

<b>IENB Officers Transiting Maine Policy</b>		Inspection and Enforcement New Brunswick	1.1.10
Policy Title	New or Amended	Division / Branch / Section	Policy #
Chief/Executive Director	June 22, 2022	April 14, 2023	April 2025
Approved by	This policy was approved on:	This version takes effect on:	This policy will be reviewed by:

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## **1. General**

- A. In the course of their duties, it is anticipated that Inspection and Enforcement New Brunswick (IENB) staff may be required to transit through the state of Maine, United States of America (USA). As a foreign national in the USA, we have no legal authority to carry our issued Use of Force equipment based on Canadian Legislation.
- B. IENB has obtained formal permission from the US Customs and Border Protection Agency (CBP), a branch of the US Department of Homeland Security for IENB staff to transit the State of Maine while in possession of their issued use of force equipment.
- C. The information laid out in this policy will govern both the conduct of our officers during their travel to the USA, and the process to ensure such travel is authorized.
- D. IENB has also consulted the Canadian Border Services agency (CBSA) and process ensuring compliance with Canadian legislation on re-entry into Canada is also contained within this policy.

## **2. Pre-travel Authorization**

- A. Only officers with a legitimate and reasonably foreseeable need to enter the USA to attend Campobello Island for work purposes will have their names submitted to CBP in advance.
- B. Officers selected for this pre-approval must have a valid Canadian Passport.
- C. CBP has provided IENB with 3 forms (appendix A, B, C) which must be completed in advance of travel and submitted for approval.
- D. The "Transportation of Firearms by IENB Member-Transit through the United States" form asks for the signature of the head of the agency. This authority has been delegated by the Chief down to the Inspector level.
- E. Officers identified above also require a letter signed by our Chief stating that they exited Canada for work purposes in possession of the assigned duty defensive weapons and are returning to Canada and are required to import the weapons to return them to our agency. See attached example in appendix D.

### **3. Procedures**

- A. The Deputy Chief, Superintendents and Inspectors at the section level will identify in advance of travel those staff who normally would have duties that present a legitimate need to travel to Campobello for work purposes.
- B. The Deputy Chief, Superintendents and Inspectors at the section level will complete all 3 of the attached documents for each staff member identified in section 3 A of this policy. Information on the forms will be completed as accurately as possible as of the date they are submitted to CBP.
- C. The forms should normally be completed by the patrol officer's normal Officer in Charge (OIC - Inspector level and above).
- D. Completed forms will be submitted to the contact listed below. Forms may be submitted in hard copy to;
- E. A copy of the application will be stored on the Departmental G drive in G:\Pre-approved Maine Travel.
- F. Annually, the names contained in this folder will be reviewed by the assigned Inspector and a summary of active officers will be submitted to the above contact.
- G. Officers traveling to Campobello will normally fall within two categories, Uniformed or Plain Cloths Patrols.
- H. This policy does not apply to officers who may travel to the USA in a covert capacity. In the cases that travel of this nature is requested, please contact your Special Investigations Co-Ordinator for direction.

### **4. Uniformed Patrol**

- A. Uniformed Officers must take the following steps to travel through the USA for work purposes.
  - i. Have confirmed with your superior Officer that an application was made on your behalf pre-authorizing your travel into the USA for work purposes prior to travel.
  - ii. Have a work-related purpose for travel.
  - iii. Have a passport available to present to CBP personnel at their request.

- iv. Have a copy of the completed letters as found in appendix B and C which were submitted on the officer's behalf as part of the pre-authorization process.
- v. If you are asked to justify your trip, the contact information of the supervisor who tasked you to travel through the USA should be readily available as well as submitting any relevant information to the CBP agent that may be requested
- vi. Officers are reminded that they have no "right" of access to the USA as part of their function. Our ability to enter and transit the USA is at the discretion of the CBP and officers are reminded that barring Privacy of Information and investigation specific information concerns, that they should be as transparent as possible about the nature and purpose of their trip.
- vii. Officers who are refused entry to the USA shall inform their supervisor of the time and date of refusal, the nature of their patrol, reason for refusal if given, and any other relevant factors or details.

