

**CBSA ENFORCEMENT MANUAL**

**Part 4**

**EXAMINATION – GOODS AND CONVEYANCES**

**Chapter 3**

**PERSONAL BAGGAGE, GOODS AND CONVEYANCE EXAMINATION  
POLICY AND PROCEDURES**

15/05/17

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## **POLICY STATEMENT**

1. It is the policy of the Canada Border Services Agency (CBSA) to physically examine personal baggage, goods and conveyances upon arrival in and departure from Canada when deemed necessary and in accordance with applicable legislation.
2. All examinations will be conducted in strict adherence to our core values; examinations will be proficient and discrete to the extent possible with respect to clients and their property.

## **DEFINITIONS**

3. Refer to Part 11 – Glossary.

## **AUTHORITIES**

### Customs Act

4. Subsection 2(1) – "goods" for greater certainty, includes conveyances, animals and any document in any form.

### **Obligation to Answer Questions and Present Goods**

5. Section 13 – States that every person who reports goods under section 12 or is stopped by an officer under section 99.1 shall:
  - a) answer truthfully any questions asked by the officer with respect to the goods; and
  - b) if requested by an officer, present the goods, unload the conveyance or open or unpack any package or container that the officer wishes to examine.

### **Customs Controlled Areas**

6. Section 11.2 – Authorizes the designation of areas as customs controlled areas.
7. Section 11.3 – Only persons holding a ministerial authorization or prescribed persons can be allowed by the owner or operator of a facility to gain entry or access to customs controlled areas.



**Examination of Goods**

8. Paragraphs 99(1)(a) and (b) - Authorizes officers to examine any goods (including conveyances) or mail that have been imported anytime up to the time of release.
9. Paragraphs 99(1)(c) and (c.1) – Authorizes officers to examine any goods (including conveyances) that have been reported for export and any mail anytime up to the time of exportation.
10. Paragraphs 99(1)(d), and (d.1) - Authorizes officers to examine any goods (including conveyances) if the officer suspects on reasonable grounds that an error has been made in with respect to the tariff classification, value for duty, quantity, or origin of goods that have been accounted for.
11. Paragraph 99(1)(e) – Authorizes officers to examine goods (including conveyances) where the officer suspects on reasonable grounds that the Customs Act or any Act of Parliament administered or enforced by the officer have been or might be contravened in respect of the goods.
12. Paragraph 99(1)(f) – Authorizes officers to stop, board, and search any conveyance, examine any goods carried thereon, and direct that the conveyance be moved to a CBSA office or other suitable location for any such search and examination where the officer suspects on reasonable grounds that the Customs Act or any Act of Parliament administered or enforced by the officer have been or might be contravened in respect of the conveyance or the goods.
13. Examinations conducted under the authority of paragraphs 99(1)(a),(b) and (c), which do not mention reasonable grounds, may therefore be conducted anytime up to the time of release of such baggage, goods or conveyances that are brought into Canada or are reported for export from Canada.
14. If the baggage, goods or conveyance have been released but are still in an area under the CBSA's control, they may be examined. However, paragraphs 99(1) (d), (d.1), (e) and (f) require that the officer suspect on reasonable grounds that errors have been made in the declaration, classification, value or origin or a contravention has occurred. The officer must be prepared to articulate their grounds.
15. Subsection 99(2) – Prohibits officers from opening or causing to be opened any mail that weighs 30 grams or less unless the person to whom it is addressed consents or the person who sent it has completed and attached to the mail a label in accordance with article RE 601 of the *Letter Post Regulations* of the Universal Postal Convention.



16. Subsection 99(3) – Authorizes officers to cause mail that weighs 30 grams or less to be opened in the officer's presence by the person to whom it is addressed, the person who sent it or a person authorized by either of those persons.
17. Section 99.1 – Authorizes officers to stop a person whom the officer has reasonable grounds to suspect has entered Canada without presenting himself or herself in accordance with subsection 11(1) within a reasonable time after the person entered Canada and question that person and examine their imported goods

Note: Examples of when officers might use this power are when monitoring a CBSA office after hours and at alternate reporting stations. This section also gives authorization to the Royal Canadian Mounted Police (RCMP) to deal with persons encountered away from CBSA ports of entry (POE).

18. Sections 111 and 112 – Provide for acquiring and executing a search warrant in order to conduct a customs examination away from a customs area or in places not subject to Customs control.
19. Subsection 115(1) – States officers may make one or more photocopies for evidentiary purposes of any record, book or document that is seized under this Act.

