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CBSA Participation in Joint Force Operations Evaluation Study

Final Report
February 9, 2012

Program Evaluation Division
Internal Audit and Program
Evaluation Directorate

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[*] An asterisk appears where sensitive information has been removed in accordance with the *Access to Information Act* and the *Privacy Act*.

EXECUTIVE SUMMARY

Background

The Canada Border Services Agency's (CBSA) mandate is to facilitate the movement of legitimate travellers and goods and to intercept those travellers and goods that pose a threat to Canada. The CBSA fulfills this mandate by providing integrated border services that support national security, public safety and economic prosperity priorities.

Joint Force Operations (JFO) are law enforcement operations on which the CBSA partners with other federal, provincial, municipal and/or U.S. law enforcement agencies. JFOs focus on specific law enforcement goals related to the detection and interdiction of border related threats and criminality. The CBSA is involved in JFOs that are bi-national, national and regional in focus. For the purpose of this evaluation, JFOs were defined to include all operations involving one or more CBSA officer on a full-time or part-time basis. Short-term assistance provided to other law enforcement agencies on an ad hoc basis was considered outside of the evaluation scope.¹

Approximately 62 CBSA officers were assigned to 52 JFOs at an estimated cost of \$4.8 M in FY 2010-2011. The majority (72.1%) of all CBSA officers involved in JFOs are Intelligence Officers (IOs)². However, there are also Intelligence Analysts (IAs)³, Criminal Investigators (CIs), and Inland Enforcement Officers (IEOs) participating in JFOs. Estimated expenditure levels varied considerably across the country from an estimated \$0.1 M for participation in 2 JFOs the Atlantic Region to \$1.2 M for participation in 14 JFOs in the Greater Toronto Area (GTA) region.

The purpose of the evaluation was to examine the relevance and performance (achievement of expected outcomes, efficiency) of CBSA participation in JFOs. This evaluation was completed in accordance with the Treasury Board Directive on the Evaluation Function, and the research was conducted from January to September 2011.

Evaluation Methodology

The evaluation incorporated multiple lines of evidence, including analysis of CBSA and JFO partner organization operational statistics, performance and expenditure data. A review of documents pertaining to design, delivery, planning and governance (including Working Collaborative

¹ Due to their temporary nature, short-term and ad-hoc JFOs were excluded from the scope of the evaluation.

² IOs gather, develop and disseminate intelligence. Their main duties include initiating intelligence probes, collecting information and determining its accuracy and reliability, and sharing information with other law enforcement agencies.

³ IAs conduct analysis of information gathered to identify risks and intelligence gaps. IAs produce intelligence products such as bulletins and alerts.

Arrangements (WCAs)) was also conducted. One-on-one and group interviews were conducted with key stakeholders including CBSA management at National Headquarters (NHQ) and the regions as well as officers participating in JFOs. Interviews were also conducted with external stakeholders including senior management and JFO team leads of partner organizations in Ottawa and in the regions. In addition, site visits were conducted in the Atlantic (ATL), Quebec (QC), Greater Toronto Area (GTA), Windsor/St. Clair (WSC), Niagara/Ft. Erie (NFE)⁴ and Pacific (PAC) regions. Information on JFO activities in regions, for which there were no site visits, was gathered via telephone interviews with regional CBSA management.

Key Conclusions and Recommendations

CBSA participation in JFOs supports the Agency's commitment to work collaboratively and share information with domestic and international partners to support law enforcement efforts. These commitments are articulated in the Smart Border Declaration the Security, the Prosperity Partnership of North America, and more recently the February 2011 "Beyond the Border: a Shared Vision for Perimeter Security and Economic Competitiveness" joint declaration by the Prime Minister of Canada and the President of the U.S. which indentified integrated cross border-law enforcement as a key area of cooperation.⁵

There is an ongoing need for CBSA participation in JFOs with a border nexus. All external partners interviewed for the evaluation stated that, without CBSA participation, these JFOs would be less effective. Regional managers and partners report that organized crime groups are utilizing increasingly complex approaches to border-related criminality. As such, there is a need for an integrated approach that brings together knowledge, resources and legislative authority of multiple law enforcement agencies. Amongst the main advantages of working with other agencies on JFOs is the opportunity they afford to build professional relationships, trust and a better understanding of the mandates and strengths that each partner brings to the operation. While it is not possible to quantify the impact of these benefits on JFO effectiveness, in the view of CBSA managers, officers and partners that participate, they are real and tangible.

In general, JFOs address risks identified in the 2011 Border Threat and Risk Assessment (BTRA) and 2011 Enterprise Risk Profile. With the exception of Provincial Weapons Enforcement Unit (PWEU), all JFOs address at least one high risk area. The PWEU's mandate relates to firearms which have been identified as a medium risk in the BTRA. The only BTRA high risk threat not specifically addressed through a JFO is that related to [*].

Oversight of CBSA's JFOs participation is provided primarily at the regional level. CBSA managers and officers interviewed indicated that regional managers monitor officer activities on JFOs on a regular basis to ensure effective use of time, that activities align with the CBSA mandate and that information sharing requirements as stipulated in Section 107 of the *Customs Act* and the *Privacy Act* Section 8(a) are

⁴ As result of reorganisation, WSC and NFE are currently part of the Southern Ontario region. However, over the period of the research these were separate regions.

⁵ Source: Beyond the Border: a Shared Vision for Perimeter Security and Economic Competitiveness (<http://actionplan.gc.ca/eng/feature.asp?pageId=337>).

respected. Managers in the regions reported that balancing JFO participation against the need to provide intelligence support to the PoEs and fill requests from NHQ to participate in national or special projects is challenging. Regional managers stated that additional NHQ direction in terms of priorities for intelligence resource deployment would be of benefit in making these decisions.

NHQ's ongoing involvement in JFOs is limited to Integrate Border Enforcement Team (IBET) and Border Enforcement Security Task Force (BEST). Support to IBET is mainly through a CBSA liaison advisor who serves as a member of the IBET International Coordination Team (ICT). With respect to BEST, the Criminal Investigations Division (CID) monitors activities of CIs assigned to BEST units and reports to senior management at NHQ on issues relate to CBSA participation. For other JFOs, headquarters support is limited to addressing ad hoc requests for guidance from the regions, and managers at NHQ indicated a need for greater involvement in determining whether CBSA resources should be dedicated to specific JFOs.

Managers in the regions and at NHQ indicated that they believe the general objectives of CBSA's participation in JFOs to be disruption of unlawful activities, enhancing relationships with law enforcement partners, information sharing and intelligence gathering. However, Agency objectives, goals and guidelines for participation in JFOs are not clearly articulated. The existing JFO policy was written in 1993 and does not reflect the current mandate and priorities of the Agency, the legislation for which it is now responsible, and changes to operations including the arming of officers

Previous CBSA audits and assessments have recommended that participation on JFOs be guided by a WCA. Currently, 19 of the 52 JFOs on which the CBSA participates are not guided by a such an agreement. Interviewees noted that the sharing of information and intelligence is a key JFO activity. While the CBSA Customs Enforcement Manual outlines seven information sharing conditions that must be addressed in a WCA, of the 15 WCAs reviewed for the evaluation, none addressed all seven.

In light of these findings it is recommended that:

Recommendation 1

The Programs Branch revise the CBSA's JFO Policy to ensure that it:

- *outlines Agency objectives and expectations for participation;*
- *articulates WCA requirements including those related to information sharing, governance and management arrangements;*
- *includes guidance concerning the roles and responsibilities of NHQ management, regional management and officers assigned to JFOs; and*
- *identifies requirements for the monitoring of CBSA's contribution to JFO performance.*

Recommendation 2

In the context of the revised CBSA JFO Policy, Programs Branch in conjunction with Operations Branch, review existing JFO WCAs and develop a plan to address any gaps and to ensure that WCAs are in place where required by the Policy.

The JFOs on which the CBSA participates have had success in obtaining enforcement actions including seizures, criminal investigations and arrests. However, they do not collect or report on results at the partner agency level. As such, there is no means to quantify the CBSA's contribution to these results. However, there is evidence that participation on JFOs results in more CBSA investigations and intelligence leads than would otherwise be the case. Data for fiscal year 2010-2011 indicate that officers assigned to JFOs generate more cases (in-depth investigations) and intelligence leads than their non-JFO counterparts. On average, IOs and IAs assigned to JFOs recorded 31 cases and 17 occurrences⁶ in the Intelligence Management System (IMS) compared to an average of 20 cases and 14 occurrences entered by officers not participating on JFOs.

Regional staff reported that the CBSA core training for IOs, CIs and IEOs is sufficient for officers assigned to JFOs, as their duties do not differ greatly from those of colleagues not on a JFO. CBSA officers participating in JFOs tend to be experienced, many reporting up to five years experience prior to being assigned to a JFO. The evaluation found that CBSA officers are often the longest standing participants in JFOs and that the average time by CBSA IOs currently on a JFO is 4.2 years. While continuity is viewed as important by regional managers, they also reported that indefinite assignments were not a preferred practice as this limits opportunities for officers not currently assigned to a JFO, and increases the risk of mandate creep⁷.

Overall, the CBSA has been successful in developing and maintaining partnerships needed to support JFOs. All JFO partners interviewed indicated that they were very satisfied with the contributions of the CBSA in terms of the information shared and the skills and knowledge of the assigned officer. The CBSA was recognized as a key partner based on its expertise in dealing with cross border criminality. However, senior RCMP managers and JFO leads reported that they were unclear on the distinction between the roles and responsibilities of CBSA IOs and CIs. As a result, they are not always sure who should be the primary contact at CBSA and some stated that they were concerned about causing issues in their relationships with the CBSA by contacting one area instead of another.

⁶ An "Occurrence" refers to a piece of information that an IO receives and maintains for intelligence purposes.

⁷ Mandate creep was a term used by CBSA regional managers to describe situations when a CBSA officer becomes involved in duties of other law enforcement agencies that are not within the CBSA mandate. CBSA regional managers indicated that the probability of this occurring could increase when officers serve on JFOs for long periods of time.

In light of these findings it is recommended that:

Recommendation 3

The Programs Branch ensures that the mandates of intelligence and criminal investigations are clearly outlined as part of all agreements governing CBSA participation on JFOs.

1.0 INTRODUCTION AND CONTEXT

The Canada Border Services Agency's (CBSA) mandate is to facilitate the movement of legitimate travellers and goods and to intercept those travellers and goods that pose a threat to Canada. The CBSA fulfills this mandate by providing integrated border services that support national security, public safety and economic prosperity priorities.

The CBSA's 2011 Border Threat Risk Assessment identified the following high and medium risk threats: the movement of illegal firearms, explosives and biological agents; outbound currency (suspected proceeds of crime) smuggling; irregular migration; smuggling of illicit drugs; internal conspiracies to facilitate the movement of contraband; and attempts by terrorists to enter the country. CBSA operations and activities are designed to mitigate these risks and the approaches employed include participation in Joint Force Operations (JFOs) with other law enforcement agencies.

Approximately 62 CBSA officers participate in some 52 JFOs, the majority (72.1%) of which are IOs. However, there are also Intelligence Analysts (IAs), Criminal Investigators (CIs) and Inland Enforcement Officers (IEOs) involved in JFOs. The Program Evaluation Division estimates that the CBSA spends approximately \$4.8 M per year on JFO participation.⁸

An evaluation of the CBSA participation in JFOs was identified as a priority for 2010-2011/2011-2012 in the CBSA's Multi-year Evaluation Plan, which was approved by the Agency's Executive Evaluation Committee (EEC) in June 2010.

