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**ON THE BORDER: AN EXPLORATORY STUDY OF CANADIAN CUSTOMS
INSPECTOR DECISION MAKING**

by

Miriam Muecke Currey

B.A., University of Montana, 1988

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF

THE REQUIREMENTS FOR THE DEGREE OF

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in the School

of

Criminology

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On the Border: An Exploratory Study of Canadian Customs Inspector

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ABSTRACT

This exploratory field study of Canadian customs inspector decision making focuses on the manner in which customs inspectors exercise discretion and make decisions at the primary inspection level at two land ports of entry into Canada.

The conceptual framework for the study was based on studies of uniformed line level police officers. Two concepts from the policing literature, typification and recipes for action, were identified as potentially applicable to the decision making of customs inspectors during the primary inspection.

Two types of data were gathered: 1) field observation of customs inspector decision making at the primary level of inspection; and 2) interviews were conducted with 26 primary level customs inspectors. The data were gathered and analyzed with particular reference to the potential influence of five major factors: 1) the task environment; 2) the attributes of the customs inspector; 3) the attributes of the auto traveller; 4) the interaction between the customs inspector and the auto traveller; and 5) the organizational environment of the customs office.

The findings suggest that customs inspector decision making is affected by the volume of traffic and the amount of time the inspector is able to spend with each traveller. Management personnel act to control an inspector's use of discretion through the establishment of teams and in the

presence of team supervisors. It appears that neophyte inspectors learn acceptable and unacceptable behavior through the actions of, and "war stories" related by senior inspectors. Verbal and nonverbal cues were identified as potentially influencing a customs inspector's decision making. Finally, customs inspectors routinely employ typifications and recipes for action to categorize and judge encounters with auto travellers at the primary level of inspection.

DEDICATION

For my mother; Helen Bock Muecke, grandmother;
Julia Flach Muecke, Mariah who made the last two
years an adventure, and my husband; Dirk.

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CHAPTER I

INTRODUCTION

Each year millions of people cross the international border between the United States and Canada via one of the 114 designated land crossings (McIntosh, 1984). Statistics Canada compiles statistics generated by Canada Customs as to the number of visitors, their citizenship and the amount of time spent inside or outside of Canada. These statistics are published by Statistics Canada primarily to track tourism. Very little other statistical information regarding the travellers is readily available.

While millions of travellers cross the border between the United States and Canada, they know very little about the way in which the customs inspectors decide whether to allow travellers entrance. In an effort to allay auto travellers fears and provide information, Customs produces a series of pamphlets advising travellers of the customs inspectors duties under the Customs Act. These pamphlets are helpful but like the legislation are vague and ambiguous leaving many unanswered questions for travellers.

Every person spoken to who has crossed the border more than a few times has a story to relate. Often these tales are 'horror stories' with customs inspectors searching persons and tearing cars apart, scolding, threatening, or scaring the traveller. Conversely, many stories heard are those of getting something past the inspectors; smuggling

some type of goods and their strategies for doing so. T-shirts depicting the Canadian customs inspectors diligence in detecting smuggled goods are sold in the town close to the border crossings. Whether these tales are true or not, incomplete information, misinformation, and apprehension are passed on. Together with the reality of long line-ups, the purpose for border crossings is lost and crossing the border becomes something one has to endure.

What is the meaning and purpose behind the international border between the United States and Canada? What are the customs inspectors duties? How do customs inspectors make their decisions? and, What rights do auto travellers have? The present study will examine all these issues as an exploratory study of Canadian customs decision making.

Research Question

Four hypotheses were generated and provide a basis for the examination and analysis of the customs inspector/auto travellers encounter.

1. The customs inspectors task environment has an affect on customs inspector decision making.
2. Auto traveller attributes affect customs inspector decision making.
3. Customs inspector attributes have an affect on the decisions they make.

4. The interaction between customs inspectors and auto travellers can be understood and explained by typifications and recipes for action.

4a. Customs decision making, much like that of policing, becomes routinized.

4b. As a response to the routinization of their encounters with the public, customs inspectors develop typifications or categories of encounters.

4c. In conjunction with the typification of encounters, the customs inspector develops and uses standard recipes for action as a response to these encounters.

4d. Although customs inspectors exercise a great deal of discretion and practice selective enforcement resulting in variability of individual inspector decisions, there are definable and predictive parameters to their decisions as revealed through the typifications and recipes for action that are used routinely.

5. The customs inspectors decisions are affected by the organizational environment.

The present research is an exploratory field study of Canadian customs inspectors decision making. The study will focus on how customs inspectors exercise discretion and the techniques they use in making decisions. Chapter 2 will be a literature review, the focus of which will be police decision making. Chapter 3 will describe the method used in this study. Chapters 4 and 5 will describe and present the study's findings and Chapter 6 will be a summary and conclusions.