Note: Photocopying documents constitutes a seizure within the meaning of section 8 of the Charter of Rights and Freedoms.

#### The Canadian Charter of Rights and Freedoms

20. Section 8 – States everyone has the right to be secure against unreasonable search or seizure.
21. In *R. v. Simmons*, the Supreme Court of Canada held that for persons entering Canada the degree of personal privacy reasonably expected at the border is lower than it is in most situations. It held that questioning and searches performed by officers are reasonable based on a standard of reasonable grounds to "suspect" and are considered a legal delay and not a detention. It divided the types of searches that officers perform into three categories based on the Charter issues that these searches raise. The first category of search involves the routine questioning of persons arriving in Canada, the inspection of baggage, pockets, wallets, and purses, and the pat down of the outer layers of clothing. The Court viewed these as part of routine processing, which does not raise *Charter* concerns.

Note: Refer to Part 6, Chapter 6, Personal Search for the second and third category of searches.



22. The Supreme Court of Canada in *R. v. Monney* re-affirmed the decision of *R. v. Simmons* and held that the types of searches that customs officers perform are divided into three categories based on the *Charter* issues that these searches raise.
23. In *R. v. Jacoy*, the Supreme Court of Canada held that examinations for the most part are to be conducted systematically and progressively, with increasing intensity as circumstances warrant, which include referrals for examination based on intelligence.

*Proceeds of Crime (Money Laundering) and Terrorist Financing Act*

24. Subsection 12(1) – Requires every person or entity referred to in subsection (3) to report to an officer, in accordance with the regulations, the importation or exportation of currency or monetary instruments of a value equal to or greater than CAN\$10,000.
25. Subsection 16(1) – Authorizes officers to stop, board and search any conveyance, examine anything in or on it and open or cause to be opened any package or container in or on it, in order to determine that there are currency or monetary instruments of a value equal to or greater than CAN \$10,000 for the purpose of subsection 12(1) and direct the conveyance to be moved to a customs office or other suitable place for the search, examination or opening.
26. Subsection 16(2) – Authorizes officers to search baggage, examine anything in it and open or cause to be opened any package or container in it, in order to determine that it contains currency or monetary instruments that are of a value equal to or greater than CAN\$10,000 for the purpose of subsection 12(1) and direct that baggage be moved to a customs office or other suitable place for the search, examination or opening.
27. Subsection 17(1) – Authorizes officers to examine any mail that is being imported or exported and open or cause to be opened any such mail that the officer suspects on reasonable grounds contains currency or monetary instruments of a value equal to or greater than CAN\$10,000 for the purpose of subsection 12(1).
28. Subsection 17(2) – Prohibits officers from opening or causing to be opened any mail that weighs 30 grams or less unless the person to whom it is addressed consents or the person who sent it consents or has completed and attached to the mail a label in accordance with article 116 of the *Detailed Regulations of the Universal Postal Convention*.

29. Subsection 17(3) – Authorizes officers to cause mail that weighs 30 grams or less to be opened in the officer's presence by the person to whom it is addressed, the person who sent it or a person authorized by either of those persons.

## **PURPOSE AND SCOPE**

30. The purpose of this policy is to provide guidelines to officers on the examination of personal baggage, goods and conveyances.
31. This policy also clarifies procedures when pockets, purses and wallets are searched for evidence and when personal papers and journals are examined.
32. This policy applies to all CBSA personnel.

## **POLICY GUIDELINES**

### **Point of Finality**

33. Officers will ensure the point of finality has been reached prior to undertaking any examination of personal baggage, goods or conveyances.

Note: Refer to Part 3, Chapter 3, Reporting, Questioning and Referral Policy and Procedures for more information pertaining to reaching the point of finality.

### **Reasons to Examine**

34. Examinations of personal baggage, goods and conveyances will be conducted if it is necessary to:
- a) verify or determine that a person and their baggage, goods and conveyance comply with all CBSA administered laws and regulations (i.e. declaration verification, tariff classification, valuation, random referrals);
  - b) conduct examinations of identified persons, baggage, goods and conveyances such as those selected by enforcement systems or by way of an alert or lookout; and
  - c) confirm or negate officers' suspicions based on reasonable grounds and indicators of non-compliance.

**Note:** If referring a person to secondary who is deemed to be of high-risk, the primary officer must ensure that officers in secondary are informed of this risk. Accordingly, they should communicate their concerns orally, by radio or telephone prior to the person's arrival at secondary in accordance with local procedures and lookout information. Refer to the CBSA Best Practice Guide Cover and Concealment for High-Risk

### **Conduct**

35. All examinations are to be conducted in a courteous and professional manner in accordance with the CBSA Code of Conduct.

