



Canadian Association of Chiefs of Police

Association canadienne des chefs de police

Written Submission to the  
Standing Senate Committee on  
Legal and Constitutional Affairs

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

**Canadian Association of Chiefs of Police**  
Drug Advisory Committee

May 5, 2023

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## **About the CACP**

The Canadian Association of Chief of Police (CACP) was founded in Toronto on September 6, 1905. It is dedicated to the support and promotion of efficient law enforcement and to the protection and security of the people of Canada. The Association is national in character. Its interests and concern have relevance to police at all levels including municipal, regional, provincial, federal, and First Nations.

The CACP includes a series of committees dedicated to dealing with a wide range of issues important to public safety and security and to improving Canadian policing and the criminal justice system. The mandate of the Drug Advisory Committee is to promote safer and healthier communities through proactive leadership by addressing and influencing prevention, enforcement, harm reduction and treatment of substance abuse.

## **Statement**

The Canadian Association of Chiefs of Police (CACP) 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 authority to seize illicit drugs, weapons and counterfeit items from the mail, where authorized by law.

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 package.

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*. This Bill addresses the restrictions that prevent postal inspectors from opening letter mail weighing 500 grams or less. It is important to know that 30 g of fentanyl, which can fit in a letter-sized envelope can cause 15,000 potentially fatal overdoses. The Government addressed the issue of small packages containing dangerous substances under Bill C-37 by providing custom officers with the powers to inspect mail weighing 30 grams (g) or less. Bill S-256 also 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 law enforcement already has in cases involving packages sent by private courier services like FedEx, DHL and even Purolator which is owned by 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 amendment 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.

The CACP would welcome the opportunity to meet with the Committee to discuss these proposed amendments to the *Canada Post Corporation Act*.