Within Chapter 4, there will be: 1) a description of the customs inspectors role and responsibilities, 2) a discussion of the customs inspectors discretionary powers, 3) an outline of inspector attributes describing the affects of training, experience, and peers on decision making, 4) a description of the study's setting; including primary and secondary inspection, 5) a description of the task environment and the aspects which potentially impact decision making, and 6) a discussion of the organizational environment and its influence on customs inspector decision making. Chapter 5 examines the attributes of the auto traveller and their impact on customs inspector decision making and explores the interaction between the customs inspector and the auto traveller in the encounter situation using two concepts from the police decision making literature; typifications and recipes for action.

CHAPTER II

LITERATURE REVIEW

Several key concepts identified: 1) encounters are interactive, 2) decision making is routine, 3) several categories of factors affecting an inspectors decision making can be identified, and 4) decision making is a dynamic process, will be utilized to describe and understand customs inspector decision making. The policing literature, especially studies of police patrol officers in encounter situations, has been used as a conceptual framework for this study as the research into customs inspector decision making is limited.

Non-police Studies of Decision Making

In many interactive encounter situations the cumulative experiences and the role identities of the participants in the interaction have a potentially significant impact on the decisions which are made (McCall & Simmons 1979). As individual decision makers can only process and retain a finite amount of information, incoming data are categorized and processed in a manner based on ones past experiences.

Goffman (1959) argued that all encounters were acted out on a "stage", with each participant playing a part of specific role. Behavioral cues, the setting, the appearance and manner of the performer must all fit together in the audiences' eye for trust to be gained. If the behavioral cues, the setting, the appearance, and manner of the performer do not appear to the audience as normal or do not

fit into any known category of situation or behavior, the audience will be doubtful of the performer and his/her actions.

Henslin (1979) used Goffman's concepts in his study of how cab drivers assess the trustworthiness of fares. Henslin found that cab drivers based their decisions of fare trustworthiness on interactive cues such as body posture and on their ability to maintain control over the fares' destination. The cab drivers also based their view of the fares' actions upon past experience: the fares' trackability, their gender, age, degree of sobriety, sitting behavior, and destination. Any acts by the fare that were seen as irrational reduced the cabbies ability to predict the fares' further behavior, thereby reducing trust.

The concept of 'normal' and 'troubled' cases which involves a description of clients and the situations they are involved in, was introduced by Scheff (1973). Scheff (1973) found that novice medical professionals used conceptual packages to describe 'normal' cases in order to standardize diagnosis, prognosis, and treatment. Normal cases were determined by those types of symptoms frequently exhibited by patients. Trouble cases were identified as those with symptoms not frequently encountered. The conceptual packages of normal and trouble allowed the physician to become more effective.

Studies of decision making in encounter situations within the criminal justice system have also utilized the

notions of troubled and normal or untroubled persons, cases and situations. The concepts of performance and 'normal' and 'trouble' cases have been applied to various divisions of the criminal justice system including studies of juveniles, the operation of prosecution offices, and national park rangers. In each instance, it was found that criminal justice practitioners utilized concepts which categorized clients and cases to increase their efficiency and to insure the orderly flow of case processing (Sudnow, 1973; Charles, 1982; Emerson, 1969).

Decision Making in Criminal Justice

Studies of the decision making process have been undertaken in a variety of criminal justice settings. Sudnow (1973) examined the daily decision making of U.S. defense attorneys in the office of prosecution. Emerson (1969) studied the process of judging youths charged with juvenile delinquency in a U.S. juvenile court, and Charles (1982) studied the decision making of Yellowstone Park rangers; a U.S. federal law enforcement agency. Each used the concepts of 'normal' and 'trouble' to illustrate how these decision makers carried out their tasks on a day-to-day basis.

Sudnow (1973) found that, within the prosecutors office, criminal cases were typified as either 'normal' or 'troubled'. 'Normal' cases were those routinely encountered offense types; identifying common offender attributes, the locale where the offense occurred, and the type of victim

related to each type of offense (Sudnow, 1973; 181). 'Trouble' cases were offense types which were unusual and as a consequence did not fit the typifications used by the attorneys (Sudnow, 1973; 180).

The attorneys constructed short-hand methods of determining charges. These 'recipes for action' corresponded to the manner in which cases were categorized or typified. A specific offense equalled a specific charge (Sudnow, 1973). The conceptual exercise of creating and utilizing typifications and recipes for action provided that the defendants were assured of their rights, while insuring that the court's concept of punishment was fulfilled. In addition, the public defenders office ran smoothly (Sudnow, 1973; 181).

The concepts of 'typifying' individuals and situations including offenses and developing responses or 'recipes for action'; have been used to study other areas of criminal justice decision making (Scheff, 1973; Ericson, 1982; Emerson, 1969; Lundman, 1980; Brown, 1981; Charles, 1982, 1986). Investigators have examined the decision making of particular groups in an attempt to determine how individuals and situations are categorized and to identify the routine whereby a course of action is decided upon.