**Note:** Professional and courteous conduct extends to selecting, conducting and reporting of examinations, as well as responses to inquiries by interested parties on examination matters, in addition to the treatment and respectful handling of goods.

36. Officers will not respond in kind to individuals who may be upset and/or hostile about having their goods, baggage or conveyance examined.
37. All examinations will be conducted in a thorough, methodical and proficient manner.

### **Health and Safety**

38. When conducting examinations, officers will take measures to ensure their own health and safety as well as that of fellow officers and the public.
39. When examining conveyances, officers will ensure that they are turned off, cannot be moved and that the keys are removed from the ignition. In addition, officers will require that all persons in the conveyance exit it and stand at a safe distance until the examination is completed.

**Note:** Discretion must be used when persons with mobility impairment, seniors, infants and sleeping children are involved.

40. During examinations, officers must be aware of the danger of needles, broken glass, razor blades, knives and other sharp or pointed objects, exhaust fumes and the possible high temperatures associated with engine and exhaust components. Officers will not freely run their hands in pocket compartments or visually limited areas of baggage and conveyances without first conducting a visual inspection.

**Note:** The use of detection technology tools such as inspection mirrors and flashlights, fibrescopes, probes and/or X-ray equipment may assist in



examining areas of baggage and conveyances that do not lend themselves easily to visual inspections.

41. The CBSA will support decisions to tactically reposition at any point in a situation and/or to elicit aid when an officer perceives an undue risk to their safety, that of another officer and/or a member of the general public.
42. Officers will take the necessary preventative measures by wearing appropriate equipment, such as gloves, goggles, breathing masks or other appropriate protective equipment, to protect their health and safety during examinations

### **General**

43. Personal baggage, goods and conveyances will be examined when deemed necessary at their point of entry or departure.
44. Officers will not be deterred from undertaking an examination based on a persons' objections.
45. Where a person appears upset or acts hostile, officers should record details in their notebook such as the person's actions, statements and physical condition. It is also important to record times and names of any witnesses to an incident.
46. Officers may use detection technology equipment and tools, including detector dog teams, to assist them in the examination of personal goods, baggage and conveyances when deemed appropriate.
47. Officers should familiarize themselves with indicators, concealment methods and other related information by reading intelligence bulletins, alerts and other relevant publications available.
48. Persons will normally be allowed to view the examination of their goods baggage and conveyance but will be kept at a safe distance to avoid any intentional or incidental interference with the examination.
49. Officers may require residents of Canada to establish the origin of their goods when they appear new, of foreign origin or there are indicators that the goods are being unlawfully imported.
50. In instances where the officer has established that the goods are of foreign origin (e.g. physical or documentary evidence such as markings, labels, or receipts; statements made by the person; or information received from intelligence sources) and the person is unable to provide proof of domestic

origin or of lawful importation, enforcement action (e.g. seizure) may be initiated.

Note: Refer to Part 5, Chapter 2, **Travellers Seizure and Ascertained Forfeiture Policy and Procedures**.

51. Regardless of the type of referral, officers must ensure each examination is well-focused and be aware of the possibility that a contravention that is unrelated to the reasons for the referral may exist.

Note: Refer to Part 3, Chapter 3, **Reporting, Questioning, and Referral Policy and Procedures** for information on referral types.

52. Officers should also observe a person's reaction during the examination, and be alert to any unusual actions and behaviours which may provide initial or additional indicators to suspect that unlawfully imported goods may be present.
53. The detection of indicators as well as the discovery of evidence or unlawfully imported goods in the course of the examination may contribute to the establishment of reasonable grounds to progress to a more detailed exam.
54. Examinations will conclude when suspicions have been negated or no grounds exist to suspect that further examination would uncover unlawfully imported goods.
55. All goods discovered during an examination should be treated as potential evidence.
56. When the examination is the result of a lookout, the officer will complete the examination report in the Integrated Customs Enforcement System (ICES).
57. Officers should forward examination observations and interactions that they believe may be of use to Enforcement and Intelligence by way of the Occurrence Reporting System (ORS).

Note: For non-automated ports the Examination Report must be completed manually.

### **Pocket, Purse, and Wallet Examinations**

58. Although, according to the Supreme Court of Canada, pocket, purse and wallet examinations are part of a "routine examination", they will not be conducted as a matter of routine, but will be performed as required based on indicators observed by the examining officer.



**Note:** Officers must not confuse pocket searches as defined in these policies and procedures with frisks for officer safety as described in Use of Force training and Part 6, Chapter 1, Arrest and Detention Policy and Procedures.