1.1 Description of CBSA's Participation in Joint Force Operations

Overview

For the purpose of this evaluation, JFOs were defined as operations involving one or more CBSA officers (full-time or part-time) dedicated to working with U.S., federal, provincial or municipal partners toward specific law enforcement or interdiction goals. In most, but not all cases, JFO participation is guided by a Written Collaborative Arrangement (WCA)⁹ or other written agreement. Short-term assistance provided to other law enforcement agencies on an ad hoc basis was considered outside of the evaluation scope.

JFOs can be structured on a bi-national, national or regional basis. The bi-national JFOs on which the CBSA participates include the Integrated Border Enforcement Team (IBET) (led by the RCMP) and Border Enforcement and Security Taskforce (BEST) (lead by U.S. Homeland Security Investigations HSI), both of which involve Canadian law enforcement agencies and U.S. partners at the federal, local

⁸ This includes salary and employee benefits.

⁹ A WCA is a written description of what two or more participants agree to do. WCAs include Memorandum of Understanding (MOU) – Administrative or Financial; MOU – Information Sharing; MOU – Joint Force Operations (JFOs); Letter of Intent or a Letter of Amendment. (Source: *CBSA Policy Guide for the Management and Development of Written Collaborative Arrangements*).

and state level. National JFOs found in multiple regions include the National Port Enforcement Team (NPET), Integrated National Security Enforcement Team (INSET) and the Combined Forces Special Enforcement Unit (CFSEU). These national JFOs are all led by the Royal Canadian Mounted Police (RCMP).

Regional JFOs are typically led by provincial or regional/municipal law enforcement partners and operate in only one city or province. Formed and implemented at the regional level, they typically involve a variety of provincial and regional/municipal partners. Exceptions include regional JFOs which are led by the RCMP such as the Immigration Task Force, Toronto Airport Drug Enforcement Unit (TADEU) and the GTA Drug Section JFO. As well, CBSA has an Intelligence Officer (IO) assigned to a CSIS-led JFO in the GTA Region.

Of the Agency's 330 IOs and IAs, about 54 participate in JFOs. They collaborate with and assist other law enforcement agencies on a range of activities that include the planning and coordination of joint enforcement activities, intelligence gathering, intelligence development, identifying subjects of interest and relationships between different persons of interest, and facilitating information-sharing between the CBSA and other JFO members. Only three of the CBSA's approximately 220 CIs participate in JFOs, primarily the BEST. CIs who participate in the BEST investigate potential offences in conjunction with law enforcement partners. There are also four Immigration Enforcement Officers (IEOs) assigned to the Immigration Task Force (ITF) and the Fugitive Squad in the GTA. They provide expertise in dealing with foreign nationals, assessing the immigration status of subjects of interest, investigating admissibility, issuing immigration warrants and reporting individuals who contravene the Act.

Exhibit 1 provides an overview of JFOs with CBSA involvement. A more detailed list of JFOs including a description of objectives is provided in Appendix C.

Exhibit 1: JFOs with CBSA Participation by Type, Lead, Region¹⁰ and Resources (Full-Time-Equivalents - FTE), FY 2010-2011

Type	JFO	Lead	Region(s) ¹¹	FT E		
				FB-03	FB-04	FB-05
Bi-National	Integrated Border Enforcement Teams (IBET) ¹²	RCMP	ATL, QUE(3), NOR(3), NFE, WSC, PRA(3), PAC(3)		17.5	
	Border Enforcement Security Task Force (BEST)	U.S. ICE	NFE, WSC, PAC(3)		3.0	3.0
	Total				20.5	3.0
National	Integrated national Security Enforcement Team (INSET)	RCMP	QUE, GTA, PRA, PAC		3.4	
	National Port Enforcement Team (NPET)	RCMP	ATL, QUE, NFE, PAC		4.5	
	Combined Forces Special Enforcement Unit (CFSEU)	RCMP	QUE, NOR, NFE, PAC		4.0	
	Total				11.9	
Regional	Service de Police de la Ville de Montréal (SPVM) JFO	SPVM	QUE		1.0	
	Firearms, Ammunition and Explosives (FAE)	Sûreté du Québec (SQ)			1.0	
	Sault St. Marie Joint Force Intelligence Unit (JFIU)	Ontario Provincial Police (OPP)	NOR		1.0	
	Ottawa JFIU	Ottawa Police Service (OPS)			1.0	
	Cornwall Regional Task Force (CRTF)	RCMP/OPP			1.0	
	Thunder Bay JFIU	OPP			1.0	
	Guns & Gangs - Ottawa	OPS			0.8	
	YYZ Intelligence Unit	CBSA, OPP, Peel Police Service (PPS)			3.5	
	Toronto Airport Drug Enforcement Unit (TADEU)	RCMP	GTA		1.0	
	RCMP GTA Drug Section (GTADS)	RCMP			1.0	
	Immigration Task Force (ITF) ¹³	RCMP			4.0	1.0
	Provincial Weapons Enforcement Unit (PWEU)- GTA	OPP			1.0	
	Toronto Drug Squad	Toronto Police Service (TPS)			1.0	
	Guns & Gangs - GTA	TPS			0.5	
	Asian Organized Crime Taskforce (AOCTF)	TPS			0.5	
	Toronto Fugitive Squad	TPS			1.0	
	Canadian Security Intelligence Service (CSIS) JFO	CSIS			1.0	
	Provincial Organized Crime Enforcement Team (POCET)	OPP		WSC		0.2
	PWEU - Windsor	OPP			0.2	
	Windsor Police Service Intelligence Unit (WPSIU)	WPS			1.0	
	Niagara Regional Police Intelligence (NRPI)	Niagara Regional Police Service (NRPS)	NFE		1.0	
	Integrated Fugitive Apprehension Team (IFAT)	CBSA	PRA		0.4	
Total			4.0	20.1	1.0	
	CBSA Total			61.5		

Source: Developed by PED based on input from regional Planning and Program Integration Divisions (PPIDs) and regional managers of Joint Force Operations.

¹⁰ Figures in brackets indicate number of JFOs of that type in region.

¹¹ Regional abbreviations: ATL – Atlantic, QUE – Quebec, NOR – Northern Ontario, GTA – Greater Toronto Area, NFE – Niagara/Fort Erie (as of April 1, 2010, NFE is part of the Southern Ontario Region), WSC – Windsor St. Clair (as of April 1, 2010, WSC is part of the Southern Ontario Region), PRA –Prairie, PAC - Pacific

¹² PAC IBET totals includes one regional Integrated Border Intelligence Team (IBIT). The IBIT consists of the same partners as the IBET and its main function is to support IBETs with information and intelligence. As such, for the purpose of the evaluation the IBIT was considered to be similar to the IBET and is included in the IBET totals.

¹³ One CR-05 FTE is assigned to the ITF and is included in the CBSA total count, but is not represented in the table.

Governance, Roles and Responsibilities

At National Headquarters (NHQ), there are two Branches with responsibilities directly related to CBSA JFO participation:

Operations Branch

The Intelligence and Targeting Operations Directorate provides intelligence support to the CBSA and partner operations. Within the directorate, the Intelligence Operations and Analysis Division is responsible for liaison with Regional Directors of Intelligence and IOs, including those participating in JFOs.

Programs Branch

The Post-Border Programs Directorate develops programs, policies and procedures related to criminal investigations, removals, monitoring of compliance with release conditions, hearings and detentions, and guides their implementation. Within the Directorate, Inland Enforcement Division is responsible for providing functional direction to the officers participating on the Immigration Task Force (ITF) in the GTA Region. The Criminal Investigations Division is responsible for investigating and prosecuting those who commit criminal offences under Canada's border legislation, and for providing functional direction to CIs participating in BEST.

The Risk Assessment Programs Directorate is responsible for establishing policy on the development and use of intelligence related to national security issues and human source and confidential information management systems. Intelligence Policies and Programs Management Division is responsible for developing intelligence policy and maintaining the Agency's policy for joint force operations.

The International and Partnerships Directorate's Written Collaborative Agreements and Arrangements (WCAA) Unit is the central repository and information source for WCAs and other agreements entered into by the CBSA. The unit is responsible for drafting WCA templates, policies and procedures and for providing guidance to management in their development.

Other Stakeholders

Federal Partners

The RCMP, Canada's national police service, is the lead on the vast majority of bi-national and national JFOs that involve the CBSA.

Provincial and Municipal Partners

The CBSA participates in JFOs with a range of provincial and municipal partners including five JFOs that are led by the OPP, three by the Toronto Police Service (TPS), and two by the Peel Regional Police.¹⁴

U.S. Partners

U.S. Department of Homeland Security – including Customs and Border Protection, Immigration and Customs Enforcement (ICE) and the U.S. Coast Guard are key stakeholders in both IBET and BEST.

1.2 Purpose of the Evaluation

The purpose of the evaluation was to examine the relevance and performance of the CBSA's participation in JFOs. This evaluation was conducted in accordance with the Treasury Board Directive on the Evaluation Function, and the research conducted from January to September 2011.

In preparation for the evaluation, the evaluation team consulted with key stakeholders to develop an evaluation framework. Research methodologies were developed on the basis of the evaluation framework and described in the evaluation plan. The following immediate and intermediate program outcomes were identified:

- Enhanced and coordinated capacity to identify, detect and interdict border criminality and non-compliance;
- Increase in skills and knowledge of officers; and
- Strong, effective partnerships;

¹⁴ Other JFO partners include the York Police, Durham Police, Windsor Police, Sault Ste Marie Police, Ottawa Police, Gatineau Police, Halifax Regional Police, Niagara Police, Hamilton Police, Niagara Regional Police, le Surete du Quebec, and the Gatineau Police. Additionally, municipal Police Forces in Halifax, Montreal, Hamilton and Vancouver provide assistance to the NPETs in their respective regions.

The evaluation questions used to assess relevance and performance against these outcomes are listed in Exhibit 2.

Exhibit 2: Evaluation Questions

Evaluation Issue	Evaluation Questions
Relevance	<i>Is the CBSA's participation in JFOs relevant?</i>
	<i>Is the CBSA's participation in JFOs aligned with federal and CBSA priorities, roles and responsibilities?</i>
	<i>Does CBSA's participation in JFOs align with known or perceived risk?</i>
	<i>Does CBSA participation in JFOs address an ongoing need?</i>
	<i>Are the JFOs in which CBSA participates performing as expected?</i>
Performance - Achievement of Expected Outcomes	<i>Is there effective management of CBSA participation in JFOs?</i>
	<i>Do CBSA officers assigned to JFOs have access to the systems they need?</i>
	<i>Do the officers participating on JFOs have the skills and knowledge to effectively carry out their required work activities?</i>
	<i>How successful has the CBSA been in developing and maintaining the partnerships needed to support JFO activities?</i>
	<i>Has participation in JFOs contributed to the disruption of border-related criminality?</i>
	<i>Is CBSA participation in JFOs adequately resourced to respond to border offences in an effective manner?</i>
	<i>Is CBSA's contribution to JFOs an efficient means to achieve intended outcomes?</i>
	<i>Does participation in JFOs duplicate any other policies, activities, programs or initiatives?</i>

Source: Developed by PED.

1.3 Evaluation Methodology

Review and Analysis of Documents and Data

A document review provided the evaluation team with background and context concerning participation in JFOs, and information regarding governance and oversight. Documents reviewed included planning reports, organizational charts, documents outlining roles and responsibilities including WCAs, D-Memoranda, Standard Operating Procedures (SOPs), guidelines and policies. The team also reviewed Other Government Department (OGD) documents, including national policies, strategies, performance reports, threat assessments, evaluations and correspondence regarding the implementation and management of JFOs. Documents related to the legal/regulatory framework for collection, maintenance and sharing of sensitive information and operations with OGDs, as well as Government of Canada (GoC) and CBSA priorities and requirements were also reviewed.