Charles (1982) conducted a field study of Yellowstone Park rangers which examined the "various processes within the ranger milieu that influence ranger enforcement policies and behavior" (216). The environment of the park, with it's

high prestige and worldwide reputation; insures a high level of public support and compliance. This, in turn, encourages the rangers to maintain a responsive and public-oriented force.

Charles (1982) identified other factors which impacted the rangers decision making. Among these factors were: (1) the organization; organizational policy and guidelines, the recruitment and selection of rangers, control of information and, the rangers peer group, (2) client attributes; such as the client's attitude toward the rangers, their future intentions toward the park, the severity of the alleged offense, and the amount of trouble/work required by the ranger to follow up on an incident and, (3) ranger attributes; including training, socialization to the job, role, and type of recruits selected. These same factors frequently appear in the policing literature as determinants of police decision making (Brown, 1981; Wilson, 1968; Charles, 1986; Lundman, 1980; Reiss; 1971; Sykes and Clark, 1976 ; Ericson, 1982).

Studies of Police Officer Decision Making

The police have a broadly defined role, giving them the ability to use coercion to regulate social behavior among the community in the interest of the protection of life and the preservation of liberty (Brown, 1981; 4). The police role encompasses more than law enforcement. As one of the only public services open 24 hours a day, the police provide

a variety of services not associated with law enforcement or crime control (Brown, 1981).

Research studies have shown that the vast majority of citizen requests for the police are not for crime related incidents (Gottfredson & Gottfredson, 1988 Reiss, 1971; Wilson, 1965) and that it is through citizen requests that the majority of police work is initiated (Reiss, 1971). Once the police are mobilized, officers have a considerable amount of discretion in responding to a specific event and in managing the encounter.

The discretion exercised by police officers in their day-to-day decision making activities is of considerable importance to the present study. Police officers have "the power to decide which rules to apply to a given situation and whether or not to apply them" (Ericson, 1982; 11). An examination of discretion in the decision making of the police officer is important for a number of reasons. First, laws and organizational policies are written in ambiguous language requiring interpretation by the police officer to fit a range of situations. Moreover, the formal policies directing police actions define only the outer limits of acceptable behavior, leaving a great deal of room for the exercise of discretion by individual police officers. Collectively, police discretion in the enforcement of laws is in a political rather than a legal realm (Kinsey, Lea & Young, 1986; Brown, 1981; Ebbesen & Konecni, 1982).

Second, as long as organizational resources are limited, discretion is inevitable. The police cannot enforce every law or arrest every person suspected of breaking the law. Therefore, priorities must be set and laws enforced selectively (Kinsey, Lea & Young, 1986; Brown, 1981; Reiss, 1971; Charles, 1986; Stotland, 1982). Finally, effective policing and the administration of justice require discretion. Formal policy and rules cannot distinguish between individual differences or changing situations.

All organizations strive for efficiency and effectiveness. Police agencies are no exception. They must justify their budget, personnel, and resources. To be effective, the police must recognize the differences between the type of actions rules and policy to strive for and the type of actions that are practical and practiced on the streets and have the flexibility to assign resources accordingly. "Efficient police work demands practical judgement based on past experience and accumulated knowledge" (Kinsey et. al. 1986, 167).

However, while the knowledge that the police exercise discretion is important in understanding decision making, the factors which influence the police officer's application of discretion must also be considered.

The decision making literature studying the police in encounter situations can be divided into four major areas of inquiry: the police organization, the task environment, the police, and the clients/suspects. Each category has been

found to have an effect upon the decisions made by the police in their daily encounters. The categories are based upon conceptualizations presented by Brooks (1989) and Griffiths & Verdun-Jones (1989):

1. **Organizational Environment:** bureaucracy and professionalism, department size, the stability of an officer's assignment, and a supervisor's span of control.
2. **Task Environment:** the physical environment including the geographic boundaries policed, the demography of the area including the racial composition, the socioeconomic status, heterogeneity, and crime rate and citizen attitudes toward the police.
3. **Officer Variables:** the officer's age, experience, training, education, race, and rank. The police officer perception of citizen support and perceived respect are also measures of the encounter.
4. **The Client:** attributes of the suspect including age, demeanor, race, gender, socioeconomic status, relational distance from the complainant, complainant preference, type of offense, visibility of the offender, type of police mobilization, and the presence of others.

It seems likely that these categories also effect the encounters between travellers and customs inspectors at the border.

The Task Environment

The importance of the task environment has been noted in many studies of the police (Van Maanen, 1978; Reiss, 1971; Skolnick, 1975; Bittner, 1967; Ericson, 1982; Sacks, 1972; Brown, 1981; Charles, 1986; Kinsey, Lea & Young, 1986). Over and over again, it is found that police make judgements based on what is normal for the environment they are in. Sacks (1972) found that normality is time ordered with the season, the hour, the day, and the general appearance of the geography defining the normal ecology of the territory. Within this normality, the police expect and can predict behaviors and actions of the citizens who belong within that particular area. The citizens also expect a standard of actions and behaviors from the police within their district. Consequently, there are normal crimes which become predictable features of the areas normal appearance.