## **5. Plain Clothes Patrols**

- A. Plain Clothes Officers must take the following steps to travel through the USA for work purposes.
  - i. Have confirmed with your superior Officer that an application was made on your behalf preauthorizing your travel into the USA for work purposes prior to travel.
  - ii. Have a work-related purpose for travel.
  - iii. Have a passport available to present to CBP personal at their request.
  - iv. Have a copy of the completed letters as found in appendix B and C which were submitted on the officer's behalf as part of the pre-authorization process.
  - v. Prior to crossing into the USA, remove all weapons from your person and securely store them in your patrol vehicle.
  - vi. If you are asked to justify your trip, the contact information of the supervisor who tasked you to travel through the USA should be readily available as well as submitting any relevant information to the CBP agent that may be requested.

- vii. Officers are reminded that they have no “right” of access to the USA as part of their function. Our ability to enter and transit the USA is at the discretion of the CBP and officers are reminded that barring Privacy of Information and investigation specific information concerns, that they should be as transparent as possible about the nature and purpose of their trip.
- viii. Officers who are refused entry to the USA shall inform their supervisor of the time and date of refusal, the nature of their patrol, reason for refusal if given, and any other relevant factors or details.
- ix. Once officers have returned to Canada, they are to re-arm themselves.
- x. The process of dis-arming and re-arming shall be repeated if return to Canada is planned through the USA.

## **6. Emergency Crossings**

- A. It is possible that circumstances may arise when travel to Campobello is urgent in nature and not all staff tasked with response are pre-approved for travel to the US. In these cases, it is within the authority of the CBP agents to allow staff entry. This method should only be used for urgent and ongoing issues and does not apply under any circumstance to regular patrols or investigation of historical offences.
- B. When a situation meets the criteria above, officers will declare at the USA CBP post the nature of the emergency and that they have not been pre-approved for travel. The officer shall answer all such questions as the CBP agent may ask withholding only personal information of Canadian citizens or information which if released would prove sensitive to an investigation.

## **7. Officer Status while in the USA**

- A. Officers are reminded that we have no legal authority in the USA or right to enter into USA territory. We are visitors while in the USA, with no peace officer status or legal authorities, and we are subject to USA law.
- B. Decisions of CBP agents are final and to be respected, issues are to be transmitted up through the chain of command.
- C. All travel will be in the most direct route except required stops for necessities.

## **8. Return to Canada**

- A. On returning to Canada staff will present themselves to the CBSA along with their letter authorizing the importation of their weapons to Canada, their passport and badge and picture ID identifying them as a Peace Officer.

## **9. Discipline**

- A. An officer who fails to comply with this policy may face discipline up to and including dismissal



Appendix A
TITLE 27
US FEDERAL CODE OF REGULATIONS
(Alcohol, Tobacco, and Firearms)

TO: US Customs and Border Protection
Attn: Dennis O'Neill Assistant Attaché, United States Embassy Ottawa

FROM: \_\_\_\_\_

SUBJECT: Transportation of Firearms by New Brunswick Dept. of Justice and Public Safety
Inspections and Enforcement (IENB) Branch Member-Transit through the United States

Surname \_\_\_\_\_ Given Name \_\_\_\_\_

Title \_\_\_\_\_ Badge # \_\_\_\_\_

Date of Birth (YYYY-MM-DD) \_\_\_\_\_

Post of duty \_\_\_\_\_ Phone \_\_\_\_\_

US Port(s) of Entry \_\_\_\_\_

Destination in CA \_\_\_\_\_

Firearm(s)
Make \_Sig Sauer\_ Model \_P226\_ Serial \_\_\_\_\_
Ammunition (Quantity) \_\_\_\_\_ 36 rounds \_\_\_\_\_

Make \_\_\_\_\_ Model \_\_\_\_\_ Serial \_\_\_\_\_
Ammunition (Quantity) \_\_\_\_\_

Make \_\_\_\_\_ Model \_\_\_\_\_ Serial \_\_\_\_\_
Ammunition (Quantity) \_\_\_\_\_

- I hereby attest that the officer named above is on active duty with IENB, and that in order to carry out their duties of employment they are required to transport a regulated item (duty firearm) from Canada through the United States by motor vehicle to reach a part of Canada for which the Canadian authority that employs the officer has jurisdiction, so long as travelling through the U.S. is the most direct and reasonable route to reach that part of Canada by motor vehicle.
• This officer understands they must undergo an inspection by CBP at a designated port of entry prior to entry into the U.S.