Data analyzed for this evaluation included information related to investigations, seizures, enforcement actions, Intelligence Management System (IMS) user information, and budget and expenditure information. These data were used mainly to support the assessment of JFO performance.

Key Stakeholder Interviews

There were 86 interviews conducted with internal and external stakeholders individually or in groups (Exhibit 3) as part of the evaluation research. The interviews were used to document the design and management of JFO activities, and to solicit perspectives on the alignment of activities with CBSA and GoC priorities. Interviews were also used as a means to elaborate on and clarify information gathered via other lines of inquiry.

Exhibit 3: Number of Interviews¹⁵

Interview Category	Number of Interviews
CBSA NHQ management	5
CBSA Regional management	32
CBSA Officers	28
Royal Canadian Mounted Police (RCMP) management and staff	15
U.S. CBP/U.S. ICE	4
Other police	2
Total	86

Site Visits

Since JFOs operate in the regions, site visits were used as a means to gather information on how JFOs work, how they are managed and delivered and how regional personnel coordinate activities and priorities with partners and NHQ. Information collected was also used to facilitate the comparison of JFOs across regions. Site visits provided the evaluation team with the opportunity to identify what works well and what could be improved, and to gather perspectives on the value that CBSA brings to JFOs and vice versa.

The evaluation team conducted site visits in the Atlantic, Quebec, Greater Toronto Area, Southern Ontario (WSC, NFE) and Pacific regions. The locations were chosen based on the number and variety of JFOs in place and levels of risk. Information on JFO activities in Prairie region were gathered via telephone interviews with regional CBSA management, officers and partners.

Case Studies

Two case studies were selected and used as a means to illustrate successful JFO operations. The studies illustrate how CBSA collaborates with other law enforcement agencies through participation on JFOs and to demonstrate the role of CBSA officers in the operation.

Evaluation Research Limitations

Performance information for JFOs is collected by the lead Agency and reflects overall JFO activities and results. It was not possible to directly attribute JFO outcomes to CBSA participation. As a proxy measure to quantify the value to the CBSA of JFO participation, the evaluation used entries made by officers into the Intelligence Management System (IMS) as an indicator of activity and compared this to

¹⁵ Group interviews have been counted as one interview.

activity levels for officers not assigned to JFOs. However, a limitation of this approach is that IMS likely under reports activity due to inconsistent data entry on the part of officers, particularly as it relates to information sharing and disclosures. In addition, there is evidence that not all officers are using IMS to log their activities. Variations in user entry levels and reviews of performance measures by the Risk Assessment Programs Directorate indicate use of IMS by IOs is not uniform across the regions.

For security reasons, the evaluation research team did not have access to JFO case files (current or historical), and it was not possible to observe all JFO activities. As a result, findings rely heavily on information gathered through interviews with a variety of stakeholders and statistics for overall JFO activities . Whenever possible, CBSA officials and partners were interviewed separately as a means to mitigate the risk that this limitation would lead to biased findings.

2.0 KEY FINDINGS

2.1 Relevance

Is the CBSA's participation in JFOs aligned with federal and CBSA priorities, roles and responsibilities?

CBSA participation in JFOs supports the GoC and Agency's commitment to work collaboratively and share information with domestic and international partners to support law enforcement efforts.

In 2001, the Canadian and U.S. governments signed the Smart Border Declaration which included a commitment by both parties to establish joint enforcement teams. This commitment was put into action in 2005 with the initiation of IBET under the Security and Prosperity Partnership of North America (SPP), with the goal of facilitating law enforcement cooperation. JFO participation is also aligned with the GoC national security policy of April, 2004, which notes that relationships with other law enforcement agencies, both domestically and abroad, are key to the exchange of intelligence needed to protect the security of Canada and Canadians.

More recently the February 2011 "Beyond the Border: a Shared Vision for Perimeter Security and Economic Competitiveness" joint declaration by the Prime Minister of Canada and the President of the U.S. identified integrated cross border-law enforcement as a key area of cooperation.¹⁶ The CBSA has also placed a priority on the need to work collaboratively with domestic and international partners to successfully deliver on its mandate.¹⁷

Does CBSA's participation in JFOs align with known or perceived risk?

Generally, the JFOs on which CBSA participates align with risks as identified in the 2011 Border Threat and Risk Assessment (BTRA)

As shown in Exhibit 4, the reported activities of JFOs with CBSA participation generally align with the risks identified in the 2011 Border Threat and Risk Assessment (BTRA)¹⁸. With the exception of Provincial Weapons Enforcement Unit (PWEU), all address at least one high risk area. The PWEU's mandate relates to firearms which have been identified as a medium risk in the BTRA. The only BTRA high risk threat not specifically addressed through a JFO is that related to [*]. Medium risk threats which are not specifically targeted by JFOs include [*]. The primary responsibility for detecting and interdicting these threats lies with Border Service Officers (BSOs) at PoEs. The mandates of the Immigration Task Force (ITF), Toronto Fugitive Squad (TFS) and Integrated Fugitive Apprehension Team (IFAT) align with the immigration enforcement high risk identified in the

¹⁶ Source: Beyond the Border: a Shared Vision for Perimeter Security and Economic Competitiveness (<http://actionplan.gc.ca/eng/feature.asp?pageId=337>).

¹⁷ Source: 2009-2010 RPP, <http://www.tbs-sct.gc.ca/rpp/2009-2010/inst/bsf/bsf-eng.pdf>.

¹⁸ CBSA 2011 Border Threat Risk Assessment (BTRA), January 2011.

2011 CBSA Enterprise Risk Profile. These JFOs focus on detecting and detaining foreign nationals who have warrants for serious criminality or who are wanted fugitives.

Exhibit 4: Alignment of JFO activities with High, Medium, and Low Risk Commodities and People as Identified in the BTRA

Joint Force Operation with CBSA Participation		Terrorism	Cocaine	Irregular Migration	Proceeds of Crime	Human Smuggling	Heroin	Firearms	Hashish	Precursor Chemicals	Tobacco	Chemical, Biological, Radiological, Nuclear and Explosive Threats (CBRNE)	Marijuana	Ecstasy	Opium	Hashish Oil	Stolen Vehicles	Khat	Methamphetamine	Dope	Human Trafficking			
		HIGH				MEDIUM								LOW										
Bi-National	IBET	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]		
	BEST	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
National	INSET	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	NPET	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	CFSEU	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
Regional	SPVM	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	SQ	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	Sault St. Marie JFIU	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	JFIU Ottawa	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	Cornwall Regional Task Force	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
	JFIU Thunder Bay	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	Guns & Gangs Ottawa	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	YYZ Intelligence Unit	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	TADEU	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	RCMP GTA Drug Section	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	PWEU	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	Toronto Drug Squad	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	Guns & Gangs GTA	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	Asian Organized Crime Taskforce	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	CSIS	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	POCET	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
	WPSIU	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]
NRPI	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	[*]	
ITF	These JFOs focus detecting and detaining (for eventual removal) foreign nationals who have warrants for serious criminality or who are wanted fugitives.																							
Toronto Fugitive Squad	These JFOs focus detecting and detaining (for eventual removal) foreign nationals who have warrants for serious criminality or who are wanted fugitives.																							
IFAT	These JFOs focus detecting and detaining (for eventual removal) foreign nationals who have warrants for serious criminality or who are wanted fugitives.																							

Source: Developed by PED based on review of CBSA 2011 BTRA against regional self-report performance data.

Does Agency participation in JFOs address an ongoing need?

There is a need for a coordinated approach amongst law enforcement agencies to address border-related risks and threats.

Interviews with partner stakeholders indicate that organized crime groups are becoming increasingly complex in their approaches to border-related criminality. Rather than addressing border-related threats in silos, JFOs allow law enforcement agencies to form an integrated approach to combat cross-border criminality and leverage specialized expertise by bringing together the knowledge, resources and legislative authority of multiple agencies. CBSA officer participation in JFOs has contributed to successful interdiction and conviction of individuals engaging in border-related crime.¹⁹

All external partners interviewed for the evaluation noted that without CBSA participation, JFOs with a border nexus would be less effective because of the Agency's jurisdiction and the specialized expertise and knowledge of CBSA officers.

Several partners reported that information provided by CBSA, such as immigration status or traveller history, is essential to defining targets and undertaking criminal investigations. These responses are supported by a 2010 U.S. Government Accountability Office (U.S. GAO) study that identified the importance of working in collaboration with law enforcement partners in both Canada and the U.S. and sharing information to tackle border-related criminality.²⁰

2.2 Performance – Achievement of Expected Outcomes

Is there effective management of CBSA participation in JFOs?

Agency objectives, goals and guidelines for participation in JFOs are not clearly articulated.

Managers in the regions and at NHQ indicated that they believe the general objectives of CBSA's participation in JFOs to be disruption of unlawful activities, enhancing relationships with law enforcement partners, information sharing and intelligence gathering. However, the evaluation was unable to find documentation that clearly outlined Agency priorities, goals and expectations for participation in JFOs. The only existing JFO policy was written in 1993 and does not reflect the current mandate and priorities of the Agency, the legislation for which it is now responsible, and changes to operations including the arming of officers.

¹⁹ Examples of successes of CBSA participation in JFOs are outlined in Case Studies of Project E-Paragon and the Galdamez Human Smuggling Cases.

²⁰ This report noted that border security efforts are enhanced through partnerships with Canadian law enforcement agencies to share intelligence, information, and conduct joint operations for interdiction and investigation of cross-border crime. Source: Enhanced DHS Oversight and Assessment of Interagency Coordination is needed for the Northern Border, GAO, December 2010, GAO 11-97. <http://www.gao.gov/new.items/d1197.pdf>

Oversight of CBSA's JFO participation is provided primarily at the regional level and is effective.

CBSA managers and officers interviewed indicated that regional managers monitor officer activities on JFOs on a regular basis to ensure effective use of time, that they are being included in all relevant JFO activities (e.g., daily briefings, JFO unit meetings, etc.), and that their activities are limited to the mandate of the CBSA. Regional managers also monitor activities to ensure the information sharing requirements as stipulated in Section 107 of the *Customs Act* and the *Privacy Act* Section 8(A) are respected.

Regional managers reported that it can be a challenge to participate in JFOs while at the same time providing intelligence support to the PoEs, and that this balance can be complicated by requests from NHQ to participate in national or special projects. Regional managers reported that additional NHQ direction in terms of priorities for intelligence resource deployment would be of benefit in making these decisions.

Among the JFOs examined for this study, IBET had the most structured governance model. However, interviews with CBSA managers and partners indicated that not all regional IBETs are using the structure effectively. For example, differences of opinion among JMT managers have led to long-standing operational issues in [*]. Stakeholders reported that these issues resulted in a decline in partner involvement and very limited progress on priority investigations. Senior managers reported that similar problems had been experienced in the Rocky Mountain IBET as late as 2009-2010, but these issues were successfully resolved as a result of personnel changes and fostering greater partner participation through the IBET management structure.

NHQ involvement in JFOs is limited to providing support to IBET and BEST.

NHQ involvement with IBET is mainly through the activities of the CBSA liaison advisor assigned to RCMP NHQ. The advisor serves as a member of the IBET International Coordination Team (ICT), acts as a liaison with IBET partners, participates in the development and delivery of IBET training, following up on International Joint Management Team (IJMT) recommendations related to CBSA, monitors IMS entries made by IOs and acts as single window contact for the IBET program. With respect to BEST, the Criminal Investigations Division (CID) monitors the activities of CIs assigned to BEST units and reports to senior management at NHQ on issues related to CBSA participation on BESTs²¹.