This scenario requires that the police be knowledgeable of and involved in the areas they patrol. Charles (1986), McGahan (1984), and Skolnick (1975) have argued that the police must be masters of observation, utilizing their ability to read people and situations, to go beyond the prima facia data available to them. Officers must know the routine of the district with it's normal traffic flow, regular faces, and incidents so well that they can compare

this knowledge with the circumstances, situations, and activities encountered on the job (Charles, 1986; 120).

Not only must the police be masters of observation but, in order to be effective they must meet the needs and expectations of the community they serve (Brown, 1981; Griffiths & Verdun-Jones, 1989; Kinsey, Lea & Young, 1986). Police officer understanding of the community's expectations affects the type and outcome of policing engaged in by the police serving the community. Part of this understanding comes from the choices and priorities made at the highest administrative levels of policing.

The Police Organization

Police organizations are typically described as quasi-military with command and control centralized in the upper echelons. These organizations typically place emphasis on the legitimacy of hierarchical authority and a rigid adherence to impersonal rules and regulations. At the same time, the police or lowest ranked members of the hierarchy, have broad discretionary powers and autonomy in carrying out their tasks. To resolve this dilemma two separate systems of internal controls emerge; bureaucratic and police culture (Brown, 1981; Charles, 1986).

Bureaucratic control is often in the form of rules, regulations, and policy manuals detailing operating procedures. These controls are seen as worthless by the patrol officer because of their sheer number and the omission of crucial areas requiring the use of discretion

(Arcuri, Gumm, & Lester; 1979). Bureaucratic control is largely negative, limiting rather than directing a police officer's actions. It sets the outer limits of police power leaving the officer to make daily decisions freely (Brown, 1981).

Under law, the police are given a broad mandate to control crime. However, laws are written in ambiguous and vague language, leaving room for various interpretations. Guidance from the community is also often ambiguous, leaving the officer to make decisions based on extralegal factors (Brown, 1981; Lundman, 1980; Ericson, 1982; Stotland, 1982).

The police culture provides an environment within which police officers operate on a day-to-day basis. Rules on how to make decisions and what criteria to use in making decisions are not spelled out in policy manuals but are learned on the job, often from other officers (Brown, 1981). Peer groups are a major source of input and the weight given certain types of information (Stotland, 1982) providing a practical basis for new recruits to achieve the goals of the administration, the community, and the officer (Stotland, 1982).

The style of policing followed by the police officers is affected by both the bureaucracy and the police culture. Wilson (1968) identified three ideal types of police organizations; watchman, legalistic, and service, which affect and develop the type of policing, priorities, and

leadership found within individual departments and their orientation toward the citizens they serve.

Officer Attributes

Brown (1981) found that police officers came from similar backgrounds and experiences, and shared similar political and social attitudes. These common attributes provided a basic world view, yet allowed for differing individual values and beliefs. Browns findings suggest that, in order to understand decision making, attention must be given to the values and beliefs of individual officers as well as to the organizational and peer group context within which officers carry out their duties.

Police researchers have also found that police officers rely upon their experience and intuition in policing (Charles, 1986; Brown, 1981; Lundman, 1980; Sacks, 1972). Charles (1986) found that recruits learn how to work the street by following the example of other officers actions, perceptions, biases, and tactics practiced on the street. Police argot, war stories, street encounters and fellow officers are the primary mechanisms used to transmit accepted knowledge and practice. Common sense and experience, not formal training, teach rookies acceptable and unacceptable use of discretion and street tactics.

It is also important to reiterate that, while police officers are the lowest status members of their organization, they exercise a great deal of discretion. Very few occupations allow individuals with only a high

school education and 16 weeks of training to enjoy this degree of responsibility and discretion (Charles, 1986).

The police officers career stage and orientation, job satisfaction and attitudes toward the community, job stress and burnout are all factors which could have an effect on the police officers decisions and job performance. (Burke, 1989; Green, 1989; Burke & Kirchmeyer, 1990) found indications that career stage and job satisfaction could affect an officer's emotional and physical health which would have implications for their decision making ability.

Within an encounter situation, the police officer's individual qualities along with environmental and organizational elements and their impact upon the police officer influence the way in which decisions are made and police officer discretion is used. In every encounter situation there is also another participant, usually a suspect. These individuals also bring personal characteristics to the encounter which may affect the outcome.

Suspect/Client Attributes

Police research has consistently shown a relationship between the suspects attitude or demeanor and the police officer's decisions (Sykes & Clark, 1976; Sykes et. al., 1976; Lundman, 1980; Black & Reiss, 1967; Reiss, 1971; Sullivan & Siegal, 1972). The client's age, race, gender and socioeconomic status have also been shown to be factors in an officer's decisions (Lundman, 1980; Black, 1973;

Ericson, 1982, Van Maanen, 1978, Charles, 1986, Brown, 1981). Other factors such as the relational distance between those involved in the situation, the complaint/victim's wishes, and the seriousness of the offense have been found to effect the police officer's decision making (Sykes and Clark, 1976; Ericson, 1982; Black, 1971; Lundman, 1980; Black & Reiss, 1967; Sullivan & Siegal, 1972; Forst, Lucienovic & Cox, 1977; Charles, 1986).