Head of Requesting Agency: \_\_\_\_\_ Date\_ (MM/DD/YY)\_\_\_\_\_
(Name and signature)

Employee: \_\_\_\_\_ Date\_ (MM/DD/YY)\_\_\_\_\_

=====
CBP Use Only
Oversight approval: \_\_\_\_\_ Date: \_\_\_\_\_



Appendix B

To U.S. Customs and Border Protection Officer:

The bearer of this letter is a fully sworn member of Inspection and Enforcement New Brunswick and is on official business. This Canadian law enforcement officer has a legitimate and official need to enter the United States with their service firearm. This officer and their requirement to transit the U.S. has been verified by Customs and Border Protection Representative assigned to the RCMP Headquarters' Federal Coordination Center U.S./Canada in Ottawa, Ontario, Canada.

This officer meets the criteria as outlined under the provisions of CBP Directive 4510-028A allowing for a non-immigrant to lawfully enter the United States with a firearm while on official business without requiring ATF Forms 6NIA or DSP-61 license.

Please see section below taken verbatim from the "Exceptions to the General Prohibition on Non-immigrant Aliens Possessing Firearms and Ammunition into the United States" of CBP Directive 4510-028A:

7.2.5 A non-immigrant alien who is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

This exception only applies if the foreign law enforcement officer has a legitimate need to carry their weapon into the United States. An example of this would be a Canadian law enforcement officer of the Royal Canadian Mounted Police entering the United States to extradite a prisoner.

The officer must provide the following to satisfy the documentation requirement: (1) a letter on agency letterhead from the foreign government stating the officer's business in the United States; and (2) valid credentials from the foreign government stating the officer is a law enforcement officer with the right to carry a firearm.

The ATF's regulations interpret a "friendly foreign government" as any government with whom the United States has diplomatic relations and whom the United States has not identified as a state sponsor of terrorism.

This Canadian officer is required to provide you with a letter authorizing this trip on agency letterhead, an official passport and law enforcement credentials. All should match the information below:

Name/Official Passport: \_\_\_\_\_

Credentials: \_\_\_\_\_

Firearms: \_\_\_\_\_ 1 Sig Sauer P226 with 36 rounds of Ammunition \_\_\_\_\_

Firearms:

Thank you for expediency and consideration in this matter. If you have any questions or concerns, please contact Assistant Chief Pete Vasquez at 613-843-3261.

## Appendix C

From: Name  
Position, Inspection and Enforcement New Brunswick  
ADDRESS XXXXXX  
XXXXXX

To: United States Customs and Border Protection Officer

Date: 2022-xx-xx

Dear Sir/Madame

Subject: Name of Police Officer (Badge #)  
Title 27 – United States Code of Federal Regulations

XXXX is a fully sworn law enforcement officer (Peace Officer) with the Inspection and Enforcement Branch of the New Brunswick Dept. of Justice and Public Safety (IENB), stationed in XXXX, New Brunswick, Canada. While in the performance of their duties, they may be required to transit through the United States (US) to reach locations in Canada as it is the most direct and reasonable route to take. Transiting through the United States would permit them to conduct law enforcement activities in these Canadian locations for which they have jurisdiction. The officer will be in possession of regulated items (duty firearm & ammunition) and will only transit on official business related to his duties.

Sincerely,

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Position:  
Section:  
Inspection and Enforcement Branch  
New Brunswick Dept. of Justice and Public Safety

**Appendix D**

Date:

To Whom it may concern:

Please be advised that officer \_\_\_\_\_ presenting this letter is a sworn Peace Officer appointed as a Special Constable pursuant to section 14.1(1) the New Brunswick Police Act. This officer has been in the United States of America while performing an assigned task with prohibited and restricted weapons owned by and issued to them by the New Brunswick Dept. of Justice and Public Safety, Inspection and Enforcement Branch (IENB). As such I am authorizing this officer to import the following agency weapons into Canada in order to return them to the possession of IENB, to wit;

- A Sig Sauer P226 .40 cal. Pistol and 36 rounds of duty ammunition
- A canister of OC spray
- 3 high capacity .40 cal. magazines (12 round)
- A conducted energy weapon (may be issued)
- A 5.56 cal. AR platform Carbine (may be issued)
- 3 high capacity 5.56 cal. magazines (30 round) (may be issued)

This travel is required for work and authorized by the Chief of IENB or their designate undersigned below.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Rank

\_\_\_\_\_  
Signature