59. Where indicators exist or undeclared or falsely reported goods are discovered, officers are justified in performing searches for evidence in pockets, purses, wallets, envelopes or any other reasonable container to discover evidence in the form of receipts, goods, or references to the goods discovered.
60. Pocket, purse and wallet examinations will only be conducted when in the officer's judgement it is safe to do so (i.e. the person is cooperative).
61. All examinations of pockets, purses and wallets should be carried out with as much discretion and privacy as possible, as they are more personal in nature than baggage examinations.
62. In the case of pocket examinations, coats, jackets and pant pockets should be turned out by the person.
63. Where pockets cannot be turned out as in the case of cargo, hidden, or security pockets, officers may confirm that they are empty by patting the pocket area.

**Note:** Touching a person to detect undeclared items, other than patting the pocket area, is considered to be part of a personal search and therefore the procedures in Part 6, Chapter 6, Personal Search must be followed (i.e. the person must be under arrest or detention).

64. Where it is operationally viable, these types of examinations will be conducted in the presence of another officer to safeguard against any unwarranted allegations of wrongdoing and for officer safety.

**Note:** Where possible, an officer of the same sex as the person being examined should conduct searches of pockets, purses and wallets.

65. Where a second officer is not available, officers will not touch a person of the opposite sex but will conduct an examination of purses and wallets and visually inspect those pockets that can be turned out or examined without touching the person (e.g. outside jacket pockets).
66. Officers will record the details of all pocket, purse and wallet examinations in their notebook in order to be ready and able to clearly articulate the reasons for conducting this type of examination.



**Outer Clothing Examination**

67. Under the *R vs Simmons* decision, the Supreme Court of Canada held that for persons entering Canada, the degree of personal privacy reasonably expected at the border is lower than it is in most situations. Searches performed by CBSA officers are reasonable based on a standard of reasonable grounds to "suspect".
68. An officer may ask routine questions of persons entering Canada, inspect baggage, pockets, wallets and purses, and pat down outer clothing. The Court viewed these as routine processing, which does not raise Charter concerns.
69. Outer layers of clothing include items that when removed, could not reasonably be expected to expose the person in a manner considered inappropriate. For example, an officer may request the removal of hats, coats or footwear. The removal of such items must be relative to the suspected offence and not considered to be embarrassing.
70. Such articles as turbans, wigs and religious items will not normally be considered "outer clothing" for the purposes of this section. Officers will not request the removal of these articles as a matter of routine. The removal of these articles, and other similar items, could be considered demeaning to the person wearing them and not without stigma. The removal of such items must be relative to the suspected offence.
71. Searches of outer clothing may involve asking the person to remove the contents of their pockets and, when necessary, the officer patting the outermost layer of clothing to ensure that the pockets are empty and that no additional pockets exist. In addition, the officer may request that an outer layer of clothing be removed.
72. The officer must be able to articulate reasons for advancing a search to this extent.
73. When a person refuses to comply with an officer's request to examine an article of outer clothing for routine purposes (i.e. modesty or culture) the officer will not compel the person to do so.

**Note:** Where reasonable grounds exist to suspect that the person is concealing unlawfully imported goods "on or about his person", an officer may perform a personal search. Refer to Part 6, Chapter 6, Personal Search Policy and Procedures.

74. Searches of the outer most layer of clothing to uncover evidence should not be contemplated if an officer has health and safety concerns.



75. A search of the outer clothing layers and a frisk search for officer safety are not one and the same. Each has its own distinct purpose and legal authorization. It is the responsibility of the officer to determine what type of search /examination is appropriate in each situation and proceed accordingly.
76. Where possible, an officer of the same sex as the person being examined should conduct searches of outer clothing.
77. When requesting the removal of outer clothing layers for examination, officers should take persons to as private a location as the secondary area allows.
78. In the case of jackets and coats, officers must question persons to ensure that they are wearing appropriate clothing under the outer layer prior to requesting its removal.
79. Officers will record the details of all outer clothing examinations in their notebook in order to be ready and able to clearly articulate the reasons for conducting this type of examination.

#### **Mandatory Referral Examinations**

80. Persons referred to secondary for mandatory reasons, such as duty payment or form completion, will not have their baggage, goods or conveyance examined as a matter of routine.