Auto Traveller/Customs Inspector Interaction

There are two concepts which are particularly useful in understanding the potential impact of suspect attitudes on the decision making of the police. The attitudes of the suspect and their potential impact on the decision making of patrol officers can only be understood by utilizing concepts which during an encounter is explained by typifications and recipes for action.

Ericson (1982: 86) maintained that, in encounters with citizens," police officers develop and use cues concerning 1) individuals out of place, 2) individuals in particular places, 3) individuals of particular types regardless of the place, and 4) unusual circumstances regarding property." Within the development and use of these interactive cues one can see the combination of factors; the environment, the organization, the officer, and the suspect, at work.

Because the police officer's job is so changeable, police officers must rely on a finite amount of information gained in a limited amount of time to make choices.

Consequently, it is not possible to individualize each encounter (Lundman, 1980). Rather, police officers develop and utilize a conceptual short-hand system of classifying encounter situations - typifications - and the appropriate responses to them - recipes for action.

Police officers develop typifications of events based on past experience, permitting the identification of specific encounters as representative of a more general class of events. Typifications lead the officer to react/ behave in specific ways. These are recipes for actions (Lundman, 1982; Sacks, 1972; Van Maanen, 1978; Brown, 1980; Charles, 1982, 1986; Ericson, 1982).

Organizational pressures caused by limited resources, the pressure to handle cases efficiently, the presence of two opposing systems of control; the paradox of officer discretion, autonomy and bureaucratic hierarchy, an officer's training, and the lack of a scientific body of knowledge, set the stage for police officer's developing and using typifications and recipes for action. Suspects and police officers each bring to the encounter situation their personal attributes, values, stereotypes and expectations. The environment in which the encounter occurs provides a background against which officers make judgements about the circumstances of an encounter. The established norm for the area established by intensive observation and experience is based upon on ecological factors; the type of individuals and activities normally occurring within that ecology, the

setting, and anything that appears unusual. In other words, police officers make decisions based upon what experience has taught them is normal within specific geographical environments. Within this realm, officers develop and utilize typifications and recipes for action to identify, control, understand, and resolve citizen encounters on a day-to-day basis.

Studies of Nonverbal Cues in the Detection of Deception

Very little research has specifically examined the decision making of customs inspectors either in Canada or the United States. Nonetheless, the literature concerning police decision making and routine policing provides a basis or conceptual framework which can be applied to an exploratory field study of customs inspectors decision making.

The detection of deception appears to be a key element, although there are no studies to support this supposition, in customs inspector decision making encounters. Research studying the detection of deception has primarily focused on nonverbal communication cues. A wide range of behaviors have been shown to accurately detect deception from pupil dilation, self touching and blinking to postural shifts, and less smiling, speech hesitations, changes in vocal pitch and speech rate (DePaulo, Stone & Lassiter, 1984) to the verbal content of message and body language cues (Littlepage, Tang & Pineault 1986). However, Green, O'Hair, Cody & Yen, 1985; 335 reported that, "the literature

reviewed indicates that few behaviors (pupil dilation, shrug rate, use of adaptors, speech errors, speech hesitations, and vocal pitch) consistently differentiate liars from non-liars."

While the literature on deception is premised on experimental studies and there are no field studies conducted to date which have been specifically designed to study the decision making of customs inspectors, one piece of literature found on customs inspectors was related to the detection of deception. This study is important, none-the-less as it is likely that once a decision has been made by a customs inspector justification for that action will be in the form of behavioral cues displayed by the traveller during the encounter which revealed deception.

In this study testing the ability of customs inspector to detect deception, Kraut and Poe (1980) conducted mock customs inspections in which a "variety of airline passengers tried to smuggle contraband past United States Customs Inspectors" (786).

The interactions between the travellers and U.S. Customs Inspectors were videotaped and later viewed by layman who also attempted to determine which travellers were smuggling. In addition to deciding which travellers were smuggling, both inspectors and lay judges gave reasons for those they picked out as smugglers.

Volunteer passengers were randomly assigned to carry contraband and asked to behave as they normally would going

through customs. As an incentive, money was offered to the most convincing traveller.

Among the objectives of the study were an examination of the cues used to judge deception and the generality of the perception of deception (788). Kraut and Poe (1980) found that comportment cues (traveller nervousness and the difficulty in forming answers) were the most important factors in determining whether inspectors or laymen decided to search the passengers in the sample.

Stereotypic cues - beliefs formed prior to the actual inspections, about the likelihood that certain classes of travelers are smugglers. Classes based on stable background and demographic characteristics such as age, sex, race, and social class and can be perceived directly or inferred from some of the travelers' answers or behavior, such as dress or business travel (791).