²¹ Reports include an assessment of issues related to Title 19 designation for CIs and reports to the President on CBSA involvement in BEST in January 2011 and June 2011.

Senior managers at NHQ indicated that NHQ should play a greater role in providing guidance to JFO participation.

With the exception of BEST and IBET, interviewees at NHQ indicated their involvement has been limited to ad hoc responses to requests for guidance from regional managers. Moving forward, managers at NHQ perceive a need for greater headquarters involvement in determining whether CBSA resources should be dedicated to specific JFOs. In order to address this need, some managers suggested that the Agency develop an approval framework to help determine the level and scope of involvement of CBSA officers in JFOs based on need and alignment with the CBSA mandate.

Many of the JFOs in which the CBSA participates do not operate under a WCA.

Recommendations from previous audits and assessments support the need for all JFOs to establish WCAs.²² Despite these recommendations, the evaluation found that a standard WCA has not yet been implemented²³ nor are all agreements tracked by NHQ. As illustrated Exhibit 5, 19 of the 52 JFOs on which the CBSA participates are not guided by a WCA. This number includes bi-national, national and regional JFOs. A review of existing WCAs found considerable variation in content. Although many include references to financial commitments and administrative aspects, provisions for a Joint Management Team (JMT) to guide operational activities are often not included. Many regional managers and partners stated that JMTs are critical to the success of the JFO as they provide all partners with a regular and structured forum to discuss the status, direction and activities of JFOs.

²² 2004 Regional Intelligence Officers and Customs Investigators Job Hazard Analysis Final Report; 2005 CBSA Audit of Information Exchange – Memoranda of Understanding with HRSD; 2007 Audit of the Personal Information Management Practices of the CBSA Trans-Border Data by the Office of the Privacy Commissioner of Canada

²³ A standard template for JFO WCAs was developed in 2006/2007 but was not fully implemented. A revised template is under development by the WCAA group in conjunction with Intelligence and Targeting Programs Community Management Unit.

Exhibit 5: JFOs by Region and WCA Status

	JFO	Region ²⁴	WCA Status
Bi-National	IBET	PAC(3), PRA(3), NOR(3), NFE, WSC, QUE(3), ATL	Yes
	BEST	PAC, NFE, WSC	No
National	NPET	PAC, NFE, QUE	No
	NPET	ATL	Yes
	INSET	PAC, PRA, GTA, QUE	No
	CFSEU	PAC, NOR, NFE, QUE	Yes
Regional	Sault Ste Marie JFIU	NOR	Yes
	Ottawa JFIU	NOR	No
	CRTF	NOR	Yes
	Thunder Bay JFIU	NOR	Yes
	Guns and Gangs - Ottawa	NOR	No
	Guns and Gangs - GTA	GTA	No
	YYZ Intelligence Unit	GTA	Yes
	RCMP GTADS	GTA	Yes
	TADEU	GTA	Yes
	Toronto Drugs	GTA	Yes
	AOCTF	GTA	Yes
	CSIS - JFO	GTA	No
	ITF	GTA	Yes
	Toronto Fugitive Squad	GTA	Yes
	PWEU - GTA	GTA	No
	PWEU - Windsor	WSC	No
	POCET	WSC	Yes
	WPSIU	WSC	Yes
	NRPI	NFE	Yes
	SPVM - JFO	QUE	No
FAE	QUE	No	
IFAT	PRA	No	

Source: Developed by PED based on documentation provided and consultation with the WCAA.

Formalizing JFOs through a WCA is particularly important as it relates to the sharing information amongst JFO partners.

The CBSA Customs Enforcement Manual states that “all on-going information sharing requires a WCA”, and agreements must meet “all basic legal requirements²⁵ and follow consistent format”. The CBSA Enforcement Manual also outlines the seven information sharing conditions that must be included in a

²⁴ Figures in brackets indicate number of JFOs of that type in region.

²⁵ This would include meeting the information sharing requirements as stipulated in Section 107 of the *Customs Act*.

WCA. As illustrated in Exhibit 6²⁶, the evaluation found that existing JFO WCAs do not address all requirements.²⁷

Exhibit 6: Alignment of WCA Conditions (as per the Customs Enforcement Manual) with content of current WCAs and agreements

CBSA Enforcement Manual Clauses	IBET	NPET - Atlantic	CFSEU	Sault Ste. Marie JFU	Cornwall Regional Task Force	Thunder Bay JFU	YYZ Intel Unit	RCMP Toronto Area Drugs Section	TADPU	Toronto Drugs	Asian Organized Crime	FWEU	POCET	WPS Unit	NRPS Unit
a) Specification that information provided remains CBSA property		█				█	█			█	█				
b) Identification of participants, purpose of operation, & authorities for information sharing	█	█				█			█	█	█	█	█	█	
c) Specification of return or destruction of information (& notification to partners) unless required for legal proceedings															
d) Identification of information source and statement of provision and storing of information re: security classification		█		█					█	█	█				
e) Purpose for information disclosure under agreement & prohibition of use of information for other purposes without CBSA approval	█	█				█	█		█	█				█	
f) Specification of mechanism for sharing personal information, accountability and consequences for improper use or disclosure	█					█			█	█					█
g) Outline of appropriate storage, use & disposal of information		█				█	█		█	█		█			

Source: PED based on review of existing JFO WCAs.

The evaluation obtained and reviewed copies of 15 WCAs and found that 10 contained at least one of the stipulated conditions, 4 did not address any of them. The most commonly addressed conditions were the “identification of JFO participants and purpose of the operation” (8 of 15) and “purpose for information disclosure under agreement and prohibition of use without prior approval of the CBSA” (7 of 15).

²⁶ The ITF and Toronto Fugitive Squad were omitted from this analysis. The criteria used in the analysis are from the Customs Enforcement Manual and focus on sharing information, they therefore do not apply to the ITF and Fugitive squad, whose work focuses on immigration and the execution of warrants.

²⁷ CBSA Enforcement Manual, Part 7, Chapter 3, Sections 83, 85,136.

Do CBSA officers assigned to JFOs have access to the systems they need?

CBSA officers on JFOs have sufficient access to Agency systems²⁸.

Access to CBSA systems has been delivered either through desktop computers with a local area network (LAN) connection to the CBSA server or remote access via CBSA laptops. The majority of officers indicated that there were few if any technical issues associated with connectivity to CBSA systems. Site visits and interviews showed that CBSA officers typically had access to the investigation or team files stored on partner LANs but access was not consistent across all JFOs.

Do the officers participating on JFOs have the skills and knowledge to effectively carry out their required work activities?

A combination of training and experience has provided JFO officers with the skills and knowledge they need.

Regional staff reported that the CBSA core training for IOs, CIs and IEOs is sufficient for officers assigned to JFOs, as their duties do not differ greatly from those of colleagues not on a JFO.²⁹ CBSA officers participating in JFOs tend to be experienced, many reporting up to five years experience prior to being assigned to a JFO. As a result, they bring considerable knowledge and skills to the operation. Although CBSA managers and officers interviewed did not perceive it to be an issue, some law enforcement partners indicated that additional training in note-taking and gathering of evidence would help in the preparation of files for Crown Prosecutors.

In addition to CBSA core training, several officers on JFOs reported receiving ad hoc training from JFO partners. This included courses such as warrant writing, human source development and use of partner systems. The IBET is the only JFO that offers a standard training program for all partner officers. This three-day course is offered twice per year and is intended to enhance the knowledge and skills of all IBET members on topics such as terms and conditions of the agreements governing IBET, the supporting role of intelligence to law enforcement, statutes governing partner participation, and legal considerations related to the disclosure and sharing of information.³⁰

CBSA officers, managers and partners reported that maintaining continuity of personnel for the duration of an operation is necessary for officers to develop in-depth case knowledge, good working relationships and gain the trust of other officers in the JFO.

²⁸ This includes IMS, Criminal Investigations Information Management System (CIIMS), FOSS, ICES, etc. All of the systems they would use in a CBSA office, they have access to when a LAN connection is set up for access to the CBSA network.

²⁹ Apart from more focused work and a higher number of cases.

³⁰ Source: IBET NCT.

The evaluation found that CBSA officers are often the longest standing participants in JFOs across the country. Most have been on a JFO for at least 2 years, some as many as 10 years. The average time spent on a JFO was 4.2 years.³¹

The 1993 JFO Policy states that “Continuity of personnel should be maintained for the duration of the operation”, and goes on to stipulate that “reasonable time frames should be set where it may extend indefinitely”. While continuity is viewed as important by regional managers, they also reported that indefinite assignments on JFOs were not a preferred practice. In addition to wanting to provide the opportunity to participate on JFOs to all IOs as a means to enhance their skills and knowledge, there is also concern that long-serving participants may experience mandate creep³². CBSA managers indicated that the pool of available IOs to assign to a JFO can be limited, particularly in areas outside of metropolitan centres. Managers and IOs also reported that not all officers are interested in serving on a JFO. Interviewees noted that, unlike their colleagues, IOs working in JFOs are often “on call” 24/7 to respond to operations-related information requests and tend to work longer hours as operations progress toward interdictions or arrests.

How successful has the CBSA been in developing and maintaining the partnerships needed to support JFO activities?

Overall, the CBSA has been successful in developing and maintaining partnerships needed to support JFOs. Co-location is seen as particularly important to building strong partnerships.

All JFO partners interviewed indicated that they were very satisfied with the contributions of the CBSA in terms of the information shared and the skills and knowledge of the assigned officer. The CBSA was recognized as a key partner based on its expertise in dealing with cross border criminality. Most partners noted that CBSA officers tend to be the longest serving team members and therefore, they played an important role in the orientation of new officers and managers in learning the activities and functions of the JFO.

Managers from CBSA and partner agencies, as well as JFO leads and JFO officers, all reported that co-location was a key to JFO success. Co-location contributes to strong partnerships by facilitating real-time information sharing, developing trust between team members and fostering lasting professional relationships. Co-location also helps to enhance partners’ understanding of the Agency’s mandate, legislative authorities, and the contributions CBSA officers can bring to the operation (e.g., border related knowledge, knowledge of, and access to, CBSA data).

CBSA and RCMP are working together to identify issues that, once resolved, will help strengthen JFO partnerships.

³¹ It should be noted that this figure is based on a sample of officers and is only applicable to IOs. The range is 0.75 to 11 years.

³² Mandate creep was a term used by CBSA regional managers to describe situations when a CBSA officer becomes involved in duties of other law enforcement agencies that are not within the CBSA mandate. CBSA regional managers indicated that the probability of this occurring could increase when officers serve on JFOs for long periods of time.

The Intergovernmental Relations Division within the International Partnerships Directorate recently conducted a joint review with the RCMP of the CBSA and RCMP relationship.³³ The review found that “CBSA’s relationship with the RCMP is mainly managed at the working level [and] there is no formal forum or structure at the highest level to discuss key strategic policy objectives”. In the absence of a CBSA JFO policy, clarification of common CBSA and RCMP objectives would help provide a framework for decisions concerning participation on RCMP led-JFOs.

The review also noted that the RCMP has a different interpretation of its authority under section 107 of the *Customs Act* than does the CBSA. Based on CBSA and RCMP interviewee comments, the evaluation found that this has led to some issues with RCMP officers questioning the CBSA requirement for a formal request for release of information collected under the *Customs Act*, as the RCMP also consider themselves as border officers.

As a result of the review, the two organizations have developed an overall strategic goal of a “strengthened operational and strategic relationship” and are in the process of developing initiatives to realize this objective.

Internal CBSA issues are negatively impacting relationships with external partners.