#### **Selective Referral Examinations**

81. Examinations as a result of a selective referral may be more comprehensive than a cursory examination of baggage, goods and conveyances.
82. Examinations should include a methodical inspection of all baggage.
83. Vehicle examinations should include inspection of the following areas:
  - **Interior front** (under seating, glove compartment, centre console)
  - **Interior rear** (seating backs, compartments/pockets)
  - **Rear bumper** (fascia, exterior spare tire)
  - **Trunk** (interior wheel-well, spare tire compartment)
  - **Engine compartment** (fluid containers, air breather)
  - **Front bumper** (air dam, radiator mount)
  - **Wheels and undercarriage** (mismatched tires, vehicle frame)



**Note:** Refer to Appendix A - Passenger Vehicle Examination Requirements for suggested systematic approach.

**Note:** Minimum examination standards are not intended to limit the officer from examining the vehicle in a manner as the officer deems required.

### **Random Referral Examinations**

- 84. Random referrals enable the CBSA to establish a compliance baseline to compare the effectiveness of other referral types, to validate existing risk indicators and identify potential new trends and indicators of non-compliance for refining targeting, and to act as a deterrent to those who may wish to violate Canada's border legislation.
- 85. Standardized random referral examination requirements are necessary to ensure a thorough, methodical, and proficient examination process in addition to improving confidence in the results of these examinations. Examinations of random referrals are compulsory.
- 86. System generated random referrals are compulsory and only a Superintendent or higher authorization may override such examination in exceptional circumstances only.
- 87. Examination of vehicles as a result of a random referral must be undertaken in accordance with the minimum standards outlined in Appendix A - Passenger Vehicle Examination Requirements.
- 88. For all random referral examinations of personal baggage, officers must, at a minimum, verify the traveller's declaration by opening and conducting a progressive examination on all baggage and carry on items belonging to a traveller that is a system generated random referral. The level of the examination's intensity will increase if indicators of non-compliance are revealed.

### **Intensive Examinations**

- 89. Officers will conduct systematic and intensive examinations of personal baggage, goods and conveyances when they are the subject of a lookout or a target (unless the instructions in the lookout or target dictate otherwise), or when the officer forms the reasonable grounds to suspect that a contravention has occurred based on the observation of a multiplicity of indicators.
- 90. Whenever possible, prior to proceeding with an examination that may involve disassembling, dismantling, or damaging baggage, goods or conveyances, the officer will consult with their superintendent. Where this is

not possible or not practical, the superintendent is to be notified of the examination and results as soon as possible.

91. Officers must have reasonable grounds and must be able to clearly articulate such grounds before cutting, drilling, and/or dismantling is undertaken during an examination.
92. Officers must keep detailed notebook entries of intensive examinations as they may be required to state the reasonable grounds more precisely than for lower intensity examinations.

### Examination of Personal Papers and Journals

93. Personal papers and journals will not be reviewed unless there is reason to believe that the papers or journals contain receipts for goods, refer to the acquisition of the goods or may afford evidence of an offence.
94. Officers will only examine personal papers such as private correspondence and journals when it is substantiated that there has been a contravention of the Customs Act.

Note: "Examining personal papers and journals" for evidence contained therein and "reading personal papers or journals" are not one and the same.

95. Officers will not normally open letters or packages addressed to/from a lawyer's office to/from individuals or entities that clearly contain only documents, as the documents are potentially privileged.
96. Solicitor/client privilege applies to any record of confidential communication between lawyers and clients where legal advice or assistance was sought, provided or otherwise involved. Documents, electronic or otherwise, which are protected by solicitor/client privilege, are to be treated with sensitivity. The privilege includes information gathered to formulate legal advice, such as lawyer's working papers, memos and files. This privilege applies to clients. Lawyers carrying these communications are duty-bound to protect confidentiality and must assert this privilege on the client's behalf.
97. Documents may be retained and copied as evidence of a contravention if they are clearly not subject to solicitor-client privilege (e.g., invoices). Where there is a suggestion of any degree the documents are subject to privilege, the documents should be sealed and either returned or sealed in an evidence bag **without being examined or read** and set aside for review by a court for confirmation of privilege.
98. Packages containing passports may be examined as these are not considered documents subject to solicitor-client privilege.



99. Unreported, falsely reported or illicit goods discovered within letters or packages between lawyers' offices and individuals or entities may be removed and dealt with in accordance with seizure and Administrative Monetary Penalty System (AMPS) policies.

Note: additional information on the examination of solicitor/client privileged information is contained in the Immigration, Refugee and Citizenship Canada ENF 12 Search, Seizure, Fingerprinting and Photographing, and in ENPart 4, Chapter 12 Postal Examination.

