



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 C-47 – Budget Implementation Act, 2023, s.509

Remarks by:

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and

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Representing:

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Good afternoon and thank you for the opportunity to address this committee on behalf of the Canadian Association of Chiefs of Police.

Our association supports the government's action to amend the *Canada Post Corporation Act* to guard against dangerous drugs, (particularly fentanyl and other opioids), weapons, counterfeit goods like fake medicine and many other types of contraband from travelling through the postal system as letter-sized and parcel items.

This issue is longstanding for law enforcement. Following research and consultation, in 2015, CACP Resolution #08 called for the government to provide police with the ability to obtain judicial authorization to seize illicit drugs, weapons and counterfeit items from the mail.

Too many criminals are exploiting the current loophole in this legislative framework, making large profits using Canada Post to commit criminal acts and putting Canadian lives at risk. Currently, police are unable to lawfully obtain a judicial authorization to search and seize items that are in the course of post. For example, if police have reasonable grounds to believe that a package of fentanyl or a prohibited weapon is being sent through the mail, the police cannot lawfully detain or search the letter or package until it has been delivered to the addressee. Only a postal inspector, working independently of the police investigation, can intercept the item.

The Canadian Association of Chiefs of Police believe 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.

While the CACP supports changes to the *Canada Post Corporation Act* through Bill C-47, the proposed amendments do not go far enough. The current Bill S-256 – *Canada Post Safety Act*, proposes to amend s. 40(3) and s. 41(1) of the *Canada Post Corporation Act* to address the public safety and public health consequences of dangerous goods in the post.

To expand on elements of Bill S-256, I now invite my colleague, Inspector Michael Rowe, to address the committee.

Thank you Rachel.

Bill S-256 addresses the restrictions that prevent postal inspectors from opening letter mail weighing 500 grams or less. It is important to know that 30 grams of fentanyl, which can fit in a letter-sized envelope, could contribute to 15,000 potentially fatal overdoses.

The Government addressed the issue of small packages containing dangerous substances under Bill C-37 by providing customs officers with the powers to inspect mail weighing 30 grams or less.

Bill S-256 proposes to provide police with the ability to conduct judicially authorized searches and seizures of parcels or letter-sized items in the mail believed to contain dangerous substances like fentanyl or illegal firearms. Any detention or search would be subject to the same judicial oversight already required by law in situations outside the course of post, using existing search warrants. Further, this is an authority already available to law enforcement in cases involving packages sent by private courier services like FedEx, DHL and even Purolator which is owned by Canada Post.

Bill S-256 also proposes to amend the 'Interpretation' section of the *Canada Post Corporation Act* to include a definition of 'enforcement statute' which would encompass three tenets (a) an Act of Parliament, (b) the law of a province; or (c) a law or by-law made by a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. This definition is important as it empowers all communities which rely on Canada Post.

The aim of these proposed amendments is to allow law enforcement to conduct judicially authorized searches and seizures.

Canadians' expectations of privacy in the mail will be enhanced and not reduced by these proposed amendments, and a statutory loophole that unjustifiably prevents police from fully assisting Canada Post inspectors and customs officers in enforcing the law will be closed.

The proposed amendments under Bill S-256, coupled with providing Canada Post inspectors with the power to open any mail, if they have reasonable grounds to suspect as proposed under Bill C-47 s. 509, together provide tools for law enforcement and postal inspectors to keep communities safe.

Thank you.