Comportment cues - based on how travelers comport themselves in the interview by forming impressions of such factors as the travelers' nervousness and the difficulty shown in formulating answers. Based on specifics of the travelers' verbal and nonverbal behavior in interviews (792).

Other cues - partly influenced by their stable demographic characteristics (Efron, 1941) and closely related factors such as the number of times they've been through customs (792).

Demographic characteristics also contributed with occupational status and age among the three best predictors of search decisions along with nervousness. Additionally, anecdotal evidence suggested that inspectors used intuition acquired through job experience as a factor in their decisions (794).

This study is important, not only because it identified the cues inspectors and laymen felt identified deception;

but also because it examined the cues utilized by those making the judgements, regardless of whether they were accurate in detecting smuggling or not. This suggests that customs inspectors may routinely use non-verbal cues in an attempt to detect deception.

Comparison of Police Officer and Customs Inspector Decision Making

The research literature indicates that the police use stereotypes and categories to function efficiently and effectively. It can be anticipated that customs inspectors do likewise. Similar to the police, customs inspectors are law enforcement agents responsible for enforcing an extensive array of laws. However, due to limitations of time and resources (as well as practical difficulties of keeping traffic flowing) it is impossible to enforce all the laws or to arrest every person committing an infraction of those laws. These limitations force customs inspectors to be even more selective in their activities and decision making.

Customs inspectors in primary inspection experience innumerable encounters on a continual basis. These encounters are brief, 30 to 45 seconds each, and occur with such regularity as to often become monotonous. Given the time limitations and the repetitive aspects, it seems likely that the inspectors categorize encounter situations on the basis of past experience. With the information gathered in a notably brief amount of time, it is likely that the

inspectors decisions are based upon stereotypes which may be based upon incomplete or misinformation.

It is likely that customs inspectors also have pre-conceived notions of how an encounter at the border should proceed and about what the auto travellers role and behavior within that interaction should be. Past experience has allowed them to develop patterns of normal behavior and normal auto travellers so that they can predict and judge whether a traveller is trustworthy. Any variation or deviation from the known patterns in the auto travellers behavior or their interactive cues will diminish the inspectors trust of the auto traveller and effect the inspectors escalation of decisions regarding that traveller.

Every encounter at the border involves at least two participants, the customs inspector and the auto traveller. Each person brings personal attributes to the situation which have an effect on the outcome. Additionally, other outside influences may influence the encounter situation. These forces include the "task environment" and the organizational policies and rules of the port of which the customs inspector is a part. Therefore, in each encounter between the primary participants, the auto traveller and the customs inspector, four factors must be considered in order to understand the decision making that occurs:

1. the task environment;
2. the organizational environment
3. the customs inspector; and

4. the auto traveller or client attributes.

Both customs inspectors and police officers are law enforcement agents, who through their daily encounters with citizens interpret and determine which laws are to be enforced and which are overlooked, who is charged or released for specific offenses. Selective enforcement is a practical means of decision making, allowing the police officer and the customs inspector the ability to be flexible and use discretion as circumstances warrant (Ebbesen & Konecni, 1982).

Further, both police patrol officers and customs inspectors are the lowest status members in their respective quasi-military organizations, yet both have a great deal of autonomy and exercise considerable discretionary power. Moreover, most discretionary actions occur in situations that are relatively unsupervised and uncontrollable by those in positions of management.

Given the similarities between the decisions made by police officers and customs inspectors, it can be anticipated that customs inspectors also utilize "typifications" and "recipes for action" to effectively manage their workload. Inspectors are only allowed a short amount of time to question a traveller before the decision, generally whether to let go or to refer the client inside, must be made. There may be little opportunity to interact with each individual in depth. In contrast, police

officers, depending upon their call load, may be able to spend longer in each encounter situation. The inspectors are forced to rely upon their knowledge of the type of travellers crossing the border and the reasons for doing so.

Within the boundaries of customs legislation and federal, regional, and port policy, auto travellers may be categorized according to their reasons for travelling and decisions may be made based on that information. Those travellers that do not fit into a category of legitimate traveller, may be labelled as "trouble" and may be referred inside for further examination.

Customs inspectors may also devise "recipes for action" for dealing with both legitimate and suspicious auto travellers. If an auto traveller fits into a specific category, then an established action occurs. If the auto traveller does not fit, then a different set of actions are set in motion.

Unlike policing, where police officers generally enter encounter situations as a consequence of citizen mobilization, customs inspectors must deal with all citizens showing up at the border crossing. All travellers are questioned whereas police encounters generally involve only those suspected of criminal activities. Additionally, the customs inspector has no control over the number of clients arriving at the booth. The flow of traffic often necessitates split second decision making. Both factors may

affect the reliance upon typifications and recipes for action by customs inspectors.