### Photocopying and Electronic Scanning of Personal Papers and Journals

100. Under no circumstances are documents of any nature unrelated to the administration or enforcement of the Customs Act to be photocopied unless they are seized for some other purpose under lawful authority, or permission to photocopy the document is received from the owner or person in possession of the document. For example, personal identification of persons entering Canada may not be photocopied and passed to the police for intelligence purposes. In all instances, individuals are to be advised when documents are photocopied.
101. Officers will photocopy or electronically scan only those passages of records, books, documents or items of relevance to a contravention.
102. If documents are found that are believed to be related to seized goods, officers will photocopy or electronically scan the pertinent portions and certify them as being true copies of the originals, provided that the copies are clearly legible and the officer is satisfied the matter will not result in the prosecution of a person. Otherwise, the originals will be held.
103. If the original documents are held, officers will provide the person with a receipt (Form E352 – Evidence Seizure Receipt) and photocopies of the original documents, and advise them the originals will be returned when the case is finalized.

Note: If copying facilities are not available, officers will advise the person that copies will be provided as soon as possible.

### Examination Damages

104. Officers will take photographs before and after examinations when it is likely there will be a complaint as a result of conducting an examination, there is pre-existing damage, they suspect that damage may be caused as the result of an examination or they are going to dismantle or remove

permanent fixtures or parts, or drill, cut or break an item to determine if it is concealing goods.

Note: Photographs taken prior to examination will record any existing damage. Photographs taken after examination will document the extent of the damage caused, if any.

105. Examining officers will photograph any unexpected accidental damage to personal baggage, goods or conveyances resulting from an examination.
106. In cases of pre-existing damage or when damage is caused by an examination, officers will record all of the relevant information in their notebook.
107. When an examination causes damage, officers will prepare a report for management indicating the nature of the damage (e.g. scraped, broken, crushed, etc.), its extent and its suspected or actual cause.

#### **Examination Related Costs**

108. The CBSA may pay for affected goods to be brought back to their original state or will make monetary amends when damages have occurred as a result of an examination that is non-resultant.
109. The CBSA will not normally pay for damages to baggage, goods or conveyances when they are or have been used in contravention of and seized under the Customs Act. Goods seized by the CBSA belong to the Crown from the moment of seizure.

Note: The regulations and policy for handling damage claims against the Crown are contained in Chapter 19, Finance Volume, Comptrollership Manual.

#### **ROLES AND RESPONSIBILITIES**

##### **CBSA Officers**

110. CBSA officers are responsible for:
  - a) adhering to this and any related policy and procedures; and
  - b) maintaining in safe and good working order all contraband detection equipment used in examinations.



**CBSA Port of Entry Managers and Superintendents**

111. CBSA port of entry managers and superintendents are responsible for:

- a) ensuring that the policy and procedures relative to the examination of personal baggage, goods and conveyances are adhered to at their port;
- b) providing direction and support to officers; and
- c) taking appropriate corrective action on policy and procedure breaches.

**CBSA Enforcement and Intelligence Programs Directorate**

112. CBSA Enforcement and Intelligence is responsible for:

- a) developing, modifying, and approving policies related to the Enforcement and Intelligence Program;
- b) monitoring adherence with Enforcement and Intelligence policy; and
- c) providing guidance to regional operations on intelligence related issues such as current trends and concealment methods.

**Programs Branch - Traveller Programs Directorate**

113. Traveller Programs Directorate is responsible for:

- a) developing, implementing, modifying and approving all policies and procedures related to the examination of personal baggage, goods and conveyances;
- b) monitoring adherence to this policy and procedures by the regions; and
- c) providing guidance and support to the regions on the examination of personal baggage, goods and conveyances as required.

**PROCEDURES**

**General**

114. Before conducting an examination, officers should confirm the existing primary report and ask all persons what goods make up the value reported. For example, if a person has reported \$100 worth of goods after an absence of 48 hours, it would be appropriate to ask the following:



"You have reported that you were absent from Canada for 48 hours and that you are importing goods worth \$100. What are the goods that you are importing and what are their individual values?"

115. Ask the person(s) to identify their baggage, if they are aware of the contents and if they packed it themselves.

116. Ask the person(s) to place any suitcases, packages or containers on the secondary counter and to open them.

Note: In the case of baggage, it will suffice to have a person present, unlock, unzip or unclasp their suitcase(s) for examination. The officer will then remove what clothing or goods are necessary for the examination.

117. Take any necessary health and safety precautions (i.e. wearing of gloves, goggles, masks etc.).

118. Conduct a thorough, methodical and proficient examination of any baggage, goods and conveyance based on the level of intensity dictated by the referral and any indicators that have been observed.