Senior RCMP managers and JFO leads reported that they were unclear on the distinction between the roles and responsibilities of CBSA IOs and CIs. As a result of a lack of clarity, partners are not always sure who should be the primary contact for a JFO. Some noted that they were concerned about causing issues in their relationships with the CBSA by contacting one area instead of another. Most of the partners indicated that JFOs could benefit from involvement of both functions, due to the broad range of criminal activities and organizations under investigation.

Has CBSA participation in JFOs contributed to the disruption of border-related criminality?

Partners indicate that CBSA participation is a requirement for JFOs to be effective. There is also evidence that participation on JFOs results in more investigations and intelligence leads than would otherwise be the case.

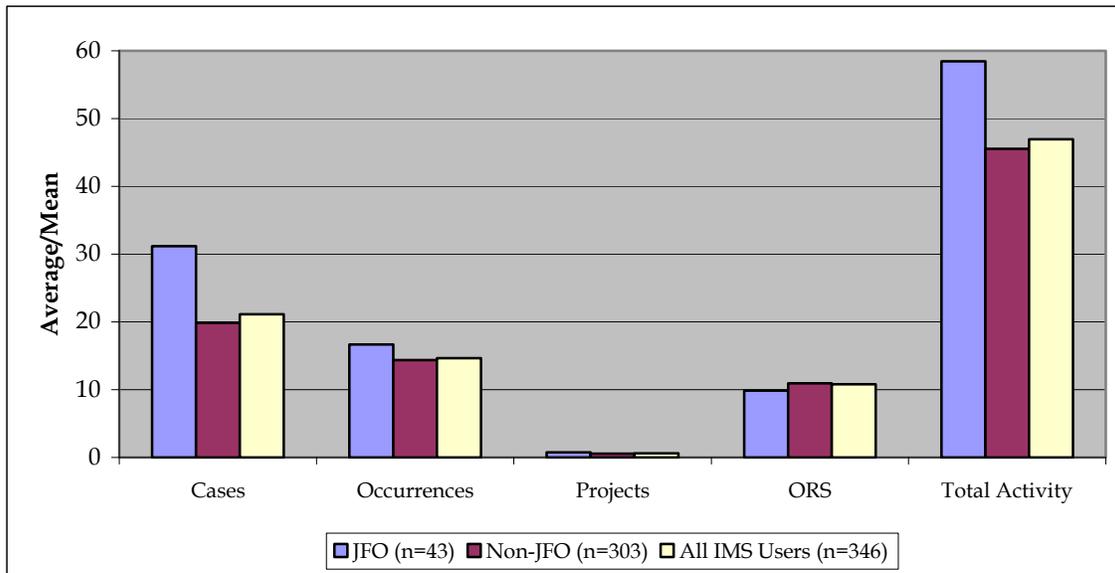
Data for fiscal year 2010-2011 indicates that CBSA officers assigned to JFOs tend to generate more cases³⁴ and intelligence leads than their non-JFO counterparts. A comparison of the IMS activities of IOs and IAs participating in JFOs and all other IMS users is presented in Exhibit 7. As illustrated, on average, IOs and IAs assigned to JFOs recorded 31 cases and 17 occurrences³⁵ in IMS compared to an average of 20 cases and 14 occurrences entered by officers not participating on JFOs.

³³ The study examined six areas of cooperation: Screening & Targeting, Intelligence, Operations, Information Sharing, Governance and Human Resources.

³⁴ “Cases” refer to in-depth investigations.

³⁵ “Occurrences” refers to a solitary piece of information that an IO receives and maintains for intelligence purposes.

**Exhibit 7: Average IMS Activity by Type,
JFO Officers, Non-JFO Officers and All IMS Users, 2010-2011 FY**



Source: Developed by PED based on IMS information provided by the Intelligence Direction and Performance Management Directorate.

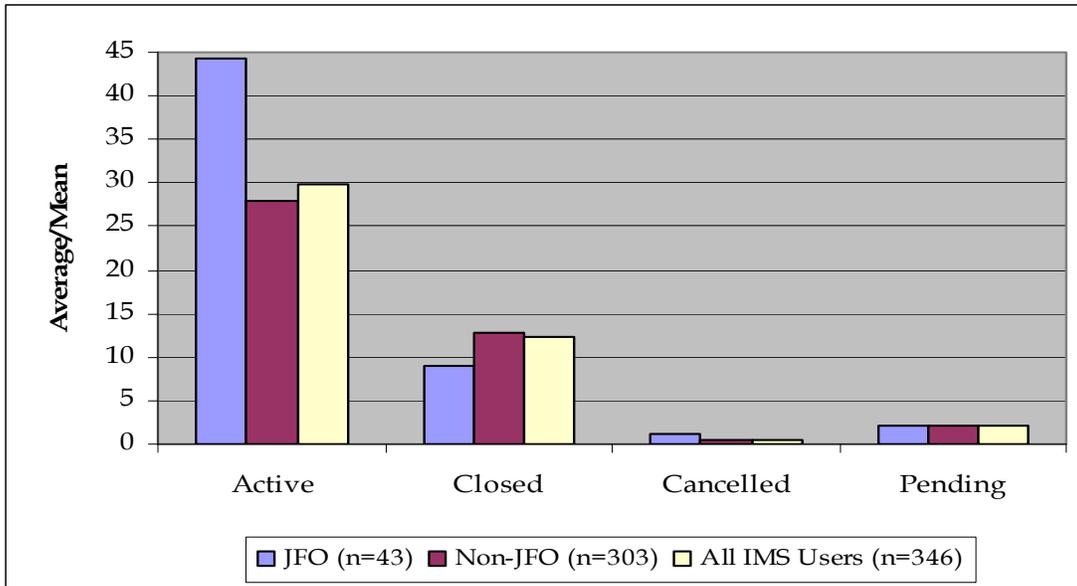
**Exhibit 7: Average IMS Activity by Type,
JFO Officers, Non-JFO Officers and All IMS Users, 2010-2011 FY**

	Cases	Occurrences	Projects	ORS	Total Activity
JFO (n=43)	31.2	16.7	0.7	9.8	58.4
Non-JFO (n=303)	19.9	14.4	0.6	10.9	45.5
All IMS Users (n=346)	21.1	14.6	0.6	10.8	47.0

Source: Developed by PED based on IMS information provided by the Intelligence Direction and Performance Management Directorate.

As illustrated in Exhibit 8, the average number of active cases per JFO assigned officer was considerably higher than of officers not assigned to a JFO. This difference may be a reflection of the fact that JFO officer cases typically focus on investigations related to weapons, organized crime or narcotics, and may result in investigations of a relatively long duration.

Exhibit 8: Average Number of IMS Files by Status, JFO Officers, Non-JFO Officers and All IMS Users, 2010-2011 FY



Source: Developed by PED based on IMS information provided by the Intelligence Direction and Performance Management Directorate.

Exhibit 8: Average Number of IMS Files by Status, JFO Officers, Non-JFO Officers and All IMS Users, 2010-2011 FY

	Active	Closed	Cancelled	Pending
JFO (n=43)	44.3	8.9	1.3	2.2
Non-JFO (n=303)	28.0	12.8	0.4	2.2
All IMS Users (n=346)	29.8	12.3	0.5	2.2

Source: Developed by PED based on IMS information provided by the Intelligence Direction and Performance Management Directorate.

The JFOs on which CBSA participates have had success in the number enforcement actions including seizures, criminal investigations and arrests. However, there is no way of determining the extent to which CBSA participation has contributed to these results.

JFOs do not collect or report on results of their operations at the partner agency level. As a result it is not possible to attribute specific results to the CBSA. As previously noted, partners have indicated the importance of the CBSA contribution. However, the evaluation was only able to obtain limited information on JFO results, as described below:

Integrated Border Enforcement Team (IBET)³⁶

Over the period 2005 - 2010, the 17 IBETs with CBSA participation conducted 108 criminal investigations and made 8,764 apprehensions³⁷ between PoEs, 805 narcotics seizures and 1,056 other seizures³⁸. The majority of apprehensions (60% in 2009 and 59.1% in 2010) were un-facilitated entries which are typically brought to PoEs for processing. The majority of Canada-bound seizures were tobacco.³⁹ These seizures were made primarily in the Quebec and Northern Ontario Regions. Conversely, the majority of US-bound seizures were narcotics⁴⁰.

IBET effectiveness, as measured by apprehensions, seizures, and criminal investigations varies considerably across regions. For example, in 2010, IBETs in the Quebec region accounted for 1,173, or 66% of all IBET apprehensions (1,767). During the same period, these IBETs were responsible for 60% of all seizures⁴¹ (77 of 128) and 26% of criminal investigations (14 of 53). In contrast, while IBETs operating in the Southern Ontario Region (WSC, NFE) were responsible for a similar proportion of overall criminal investigations, they accounted for only 13% of apprehensions and 2.4% of all seizures. These results may reflect of the previously noted long-standing operational issues in the WSC IBET.

As previously noted, it is not possible to directly attribute results to CBSA based on the Agency's contribution in the operation. However, Exhibit 9 provides an example of an IBET investigation and describes the important role played by the CBSA officer.

Exhibit 9: Case Study - IBET: Galdamez Human Smuggling Investigation

In 2006, the Eastern IBET (Stanstead, QC) obtained intelligence on the activities of the Galdamez human smuggling organization. It is believed that this organization had been in operation, conducting [*] between POEs [*].

This project had the assistance of various law enforcement agencies from both Canada and the U.S., which facilitated information and evidence sharing between the partners. The partners brought unique skills and abilities to the JFO. [*]. In addition to assisting in the development of the investigation proposal, the [*].

[*] the IBET apprehended two of Galdamez's partners (Sorgente and Gonzales) in the act of human smuggling from Canada to the U.S. in March 2007. Furthermore, the IBET executed a search warrant on

³⁶ IBET performance data drawn from Canada/United States IBET Threat Assessment (2008-2009). Other seizures include currency, firearms, contraband tobacco, passports, vehicles, etc.

³⁷ IBET tracks the following types of apprehensions: human smuggling, human trafficking, un-facilitated entries and smuggling.

³⁸ Other seizures include currency, firearms, contraband tobacco, passports, vehicles, etc.

³⁹ 92.8% in 2009 and 65% in 2010.

⁴⁰ 98.4% in 2009 and 69.6% in 2010.

⁴¹ All seizures includes seizures of narcotics (marijuana, cocaine, ecstasy, heroin, opium and methamphetamine) and other contraband (currency, firearms, tobacco, passports, vehicles, etc.).

their home and discovered they were harbouring five illegal immigrants, all of whom were arrested and deported.

These arrests led to further arrests and convictions of others within the Galdamez human smuggling organization, including Galdamez himself. He was extradited from Canada to the U.S., plead guilty to alien smuggling offenses and was sentenced in the U.S. District Court in Burlington. He was sentenced to 60 months imprisonment and three years of probation.

Border Enforcement Security Task Force (BEST)

BEST units that the CBSA participates in have shown a significant increase in their enforcement activities in the United States.⁴² From 2007-2008 to 2009-2010, the total enforcement activities (i.e., number of criminal cases initiated, arrests, indictments and convictions) in the U.S. attributed to BEST JFOs increased from 227 to 718. During this period, the BESTs initiated more than 400 individual criminal investigations which resulted in 447 arrests, 274 indictments and 160 convictions in the United States. Over the three-year period the number of seizures of ecstasy, cocaine and methamphetamine have been increasing. Conversely, the number of seizures of marijuana and currency⁴³ peaked in 2008-2009.