Table 2.1

Differences and Similarities
Between Policing and Customs

	Police	Customs
Organization	quasi-military control- bureaucratic and police culture autonomous discretion broad powers -Charter of Rights and Freedoms public generally aware of rights public unaware of standards used to make decisions	quasi-military control bureaucratic and inspector culture autonomous discretion extensive powers of search & seizure public unaware of rights public unaware of standards used to make decisions
Action	reactive/proactive	passive
Mandate	Law enforcement Criminal Code municipal laws provincial statutes Service	Law enforcement Customs Act plus 60 pieces of legislation Collect Revenue Service
Task Environment geographic area ecological	changing changing	Static changing
Socialization	on the job	on the job
Training	Combination of classroom and on the job.	Combination of classroom and on the job.

CHAPTER III

METHOD

As an exploratory study of customs inspector decision making and without the benefit of a body of supporting literature, inductive reasoning was used to develop the study's method of research. A conceptual framework was developed based on ideas and concepts taken from studies of routine policing. Together with the data gained from observations in the field, the hypotheses were generated and used to sort, categorize, and analyze the data collected. The focus of the thesis however, was descriptive.

To gain an understanding of the way in which customs inspectors make decisions, an ethnographic perspective was adopted. In seeking to understand and explain customs inspector decision making in encounter situations, it was necessary to observe and interview the people involved in making the decisions within interactive encounters at the land crossings. This ethnographic approach has been described by Conklin (1968:172) as

a long period of intimate study and residence in a small, well-defined community, knowledge of the spoken language, and the employment of a wide range of observational techniques including prolonged face-to-face contacts with members of the local group, direct participation in some of that group's activities, and a greater emphasis on intensive work with informants than on the use of documentary or survey data

Initial contact with Canadian Customs was made in the Spring of 1990 and permission for the study was granted in April, 1990. Data for the study were gathered through field

observations and via interviews conducted with customs inspectors during the Summer and Fall of 1990.

Two land ports were chosen as the research site on the basis of their accessibility to the researcher and the benefit of a prior contact with the organization at one port. These ports are major north/south points of entry on the west coast between the United States and Canada. The two ports are separate land crossings; however, both share the same customs personnel. Personnel were scheduled so that they rotated shifts from one port to the other.¹ There were seven teams of inspectors, each led by a supervisor with nine to ten inspectors per team. In total, there were 66 permanent full-time inspectors employed at the time the field project was carried out.²

To develop rapport with the customs inspectors and to establish credibility, observations were concentrated on one team. Seven weeks (one shift rotation) was spent observing Team 4. The observation schedule was based on the team's shift schedule: six days on and two off, for seven weeks. The researcher observed the customs inspectors who were members of Team 4 and also many members of other teams who were working overtime. Consequently, it was possible to

¹ Canadian travellers are also asked about alcohol and tobacco but rarely about bringing back weapons.

² There were also a number of part-time employees, summer students and employees from other ports working overtime during this time period. Only permanent full-time personnel were included in the study.

observe 44 of the 66 employees working during the seven week period. Upon completion of this seven week period, another two weeks were spent observing two additional Teams; Team 3 and Team 5. In total, nine weeks were spent observing the customs inspectors at work and another two months were spent interviewing them.

The researcher conducted field observations as a known observer (Lofland & Lofland, 1984). No attempt was made to conceal the purpose or intent of the research project. While many of the customs inspectors appeared suspicious of the researcher during the early phases of the project, this diminished once the study was underway. A majority of inspectors expressed an interest in the study and its objectives.

It is believed that the researcher's presence did not alter the inspectors normal behavior in any significant way. A considerable amount of time was spent with the inspectors during their shifts and the circumstances of the job made it difficult for the inspectors to alter their decision making.

The impact of the researcher on auto travellers appearing at the border for customs inspection, however, was more problematic. A visitors pass was worn by the researcher during part of the observational phase of the study. When this was discontinued, travellers often assumed the researcher was a customs inspector. On several occasions, auto travellers approached the researcher for assistance at the secondary inspection office, mistakenly

assuming the researcher for an office manager. In such cases, the individuals were referred to a customs inspector and, if further questions were raised about the researcher, the travellers were informed about the research project.

The observations of customs inspectors were divided between the primary and secondary inspection levels. Primary inspection is the initial point of contact between the auto traveller and the customs inspector and secondary inspection is the area where duty and taxes are paid and searches are conducted by customs inspectors. During shifts, customs inspectors rotate between primary and secondary inspection hourly. The focus of the observations were the encounter and interaction between the customs inspectors and the auto travellers who appear in their automobiles at the inspection booth. The researcher recorded those factors which appeared to influence the decisions which were made. A small notebook was kept and key words and phrases were jotted down during the shift. The observer recorded the following information:

- the date, time, and shift;
- the inspector observed;
- the number of travellers the researcher watched being questioned or searched;
- any factors the inspector noted as important indicators of deception;
- observations of the inspectors attitude, manner, and/or behavior; and
- reasons given by the traveller for crossing the border.

At the end of the shift, the researcher would take these notes and rewrite them in their entirety, recalling

conversations, situations, and encounters as completely as possible.

