Code* offences such as impaired driving or abduction.

## ENFORCEMENT OBJECTIVES

12. CBSA enforcement objectives are a key element of our enforcement strategy. Listed below are those objectives:
  - a) detection and correction of violations as quickly as possible and in the least intrusive manner in light of the applicable law. Correction includes the collection of monies owing. Persons should not realize economic gain by non-compliance;
  - b) deterrence of future violations by the same party or by other parties;
  - c) equitable treatment of the regulated community through a uniform approach to enforcement responses; that is, similar cases are treated in a similar way;
  - d) punishment of serious wilful wrongdoing by imposition of criminal sanctions;
  - e) effective use of enforcement resources using the least resource-intensive response that permits compliance goals to be achieved; and

- f) International co-operation, co-ordination, and liaison to contribute to the international effort to minimize fraud, smuggling, and international trafficking in narcotics and other illicit substances.

### **CUSTOMS OPERATING PRINCIPLES ON ENFORCEMENT (COPE)**

- 13. All personnel involved in enforcement activities must adhere to the guiding principles of the Customs Operating Principles on Enforcement (COPE).

Note: See Appendix A for a full copy of the COPE document.

- 14. The COPE document contains national guidelines, developed, monitored and maintained by the Enforcement Branch. They are designed to eliminate any duplication of effort and potential for confusion by firmly establishing, on a national level, the roles and responsibilities of the parties directly involved in the enforcement program. These include the regional enforcement organizations (Intelligence and Criminal Investigations) and the regional border operations. For example, officers requiring functional guidance regarding the seizure or detention of goods or people are to contact their regional enforcement organization, as this is one of their roles as outlined in the COPE document.
- 15. As part of its' stated purpose, the national COPE document requires each region, in consultation with the Enforcement Branch, to develop a regional document to further expand and specifically clarify how the actual enforcement responsibilities are to be shared between regional enforcement organizations and border operations. This regional document is referred to as the Regional Operational Practices on Enforcement (ROPE).

# **CBSA ENFORCEMENT MANUAL**

## **Part 1**

### **INTRODUCTION**

#### **Chapter 1**

##### **INTRODUCTION TO CBSA ENFORCEMENT**

###### **Appendix A**

###### **CUSTOMS OPERATING PRINCIPLES ON ENFORCEMENT (COPE)**