When working on investigations in the U.S., CBSA CIs “must remain in the office while the rest of the team undertakes activities.”⁴⁴ as CIs do not have Title 19 designation⁴⁵. CIs interviewed for the evaluation stated their main activities in the U.S. include attending meetings; gathering and sharing information; CBSA system queries; and acting as a single-window contact for CBSA and BEST enquiries. However, BEST activity has also led to criminal investigations in Canada. From January 2010 to June 2011, BEST participation resulted in the CBSA initiating 103 criminal investigations.⁴⁶ The number of investigations varied considerably across the BESTs, with the Buffalo/Fort Erie, Blaine/Surrey and Detroit Windsor BESTs accounting for 5, 14 and 84 criminal investigations respectively. Interviewees indicate that the large number of investigations conducted by the Windsor/Detroit BEST were the result of cases being referred to the BEST for action due to the IBET’s limited progress on criminal investigations.

⁴² As the lead for BEST, the regional Supervisory Special Agent collects performance information that is maintained by Homeland Security Investigations (HSI) for reporting purposes. The BEST is a federally funded U.S. program, which exists to enforce U.S. laws and is managed by U.S. ICE. As such, enforcement results reported are only for the U.S.

⁴³ During this period, seizures (in imperial pounds) of ecstasy (22.9%), cocaine (27.5%), and methamphetamine (66.7%) increased while those for marijuana (-34.9%) and currency (in USD) (-49.5%) declined.

⁴⁴ Interim report of the Involvement of the CBSA in the Border Enforcement Security Task Force (BEST), Criminal Investigations Division, Post-Border Programs, Programs Branch, January 2011, p. 15.

⁴⁵ U.S. Title 19 designation grants non-U.S. law enforcement officers the authority to work in the U.S.. Canadian officers working on BEST that have Title 19 designation have the same protection and liabilities as a U.S. ICE officer. They are legally permitted to conduct activities while working in the U.S. including investigations, surveillance and interviews, and are permitted to carry a duty firearm. The CBSA Policy on the Wearing of Protective and Defensive Equipment prohibits CBSA officers from carrying defensive equipment outside Canada.

⁴⁶ Update on the CBSA’s Participation in the Border Enforcement Task Force (BEST), Criminal Investigations Division, Post-Border Programs, Programs Branch, June 2011, pp.6-7.

In addition to criminal investigations, as of January 2011, 57 IMS files⁴⁷ could be linked to CBSA participation in BEST. These files tended to focus on the smuggling of narcotics, but also included cases involving smuggling of currency and firearms and illegal immigration.⁴⁸

National Port Enforcement Team (NPET)⁴⁹

Over the period 2006-2007 to 2010-2011, NPETs reported a total of 2,375 enforcement actions⁵⁰ that included 1,667 seizures of stolen vehicles and 46 drug seizures⁵¹. NPETs also contributed to the interception of 584 illegal migrants, 575 of which arrived on the Ocean Lady and Sun Sea migrant vessels. As a result, the Vancouver NPET has dealt with a highest volume of illegal migration cases. Montreal NPET has focused on the export of stolen vehicles and has accounted for the majority of stolen vehicle seizures⁵², approximately 83% of the total.

The evaluation found that NPETs work on operations in collaboration when necessary. For example, the Halifax and Montreal NPETs conducted a joint project in 2008 (Project Sienna) which resulted in the recovery of approximately 220 stolen vehicles. To support the operation, the CBSA used established export verification techniques, tools and resources to look for suspected contraventions of the *Customs Act*, the *Reporting of Exported Goods Regulations*, and other Acts of Parliament administered or enforced by the CBSA. CBSA targeting personnel in Atlantic and Québec regions and at the National Rail Export Targeting Unit (NRETU) in Winnipeg reviewed export declarations for outbound marine containers and identified those that should be examined for unauthorized vehicle exports.

Combined Forces Special Enforcement Unit (CFSEU)

Since 2006-2007, CFSEU Cornwall has conducted eight investigations resulting in 38 arrests and 146 charges laid. In 2010-2011, the CFSEU obtained a total of 40 seizures of narcotics, tobacco, vehicles, currency and firearms.

CBSA participation in the CFSEU-BC project E-Paragon resulted in a number of arrests and seizures and the dismantling of an organized crime group. Exhibit 10 describes the project, including the contribution of the CBSA IO assigned to this JFO.

Exhibit 10: Case Study - CFSEU-BC, Project E-Paragon

⁴⁷ Files opened by IOs on behalf of CIs. CIs do not have access to IMS.

⁴⁸ Interim Report of the Involvement of the CBSA in the Border Enforcement Security Task Force (BEST), Criminal Investigations Division, Post-Border Programs, Programs Branch, January 2011, p.10.

⁴⁹ NPET results provided by RCMP Border Integrity Division.

⁵⁰ NPET reported enforcement actions include: drug seizures, controlled deliveries, illegal migration, counterfeit merchandise, stolen vehicles, tobacco, firearms, arrests/charges.

⁵¹ Cannabis, hashish, cocaine, heroin, ketamine and ecstasy.

⁵² Montreal NPET has seized approximately 1,382 stolen vehicles, Halifax NPET has seized approximately 275 stolen vehicles

The CFSEU-BC was established in 2004 as an initiative to integrate the Organized Crime Agency of British Columbia (OCABC), the municipal police departments and the Royal Canadian Mounted Police (RCMP). Led by CFSEU-BC, Project E-Paragon was initiated based on information from the CBSA, U.S. DEA and RCMP [*].

Participating CBSA IOs were tasked with [*]; making suggestions to the project lead investigator with the CFSEU-BC on the investigation direction, and attending daily briefings of operation partners. Specifically, IOs [*] criminal operators, their criminal activities and methods. Through these activities, the IOs also [*] which guided CFSEU-BC operations. CBSA IOs also shared intelligence across Canada and with foreign customs services in Australia, New Zealand, Japan and Taiwan through the CBSA Field and Partnership Liaison Section to further E-Paragon investigations.

The co-location of CBSA IOs with other JFO officers facilitated direct access to key information and intelligence. Overall, the operation resulted in numerous arrests and enforcement actions including the seizure of \$168M in drugs, \$6M in real estate, \$2.1M in cash, \$300K in motor vehicles, and 17 weapons both inside and outside of Canada. As well, E-Paragon activities led to further investigations in Canada, the United States, Australia, New Zealand and Japan.

Immigration Task Force (ITF)

The ITF was formed in 1994 to “locate, apprehend and remove high-risk foreign national fugitives from Canada.” From 2006-2007 to 2010-2011 the ITF made 646 arrests, the vast majority (95.5%) of which were individuals involved in serious criminality. Although the ITF is led by the RCMP, CBSA’s participation is viewed by managers and partners as being essential because the Agency is responsible for executing immigration warrants.

CBSA’s contribution to the ITF consists of 4 IEOs and 1 CI. The work of the IEOs on the ITF differs from other IEOs at the Greater Toronto Enforcement Centre (GTEC) in that it is specific to cases involving individuals subject to security certificates, danger opinions, and those wanted for extradition or for having committed serious criminal offences⁵³. Core activities of other IEOs at GTEC include investigating IRPA violations, representing the Minister at the Immigration and Refugee Board (IRB), and the detention and removal of persons from Canada.⁵⁴

Integrated National Security Enforcement Team (INSET)

Information made available to the evaluation on INSET performance was mainly qualitative in nature. However, the GTA INSET reported assisting in the case involving 18 members of Al Qaeda-inspired Jihadist cells whose objectives were to attack landmarks in Ottawa and Toronto, and the arrest and charging of three individuals in Ottawa and London Ontario for conspiracy to knowingly support

⁵³ Serious criminality includes subjects convicted of an offence where they could have received a jail sentence of ten years or more and involve weapons, drugs, sexual assault, violence and organized crime cases.

⁵⁴ Source: CBSA Intranet, GTA Divisions. http://atlas/gtar-rgt/gtec/index_e.asp

terrorist activities.⁵⁵ As well, the INSET in Pacific Region indicated that it had contributed to the interception of illegal migrants on the Ocean Lady Migrant Vessel, some of whom were suspected members of the Liberation Tigers of Tamil Eelam.

2.3 Performance – Efficiency

Is CBSA participation in JFOs adequately resourced to respond to border offences in an effective manner?

Regional managers reported that they are able to assign officers to JFOs based on available resources and priorities.

Regional managers indicated that they have adequate resources to meet their JFO obligations. Regional managers assess the value of participation on JFOs on a regular basis and withdraw resources if the participation is not generating intended results. None of the managers or partners interviewed for the evaluation was able to identify a JFO that should have CBSA participation but did not due to insufficient resources. Notwithstanding JFO partners' stated desire to see a greater CBSA resources dedicated to some JFOs, they also indicated overall satisfaction with CBSA's contribution which is an indicator that the level of resources allocated has been sufficient.

In 2010-2011 approximately \$4.8 M⁵⁶ was spent by the CBSA on the participation of CBSA employees in JFOs.

On average, the Agency allocates at least one FTE per JFO. The estimated salary expenses for participation by JFOs for FY 2010-2011 are presented in Exhibit 11. As illustrated, the GTA Region had the highest level of investment for participation in JFOs across the country, which also reflects the number of JFOs in that region. In total, the GTA participates in one national and thirteen regional JFOs.

⁵⁵ Misbahuddin Ahmed, Hiva Alizadeh and Khurram Sher.

⁵⁶ Operating and maintenance costs are assumed to be minimal since most CBSA officers are located in partners' facilities.

Exhibit 11: Estimated Regional Resource Expenses for JFOs - 2010-2011 FY⁵⁷

Region	JFO Count	FTE	Salaries
GTA	11	17.5	\$1,177,110
QUE	8	8.2	\$571,638
PAC	7	9.8	\$568,597
NOR	9	8.8	\$560,998
NFE	5	6.5	\$459,745
WSC	5	5.4	\$287,062
PRA	5	3.8	\$262,672
ATL	2	1.5	\$104,568
SUBTOTAL	52	61.5	\$3,992,389
Employee Benefits Program			\$798,478
TOTAL ⁵⁸			\$4,790,867

Source: Estimated salary expenses were developed by the Program Evaluation Division (PED) based on reported resources and current salary levels of FB.

The Agency spends the bulk of its JFO resources on regional operations (Exhibit 12).

Exhibit 12: Estimated Salary Expenses by JFO type - 2010-2011 FY⁵⁹

	JFO Count	FTEs	Salaries
Regional	24	26.1	\$1,769,931
IBET	15	17.5	\$958,248
BEST	3	6.0	\$438,123
Bi-National	18	23.5	\$1,396,371
NPET	3	4.5	\$313,704
CFSEU	3	4.0	\$275,362
INSET	4	3.4	\$237,021
National	10	11.9	\$826,087
TOTAL	52	61.5	\$3,992,389

Source: Estimated salary expenses were developed by the Program Evaluation Division (PED) based on reported resources and current levels of FB.

⁵⁷ Note: these estimates represent salary expenses based on reported number of IEOs, IOs, IAs, CIs and CR-05s participating in JFOs. Financial estimates are based on mid-level salary levels as outlined by Collective Bargaining Agreement (Source: http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/fb/fb08-eng.asp). O&M and vehicles are not included. Salaries used for calculations are as follows: CR-05 –\$48, 170, FB-03 – \$64,127, FB-04 – \$69, 712, FB-05 – \$76, 329.

⁵⁸ Note: Internal services are not included in this total however they are estimated to be \$3,161,972 which would bring the total expenditures for enforcement teams to approximately \$8 M.

⁵⁹ IBID.

Is the CBSA's contribution to JFOs an efficient means to achieve intended outcomes?

There are insufficient performance data available to determine whether CBSA participation on JFOs is an efficient means to achieve the intended outcome of disrupting border criminality.

Does participation in JFOs duplicate any other activities, programs or initiatives?