119. Ask persons clarifying questions, if necessary.

120. Watch for reactions and listen to any comments made by involved persons.

121. Arrest and remove any person from the area who you have reasonable grounds to believe is intentionally obstructing or hindering an examination.

Note: Refer to Part 6, Chapter 1, Arrest and Detention Policy and Procedures.

122. When the officer is satisfied that the goods and conveyance match the persons' report, the officer will advise the person(s) that they are free to leave or where they must go to complete further processing. The traveller is responsible for re-packing his luggage. As a common courtesy, the officer should offer to assist travellers with the re-packing of bags once the contents have been inspected.

123. Progressively intensify the level of examination when indicators exist that lead to reasonable grounds to suspect that baggage, goods or a conveyance contains contraband, undeclared, or falsely reported goods or when contraband, undeclared or falsely reported goods or evidence is discovered.

124. In cases where undeclared goods are discovered, continue the examination until satisfied that all undeclared goods and evidence have been found.



125. Where an intensive examination is required, examine all compartments in the conveyance, baggage, seams of clothing, contents of bottles (i.e. lotion, liquor, etc.), can, jars, gifts etc.

126. Utilize detection technology equipment (e.g., Ionscan, X-ray, probe, etc.) and any other appropriate equipment and tools (i.e., mirrors, screwdrivers, ratchets, etc.) to verify or negate suspicions.

Note: Refer to Part 4, Chapter 1, Detection Equipment Policy and Procedures.

127. If available, utilize detector dog teams to verify or negate suspicions.

Note: Refer to Part 4, Chapter 1, Detection Equipment Policy and Procedures and the Detector Dog Service Operations Manual.

128. Immediately and discreetly take steps to ensure control is maintained over the goods, conveyance and any persons involved, and alert the superintendent if you suspect or discover the presence of illicit contraband or that some other serious infraction is being committed.

129. If officers discover illicit contraband commodities, they will immediately arrest, advise and caution any suspect(s) that are present.

Note: Refer to Part 6, Chapter 1, Arrest and Detention Policy and Procedures.

130. Remove any involved persons from the area when illicit contraband is found, a conveyance is seized or a person is placed under arrest.

131. Notify the shift superintendent of the removal of persons from the normal stream of traffic.

132. Superintendents will take appropriate steps to provide any assistance that may be required.

133. Should the examination result in a seizure or enforcement action that falls within the threshold for referral for prosecution, the officer or Superintendent will ensure that Investigations is advised and that all pertinent details are included in the referral.

Note: Refer to Part 9, Chapter 1, CBSA Prosecution Policy.

134. Record the details of intensive, resultant or unusual examinations in your notebook.



135. Complete in full an ICES Examination Report and if necessary, an ORS report and, where applicable, forward it to the responsible Regional Intelligence Officer and/or Targeter for all intensive examinations and examinations conducted as the result of a lookout or target.

Note: For non-automated ports, the examination report must be completed manually.

### Land Border

136. Advise the driver of the vehicle to turn off the ignition and remove the keys.
137. Request all occupants exit the vehicle and to remove all loose money, wallets and purses from the vehicle. Direct all occupants to stand at a reasonable distance where they can still be observed and can observe the examination until the examination is complete.
138. Ensure the examination area is safe including the positioning of the conveyance and that it cannot be moved during examination.
139. Officer safety is of the utmost importance when conducting a detailed examination, and as such, officers should limit the depth of their examination to which they are trained to carry out.
140. Officers must be aware of safety considerations for the conveyance owner and of potential liabilities should they attempt to dismantle and subsequently attempt to re-install certain parts of the vehicle that their training pertaining to examination policies does not support.
141. The CBSA may be liable for damage caused to vehicles during examinations. If damage occurs, superintendents will follow the steps laid out in the Comptrollership Manual - Finance Volume Chapter 19: Claims and Ex-Gratia Payments.
142. Ask the driver to remove any suitcases, packages or containers from the vehicle, including the trunk, place them on the secondary counter, and open them.
143. Where a random referral examination is undertaken, conduct a systematic and methodical search of the conveyance including:
- Interior front (under seating, glove compartment, centre console)
  - Interior rear (seating backs, compartments/pockets)
  - Rear bumper (fascia, exterior spare tire)
  - Trunk (interior wheel-well, spare tire compartment)



- **Engine compartment** (fluid containers, air breather)
- **Front bumper** (air dam, radiator mount)
- **Wheels and undercarriage** (mismatched tires, vehicle frame)

Note: Refer to Appendix A - Passenger Vehicle Examination Requirements. For examinations of marine pleasure crafts, refer to Part 4, Chapter 9, Marine Pleasure Craft Examinations.

