



Canadian Association of Chiefs of Police

Association canadienne des chefs de police

Oral submission to the
Standing Senate Committee on
Legal and Constitutional Affairs

Bill S-256 – Canada Post Corporation Act (Seizure)

Remarks by:

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(Co-chair of the CACP's Drug Advisory Committee)

and

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(Member of the CACP's Law Amendments Committee)

Representing:

Canadian Association of Chiefs of Police

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Good morning and thank you for the opportunity to address this committee.

In May 2023, we appeared before you as part of your review of Bill C-47. The focus at that time was specifically on subsection 41(1) of the *Canada Post Corporation Act* related to the inspection of mail. The enactment of this provision in June 2023 successfully restored the power of postal inspectors to open any mail, other than a letter, if they have reasonable grounds to do so.

While the CACP applauded this important step forward, we recognized that it did not address the fact that the police remain unable to lawfully obtain a judicial authorization to search and seize items that are “in the course of post”.

Bill S-256 addresses this gap by proposing changes that would remove the barriers that obstruct police officers from investigating offences involving the mail.

The amendments to s. 40(3) and s. 41(1) of the *Canada Post Corporation Act* would close the loopholes too many criminals have been exploiting to commit criminal acts that result in large profits for organized crime groups and significant risks to the health and safety of Canadians.

Canada’s antiquated legislation impedes potential cooperation between police officers and postal inspectors who are responsible for identifying non-mailable matter but who are obligated to work independently of police criminal investigations.

Non-mailable matter often consists of illegal substances like fentanyl or the chemicals that make methamphetamine, prohibited weapons or counterfeit products. These postal items represent the crucial evidence the police are seeking to support criminal investigations.

Bill S-256 would allow the police to conduct judicially authorized searches and seizures of contraband contained in parcels and letters before the postal items enter the hands of people who introduce them into communities.

The CACP believes that Canadian laws must be modernized and include the necessary judicial oversight to protect privacy and safeguard citizens from harmful material being trafficked through the postal system.

I now invite my colleague, Inspector Michael Rowe, to address the committee.

Thank you Rachel.

Sections 40(3) and 41(1) of the *Canada Post Corporation Act* create a significant barrier to police investigations. Simply put, because of how this Act is written, meaningful charges against people trafficking in dangerous or controlled goods have to be stayed or thrown out by the courts.

This Act allows dangerous contraband to be delivered to an addressee by Canada Post in circumstances when police have reasonable grounds to obtain a warrant to examine, seize or further investigate the delivery of the package.

Letter mail weighing 500 grams or less is completely off-limits to be inspected or seized, by anyone, even with a warrant.

However, the same letter mail sent by private courier services can be searched and seized with the proper legal authorizations, in transit.

Letter mail can easily conceal unadulterated fentanyl, which could potentially contribute to tens of thousands of fatal overdoses and profits of as much as \$30,000 for organized crime groups.

These profits are not being reinvested in a legitimate or constructive way into a community's economic or social growth and are often used to fund violence in our cities.

Currently, there are no investigative techniques or strategies that allow the police to seize or examine packages or letters "in the course of post". These limitations are known by criminal groups who are specifically exploiting Canada Post to deliver controlled substances and contraband to urban, rural, remote and Indigenous communities across the country.

Bill S-256 is an opportunity for the government to **mitigate the investigative risks associated with the current process of outsourcing package examinations to postal inspectors**. It would prevent their involvement in investigative processes which are outside of their professional responsibilities and would protect them from threats to their safety from the criminal element.

This Bill would also enhance privacy protections for Canadians by **ensuring that an “objective standard justifying a search” is applied**, thereby **introducing judicial oversight** into a process which currently relies on warrantless searches under the *Canada Post Corporation Act*.

And finally, Bill S-256 would **disrupt the flow of dangerous goods being mailed across Canada** by allowing the police to apply for warrants to inspect and seize materials before they make their way to their intended destination and to hold those people exploiting our national postal service to account for their actions.

Thank you.