There is potential for duplication of effort by JFOs, particularly between the BESTs and IBETs.

Participants interviewed commented that due to the fact that the BEST continues to expand its mandate and jurisdiction⁶⁰, there is a strong possibility for duplication of effort with IBET as the two groups have the potential to investigate the same criminal activities.⁶¹ It was also noted that the RCMP has raised concerns over the Windsor/Detroit BEST working a file that involved activity between the PoEs, since this falls under the IBET mandate.

These concerns are echoed in a December 2010 U.S. Government Accountability Office (U.S. GAO) report that addressed issues related to interagency coordination along the northern border. It was noted in the report that more than half of the interviewees involved in IBET or BEST cited concerns about overlap between the IBET and BEST that could result in a duplication of effort. It also stated that despite reported good working relationships between the IBET and BEST, concerns remained due to the possibility for BEST cases at the PoEs to expand into areas between PoEs. U.S. ICE officials interviewed by the GAO stated that such overlap had occurred.⁶²

While there is a potential for the duplication of intelligence, surveillance and investigative activities between JFOs, CBSA managers and partners indicated that there are deconfliction⁶³ processes in place to minimize the potential for duplication. Through formal and informal deconfliction processes, senior managers within each agency meet to discuss cases and priorities to ensure that there is no duplication occurring. Within the CBSA, interviewees noted that through the IMS system, JFO IOs are aware when another CBSA officer opens a file on an individual or group that they are investigating and use this information to ensure that duplication is avoided. In the GTA, JFO IOs meet to discuss files and forward information to managers to determine which JFO should take the lead.

⁶⁰ Originally BEST was designed to investigate criminal activity at the PoE, however ICE management interviewed for this evaluation stated that BEST investigations criminality at the border could include areas beyond the PoEs.

⁶¹ In WSC there was reported conflict between ICE and RCMP because BEST was working a file that involved activity between the ports which is the mandate of the IBET.

⁶² Source: Enhanced DHS Oversight and Assessment of Interagency Coordination is needed for the Northern Border, GAO, December 2010, GAO 11-97.

⁶³ Deconfliction is a term used by law enforcement agencies to describe the process of mitigating the risk of duplication of effort.

3.0 CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

CBSA participation in JFOs supports the Agency's commitment to work collaboratively and share information with domestic and international partners to support law enforcement efforts. These commitments are articulated in the Smart Border Declaration the Security, the Prosperity Partnership of North America, and more recently the February 2011 "Beyond the Border: a Shared Vision for Perimeter Security and Economic Competitiveness" joint declaration by the Prime Minister of Canada and the President of the U.S. which indentified integrated cross border-law enforcement as a key area of cooperation.⁶⁴

There is an ongoing need for CBSA participation in JFOs with a border nexus. All external partners interviewed for the evaluation stated that, without CBSA participation, these JFOs would be less effective. Regional managers and partners report that organized crime groups are utilizing increasingly complex approaches to border-related criminality. As such, there is a need for an integrated approach that brings together knowledge, resources and legislative authority of multiple law enforcement agencies. Amongst the main advantages of working with other agencies on JFOs is the opportunity they afford to build professional relationships, trust and a better understanding of the mandates and strengths that each partner brings to the operation. While it is not possible to quantify the impact of these benefits on JFO effectiveness, in the view of CBSA managers, officers and partners that participate, they are real and tangible.

In general, JFOs address risks identified in the 2011 Border Threat and Risk Assessment (BTRA) and 2011 Enterprise Risk Profile. With the exception of Provincial Weapons Enforcement Unit (PWEU), all JFOs address at least one high risk area. The PWEU's mandate relates to firearms which have been identified as a medium risk in the BTRA. The only BTRA high risk threat not specifically addressed through a JFO is that related to [*].

Oversight of CBSA's JFOs participation is provided primarily at the regional level. CBSA managers and officers interviewed indicated that regional managers monitor officer activities on JFOs on a regular basis to ensure effective use of time, that activities align with the CBSA mandate and that information sharing requirements as stipulated in Section 107 of the *Customs Act* and the *Privacy Act* Section 8(a) are respected. Managers in the regions reported that balancing JFO participation against the need to provide intelligence support to the PoEs and fill requests from NHQ to participate in national or special projects is challenging. Regional managers stated that additional NHQ direction in terms of priorities for intelligence resource deployment would be of benefit in making these decisions.

NHQ's ongoing involvement in JFOs is limited to Integrate Border Enforcement Team (IBET) and Border Enforcement Security Task Force (BEST). Support to IBET is mainly through a CBSA liaison advisor who serves as is a member of the IBET International Coordination Team (ICT). With respect to BEST, the Criminal Investigations Division (CID) monitors activities of CIs assigned to BEST units and

⁶⁴ Source: Beyond the Border: a Shared Vision for Perimeter Security and Economic Competitiveness (<http://actionplan.gc.ca/eng/feature.asp?pageId=337>).

reports to senior management at NHQ on issues relate to CBSA participation. For other JFOs, headquarters support is limited to addressing ad hoc requests for guidance from the regions, and managers at NHQ indicated a need for greater involvement in determining whether CBSA resources should be dedicated to specific JFOs.

Managers in the regions and at NHQ indicated that they believe the general objectives of CBSA's participation in JFOs to be disruption of unlawful activities, enhancing relationships with law enforcement partners, information sharing and intelligence gathering. However, Agency objectives, goals and guidelines for participation in JFOs are not clearly articulated. The existing JFO policy was written in 1993 and does not reflect the current mandate and priorities of the Agency, the legislation for which it is now responsible, and changes to operations including the arming of officers

Previous CBSA audits and assessments have recommended that participation on JFOs be guided by a WCA. Currently, 19 of the 52 JFOs on which the CBSA participates are not guided by a such an agreement . Interviewees noted that the sharing of information and intelligence is a key JFO activity. While the CBSA Customs Enforcement Manual outlines seven information sharing conditions that must be addressed in a WCA, of the 15 WCAs reviewed for the evaluation, none addressed all seven.

In light of these findings it is recommended that:

Recommendation 1

The Programs Branch revise the CBSA’s JFO Policy to ensure that it:

- *outlines Agency objectives and expectations for participation;*
- *articulates WCA requirements including those related to information sharing, governance and management arrangements;*
- *includes guidance concerning the roles and responsibilities of NHQ management, regional management and officers assigned to JFOs; and*
- *identifies requirements for the monitoring of CBSA’s contribution to JFO performance.*

Management Response:	
Agreed. Programs Branch supports the recommendations and has initiated a review of the current policy with the intent of clearly outlining Agency objectives and expectation, WCA/MOU requirements, guidance on roles and responsibilities and performance monitoring.	
Management Action Plan:	Completion Date
The Risk Assessment Programs Directorate, in consultation with other responsible areas, will revise the existing policy to: <ul style="list-style-type: none"> • outline Agency objectives and expectations for participation; • articulate WCA/MOU requirements, including those related to information-sharing, governance and management • provide guidance concerning the roles and responsibilities of NHQ management, regional management and officers assigned to JFOs • develop and implement a performance monitoring framework for JFOs • finalize revisions to the JFO Policy. 	<p style="text-align: center;">July 2012</p> <p style="text-align: center;">July 2012</p> <p style="text-align: center;">October 2012</p> <p style="text-align: center;">October 2012</p> <p style="text-align: center;">December 2012</p>

Recommendation 2

In the context of the revised CBSA JFO Policy, Programs Branch in conjunction with Operations Branch, review existing JFO WCAs and develop a plan to address any gaps and to ensure that WCAs are in place where required by the Policy.

Management Response:	
Agreed. Programs Branch supports the recommendation and will develop a plan to update WCAs and MOUs where required.	
Management Action Plan:	Completion Date
<p>The International and Partnerships Directorate, in consultation with Risk Assessment Programs Directorate and other responsible areas, will review existing WCAs/MOUs and develop a plan. Milestones:</p> <ul style="list-style-type: none"> • consultations with key stakeholders (e.g., Information Sharing, ATIP, Legal Services) for review of current draft JFO WCA/MOU template; • finalize the JFO WCA/MOU template; • review of existing WCAs/MOUs in order to identify gaps and WCAs/MOUs currently not in place that require negotiation. Start development of plan; • plan developed to ensure that existing WCA/MOUs contain all elements required by the JFO Policy are addressed and begin negotiations if new WCAs/MOUs are required; • post new JFO WCA/MOU template on Atlas, and inform the regions that the new template is available. 	<p>May 2012</p> <p>July 2012</p> <p>November 2012</p> <p>December 2012</p> <p>December 2012</p>

The JFOs on which the CBSA participates have had success in obtaining enforcement actions including seizures, criminal investigations and arrests. However, they do not collect or report on results at the partner agency level. As such, there is no means to quantify the CBSA's contribution to these results. However, there is evidence that participation on JFOs results in more CBSA investigations and intelligence leads than would otherwise be the case. Data for fiscal year 2010-2011 indicate that officers assigned to JFOs generate more cases (in-depth investigations) and intelligence leads than their non-JFO counterparts. On average, IOs and IAs assigned to JFOs recorded 31 cases and 17 occurrences⁶⁵ in the Intelligence Management System (IMS) compared to an average of 20 cases and 14 occurrences entered by officers not participating on JFOs.

Regional staff reported that the CBSA core training for IOs, CIs and IEOs is sufficient for officers assigned to JFOs, as their duties do not differ greatly from those of colleagues not on a JFO. CBSA officers participating in JFOs tend to be experienced, many reporting up to five years experience prior to being assigned to a JFO. The evaluation found that CBSA officers are often the longest standing participants in JFOs and that the average time by CBSA IOs currently on a JFO is 4.2 years. While continuity is viewed as important by regional managers, they also reported that indefinite assignments

⁶⁵ An "Occurrence" refers to a piece of information that an IO receives and maintains for intelligence purposes.

were not a preferred practice as this limits opportunities for officers not currently assigned to a JFO, and increases the risk of mandate creep⁶⁶.

Overall, the CBSA has been successful in developing and maintaining partnerships needed to support JFOs. All JFO partners interviewed indicated that they were very satisfied with the contributions of the CBSA in terms of the information shared and the skills and knowledge of the assigned officer. The CBSA was recognized as a key partner based on its expertise in dealing with cross border criminality. However, senior RCMP managers and JFO leads reported that they were unclear on the distinction between the roles and responsibilities of CBSA IOs and CIs. As a result, they are not always sure who should be the primary contact at CBSA and some stated that they were concerned about causing issues in their relationships with the CBSA by contacting one area instead of another.

In light of these findings it is recommended that:

Recommendation 3

The Programs Branch ensures that the mandates of intelligence and criminal investigations are clearly outlined as part of all agreements governing CBSA participation on JFOs.

Management Response:	
Agreed. Programs Branch will ensure that the respective mandates of Intelligence and criminal investigations are clearly outlined in all JFO agreements.	
Management Action Plan:	Completion Date
Risk Assessment Programs, in cooperation with Post Border Programs, will ensure that: <ul style="list-style-type: none"> the roles and mandates of intelligence and criminal investigations will be reviewed and clarified for inclusion in the revised JFO policy and all JFO WCAs/MOUs. 	December 2012

⁶⁶ Mandate creep was a term used by CBSA regional managers to describe situations when a CBSA officer becomes involved in duties of other law enforcement agencies that are not within the CBSA mandate. CBSA regional managers indicated that the probability of this occurring could increase when officers serve on JFOs for long periods of time.