144. Where additional indicators are observed, officers may consider examining additional areas of the conveyance including ( but not limited to) the following:

- **Dashboard/airbag-SRS** (air vents, audio system)
- **Headliner** (sun roof, headliner and window pillars)
- **Fuel tank** (tank strap, mount, pump access panel)
- **Interior door panels** (windows operational? Interior door frame)
- **Undercarriage** (exhaust, frame rails, skid plates)
- **Engine compartment detailed** (heat deflector, battery box)
- **Firewall** (blower, fans, external venting)

Note: The use of detection technology equipment such as inspection mirrors and flashlights, fibrescopes, probes, and/or X-ray equipment may assist in the examination of visually limited areas of vehicles and luggage.

Note: For reference, refer to Appendix A- Passenger Vehicle Examination Requirements

145. For health and safety reasons, officers will not dismantle the following items:

- a. gas tanks
- b. airbag assemblies
- c. mechanical or electrical systems
- d. electric or hybrid vehicle batteries and components
- e. parts of the vehicle under pressure (i.e. shocks, springs, air conditioning systems, radiator systems, air or hydraulic systems, tailgate lifts or any other pressurized cylinders).

146. When there are reasonable grounds to suspect that goods are concealed within a conveyance, the superintendent may approve that a qualified person (i.e. licensed mechanic) dismantle the conveyance. An officer must always be present when dismantling and subsequent re-installation is being conducted by a licenced mechanic.

147. Officers must record indicators that led to the dismantling of the vehicle, as well as details pertaining to the further examination assisted by the



mechanic in their notebooks. Photos should be taken throughout the examination for evidence purposes.

148. Any fees incurred due to the licensed mechanic and/or towing company are the responsibility of the CBSA.

Note: Detention of a traveller may also be necessary. Refer to Part 6, Chapter 1, Arrest and Detention, for information on detention procedures.

149. Obtain ignition keys from the driver as soon as you suspect that a conveyance will be seized.
150. When employing the services of a detector dog team, ensure only the dog and handler are in and around the conveyance unless the handler requests the assistance of another officer.
151. If a detector dog team is used in the examination of a motorhome and an occupant insists on being present, they may be permitted as long as it is safe to do so and they do not interfere with the search and stay out of the way of the dog and handler.

### **Recreational Vehicles**

152. To prevent allegations of theft or misconduct while examining recreational vehicles such as trailers and motorhomes, officers may allow one of the occupants to observe the interior examination and, when necessary and deemed safe to do so, assist in opening compartments.
153. When examining a recreational vehicle with none of the occupants present, it is highly recommended that two officers conduct the examination. Where this is not possible, the examining officer will document in their notebook the circumstances surrounding the examination.
154. If there is concern for the safety of the officer examining a recreational vehicle, an assisting officer should be present. If the assistance of another officer cannot be secured, the examining officer may request that all persons wait outside the vehicle.

### **Pocket, Purse, and Wallet Examinations**

155. Secure baggage and conveyance (where applicable).
156. Separate travelling companions and request another officer watch them closely to ensure that they do not destroy or discard evidence and do not communicate with one another.



157. Escort the person to a private area.

158. Whenever possible, request the assistance of another officer.

Note: It is recommended that officers of the same sex as the traveller conduct pocket, purse and wallet examinations.

159. Ask the person to empty the contents of their pockets, purse, and/or wallet onto a counter or table.

160. Ask the person to count their currency out loud and note the information in your notebook. Be cognisant of other people in the immediate vicinity who may be able to hear such discussions.

161. Ask the person to turn out their coat, jacket and trouser pockets.

162. Examine pockets, purse, wallet and the contents.

163. Officers may confirm that pockets that cannot be turned out (i.e. cargo, hidden or security pockets) are empty by patting the pocket area.

164. If required, ask the person to lift their feet and display the bottom of their shoes.

165. Record the details of the pocket, purse and wallet examination in your notebook.

### **Outer Clothing Examination**

166. Take the person to as private a location as possible within secondary.

167. Ask the person to remove the outer layer of clothing (i.e. hat, jacket, coat, shoes or boots) that is to be examined.

168. In the case of jackets and coats, ensure that the person is appropriately clothed underneath the item in question prior to requesting its removal.

169. Enter the details of the outer clothing examination in your notebook.

### **REFERENCES**

170. Customs Act  
The Canadian Charter of Rights and Freedoms  
Comptrollership Manual  
Detector Dog Service Manual