Appendices

APPENDIX A: Abbreviations and Acronyms

Abbreviation/Acronym	Description
ATL	Atlantic
BEST	Border Enforcement Security Task Force
BSO	Border Services Officer
CBSA	Canada Border Services Agency
CCA	Customs Controlled Area
CDT	Control and Defensive Tactics
CFIA	Canada Food Inspection Agency
CFSEU	Combined Forces Special Enforcement Unit
CI	Criminal Investigator
CIC	Citizenship and Immigration Canada
CID	Criminal Investigations Division
CSIS	Canadian Security Intelligence Service
DFAIT	Department of Foreign Affairs and International Trade
DG	Director General
EEC	Executive Evaluation Committee
FN	Foreign National
FTE	Full Time Equivalent
GAO	Government Accountability Office
GoC	Government of Canada
GTA	Greater Toronto Area Region
HIDTA	High Intensity Drug Trafficking Area Task Force
HSI	Homeland Security Investigations
IA	Intelligence Analyst
IBET	Integrated Border Enforcement Team
IBIT	Integrated Border Intelligence Team
ICET	Integrated Compliance Enforcement Team
IEO	Inland Enforcement Officer
IFAT	Integrated Fugitive Apprehension Team
IJMT	International Joint Management Team
IMS	Intelligence Management System
INSET	Integrated National Security Enforcement Team
IO	Intelligence Officer
ITF	Immigration Task Force
JFIU	Joint Force Intelligence Unit
JFO	Joint Force Operation
JIG	Joint Intelligence Group
JMT	Joint Management Team
JOB	Joint Operational Group

LAN	Local Area Network
LTTE	Liberation Tigers of Tamil Eelam
MCM	Major Case Management
MOU	Memorandum of Understanding
NCT	National Coordination Team
NFE	Niagara/Fort Erie
NHQ	National Headquarters
NRPI	Niagara Regional Police Intelligence
NRPS	Niagara Regional Police Service
NOR	Northern Ontario Region
NPET	National Port Enforcement Team
OCDETF	Organized Crime Drug Enforcement Task Force
OGD	Other Government Department
OPI	Office of Primary Interest
OPP	Ontario Provincial Police
OPS	Ottawa Police Service
PAC	Pacific Region
PED	Program Evaluation Division
PCMLTFA	<i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i>
PPS	Peel Police Service
PoE	Port of Entry
PPID	Planning and Program Integration Division
PRA	Prairie Region
PWEU	Provincial Weapons Enforcement Unit
QC	Quebec Region
RCMP	Royal Canadian Mounted Police
RDG	Regional Director General
RPP	Report on Plans and Priorities
SOP	Standard Operation Procedure
SPP	Security and Prosperity Partnership of North America
SPVM	Service de Police de la Ville de Montréal
SQ	Sûreté du Québec
TADEU	Toronto Airport Drug Enforcement Unit
TB	Treasury Board
TPS	Toronto Police Service
U.S. CBP	United States Customs and Border Protection
WCA	Written Collaborative Arrangement
WCAA	Written Collaborative Arrangements and Agreements
WPSIU	Windsor Police Intelligence Unit
WPS	Windsor Police Service
WSC	Windsor/St Clair Region

APPENDIX B: Joint Force Operations Inventory

JFO	Lead	Partners	Region(s)	Objectives
Bi-National				
Integrated Border Enforcement Team (IBET)	RCMP	CBSA RCMP US ICE US CBP US CG	ATL (1) QUE (3) NOR (3) NFE (1) WSC (1) PRA (3) PAC (3 ⁶⁷)	<ul style="list-style-type: none"> IBETs enhance border integrity and security along the shared Canada/U.S. border, between designated ports of entry, by identifying, investigating and interdicting persons, organizations and goods that threaten the national security of one or both countries, or that are involved in organized criminal activity. The IBIT provides support to the PAC IBETs. It disseminates information between PoEs, the IBET and partner agencies. It also conducts analysis of intelligence and produces intelligence products.
Border Enforcement Security Team/Taskforce (BEST)	US ICE	CBSA US ICE US CBP US Coast Guard RCMP Local/Provincial State police	NFE WSC PAC	<ul style="list-style-type: none"> The BEST is a series of multi-agency teams developed to identify, disrupt and dismantle criminal organizations posing significant threats to border security.
National				
Integrated National Security Enforcement Team (INSET)	RCMP	CBSA RCMP CSIS	GTA QUE PRA PAC	<ul style="list-style-type: none"> The INSET increases the capacity for the collection, sharing and analysis of intelligence among partners with respect to individuals and entities that are a threat to national security and creates an enhanced investigative capacity to bring such individuals and entities to justice
National Ports Enforcement Team (NPET)	RCMP	CBSA RCMP Local/Provincial police	ATL QUE NFE PAC	<ul style="list-style-type: none"> The NPETs conduct investigations of federal statute offences while maintaining the free flow of goods, persons and services. Their goal is to significantly disrupt and/or eliminate the capacity of organized crime groups to utilize Canada's seaports as a conduit for cargo and/or persons that may pose a threat to national security. They are intelligence-led teams and integrated with federal, provincial and municipal law-enforcement agencies.
Combined Forces	RCMP	CBSA	QUE	<ul style="list-style-type: none"> The CFSEU facilitates the disruption and suppression of organized crime.

⁶⁷ This includes the IBIT

Special Enforcement Unit (CFSEU)		RCMP Local/Provincial police	NOR NFE PAC	<ul style="list-style-type: none"> The mandate is to investigate, prosecute, disrupt and suppress criminal organizations, consistent with local, regional, national and international priorities. CFSEU also supports other agencies by assisting in organized and major crime investigations.
Regional				
Service de Police de la Ville de Montréal (SPVM)	SPVM	SPVM CBSA	QUE	<ul style="list-style-type: none"> The purpose of the SPVM is to investigate, dismantle, and disrupt organized criminal activities
Sûreté du Québec (SQ)	SQ	SQ CBSA	QUE	<ul style="list-style-type: none"> Joint investigation unit to combat trafficking in firearms, ammunition and explosives (FAE)
Sault Ste Marie Joint Force Intelligence Unit (JFIU)	OPP	OPP CBSA SSM Police Ministry of Natural Resources RCMP	NOR	<ul style="list-style-type: none"> The Sault Ste Marie JFIU investigates, collects, analyzes and disseminates criminal intelligence information concerning criminal subjects/groups in Sault Ste. Marie and the surrounding area. Develops informants and sources.
Joint Forces Intelligence Unit (JFIU)	Ottawa Police Services	CBSA Ottawa Police Service RCMP Gatineau Police Surete du Quebec	NOR	<ul style="list-style-type: none"> The Ottawa JFIU investigates, collects, analyzes and disseminates criminal intelligence information concerning criminal subjects/groups in the National Capital area and the surrounding area.
Cornwall Regional Task Force (CRTF)	RCMP/OPP	CBSA RCMP OPP Cornwall Police Ontario Ministry of Revenue	NOR	<ul style="list-style-type: none"> The CRTF facilitates the sharing of information on a case specific basis between the partners The goal of the CRTF is to interdict the flow of contraband through the Akwesasne Territory and surrounding areas and to cooperate on criminal investigations of mutual interest and to gather sufficient evidence to result in the successful prosecutions of individuals implicated in criminal activities.
Thunder Bay Joint Forces Intelligence Unit (JFIU)	OPP	CBSA OPP CIC RCMP	NOR	<ul style="list-style-type: none"> The goal of the Thunder Bay JFIU is to investigate, collect and disseminate criminal intelligence information on professional and sophisticated criminal subjects and groups

		Ministry of Natural Resources Thunder Bay Police		
Guns and Gangs Initiative	Ottawa Police Services	CBSA Ottawa Police Service RCMP Gatineau Police Surete du Quebec	NOR GTA	<ul style="list-style-type: none"> The goal of the Guns and Gangs Initiative is to investigate, apprehend and remove foreign nationals and permanent residents who belong to, or are affiliated with, gang organizations. The primary focus is on illegal firearms, drugs, and crimes of violence
YYZ Intel Unit	OPP/Peel Police	CBSA Peel Police OPP Toronto Police Peel Police RCMP	GTA	<ul style="list-style-type: none"> The YYZ Intel Unit provides intelligence to uncover, investigate and support the prosecution of offences including but not limited to <i>Criminal Code</i>, <i>Controlled Drug and Substance Act</i>, <i>Customs Act</i> and the <i>Immigration and Refugee Protection Act</i> Their goal is to disrupt and dismantle criminal organizations operating at LBPIA
Toronto Airport Drug Enforcement Unit (TADEU)	RCMP	CBSA RCMP Peel Police OPP Toronto Police	GTA	<ul style="list-style-type: none"> The TADEU gathers, and maintains intelligence on airport employees suspected of criminal activity.
RCMP GTA Drug Section	RCMP	CBSA RCMP	GTA	<ul style="list-style-type: none"> The objectives of the GTADS are to uncover, investigate, prosecute, disrupt and dismantle, major criminal organizations involved in the importation, exportation, manufacture and trafficking of illegal and controlled substances as defined in the <i>Controlled Drug and Substances Act (CDSA)</i> and the <i>Criminal Code of Canada (CCC)</i> at the regional, national and international level.
Immigration Task Force (ITF)	RCMP	CBSA RCMP OPP	GTA	<ul style="list-style-type: none"> The ITF locates, arrests and detains non-Canadian Citizens wanted by the CBSA due to a security certificate, a danger opinion, wanted for extradition or serious criminal convictions.
Toronto Drug Squad	Toronto Police	CBSA Toronto Police	GTA	<ul style="list-style-type: none"> The Toronto Drug Squad investigates, prosecutes, disrupts and dismantles, major criminal organizations involved in the importation, exportation, manufacture and

				trafficking of illegal and controlled substances at the regional, national and international level.
Asian Organized Crime Task Force (AOCTF)	Toronto Police	CBSA Toronto Police OPP York Police Durham Police Peel Police	GTA	<ul style="list-style-type: none"> The AOCTF facilitates enhanced coordination to enforce organized crime legislation, by identifying, seizing and arranging for the forfeiture of assets derived from criminal activity.
Toronto Fugitive Squad	Toronto Police	CBSA Toronto Police	GTA	<ul style="list-style-type: none"> The Toronto Fugitive Squad investigates non-Canadian Citizens who are wanted fugitives and sees that they are removed from Canada.
Canadian Security Intelligence Service (CSIS)	CSIS	CBSA	GTA	<ul style="list-style-type: none"> CSIS identifies high risk individuals/companies posing national security risks
Provincial Weapons Enforcement Unit (PWEU)	OPP	OPP CBSA RCMP municipal police forces	GTA WSC	<ul style="list-style-type: none"> The PWEU disseminates tactical and strategic intelligence, facilitates border intercepts and conduct surveillance. Their goal is to interdict the smuggling of weapons across the border.
Provincial Organized Crime Enforcement Team (POCET)	OPP	CBSA OPP US ICE	WSC	<ul style="list-style-type: none"> The PWEU disseminates tactical and strategic intelligence, facilitates border intercepts and conduct surveillance. Their focus is on organized crime.
Windsor Police Intelligence Unit	Windsor Police	CBSA Windsor Police	WSC	<ul style="list-style-type: none"> The Windsor Police Intelligence Unit develops and shares information related to the border by identifying and defining the methods used by targets.
Niagara Regional Police Intelligence	Niagara Regional Police	CBSA Niagara Regional Police OPP Toronto Police	NFE	<ul style="list-style-type: none"> The Niagara Regional Police Intelligence Unit develops and shares information related to the border by identifying and defining the methods used by targets.
Integrated Fugitive Apprehension Team (IFAT)	CBSA	CBSA RCMP Calgary Police Alberta Sheriffs	PRA	<ul style="list-style-type: none"> The IFAT executes CBSA warrants and conducts apprehensions and removals of criminals.