In the second phase of the project, 26 semi-structured interviews conducted with customs inspectors from all teams. Twenty-three of these interviews were analyzed for the study.³ A minimum of three customs inspectors each from teams 1, 2, 3, 4, 5, 6, and 7 were interviewed. The interview schedule was developed from the data gained through observations and from the policing literature. The length of interviews ranged from 45 minutes to over two hours. General questions were asked about the inspector's role, their job and training, their views of auto travellers, the exercise and control of discretion, and decision making. As well, specific questions were asked about the influence of four factors on discretion and decision making: the task environment, auto traveller attributes, officer/inspector characteristics, and the organizational environment. These factors have been found to be sources of influence on police decision making in encounter situations (see Appendix 1) and are likely influences on customs inspector decision making as well.

The interview sample was neither stratified nor random. Due to time limitations and restrictions on the location and time of day when interviews could be conducted, those inspectors who were working and who volunteered for the study were selected. The final interview sample included a good representation of gender and work experience. However,

the sample does not accurately represent the range in ages of customs inspectors working at the border, being biased toward the younger inspectors. An additional attribute of the sample is that it included one of two full-time customs inspectors of colour employed at the time the study was conducted. Table 3.1 provides an overview of the interview sample.

Table 3.1

Interview Sample

AGE	Male	Female
20s	6	6
30s	5	4
40s	2	0
RACE		
Caucasian	12	10
Other	1	0
EDUCATION		
Grade 12	6	2
University degree	2	6
	5	2
YEARS AS A CUSTOMS INSPECTOR		
<1 year	1	1
1-3 years	6	5
4-10 years	4	3
11+ years	2	1
TRAINING RECEIVED		
2 week	8	7
Rigaud	5	3

n=23

Data from the field observations and the interviews are presented in five categories of potential influence on customs inspectors decision making: 1) the environment in which the encounter occurs, 2) the attributes of the inspector, 3) the attributes of the automobile traveller, 4)

the interaction between the inspector and auto traveller, and 5) the influence of the organization on the inspector .

The data in each category are representative of the responses given by the inspectors in their interviews. Comments made by the customs inspectors were selected which best represented the inspector's perceptions both generally and when there was disagreement. A tabulation of inspector responses given in each category are illustrated in tables. The responses indicated by a "yes" will generally represent affirmative or positive answers to the questions posed. They will, however, carry a variety of meanings depending upon the question posed. The negative and undecided responses have not been included in the tables. The researcher's observations noting agreement or disagreement with the inspector's viewpoint are also included, thereby offering a check on the candor of the customs inspectors' responses.

The findings are presented in two chapters. Chapter 4 examines the factors effecting customs inspector decision making including; the task environment, inspector attributes, and the organizational environment. Chapter 5 addresses the impact of traveller attributes on the decision making of customs inspectors.

Limitations of the method

The focus of the study was on "primary" inspection, where initial contact is made between Canadian Customs inspectors and automobile travellers attempting to enter

Canada. More specifically, observations were conducted of the customs inspector's decisions; whether to refer a traveller for "secondary" inspection or to permit them to enter Canada. The factors used by customs inspectors function as a filter for the rest of the customs and immigration system.

However, primary inspection is only one component of a custom inspector's duties. Customs inspectors are also responsible for bus and foot traffic, commercial traffic, train, plane, and boat travel, and secondary inspection. The area of secondary inspection was not explored and, while secondary customs was included in the observations and interview schedule, the findings are beyond the scope of this thesis.

No supervisors were interviewed and none of the automobile travellers were interviewed. The views, experiences, and perceptions represented are those primarily of the customs inspectors. In addition, the responses are a composite of inspector answers. There was no matching of customs inspector replies with observations of the same inspector.

There was an incredible amount of data collected. As not all of the data could be presented in this study, the data presented represent a composite of the inspectors' responses compared to the researcher's perceptions and observations. There is no statistical data to support or refute inferences, assumptions, or the hypotheses.

While the researcher was as objective and detached from the scene as possible, the nature of ethnographic research is such that it is impossible to remain totally detached (Rudestam, Newton; 1992). It is virtually impossible to remove the choices and paths the researcher chose from the research.

Two of 114 land border crossings across Canada were studied. The study was conducted at one specific time period; a relatively brief period of time. The combination of all these factors make an exact replication of this study difficult. This does not preclude further inquiry in this area, however the same opportunities presented this researcher may not be available to another researcher.

CHAPTER IV

THE ROLE AND DECISION MAKING OF CUSTOMS INSPECTORS

Canadian customs inspectors have been collecting duty and taxes from travellers since before Confederation. Prior to 1917, three fourths of the Canadian government's revenue was generated by customs and excise duties. Today the revenue collected is second only to income taxes in generating monies for the Canadian government (McIntosh, 1984) making this a very important aspect of the customs inspectors job. Throughout history, the customs inspector collecting duties and taxes has been confronted by travellers who attempt to contravene the law:

Throughout history the revenue's primary opponent has been the smuggler. Smuggling seems to promote ingenuity praiseworthy in any other endeavor. New methods of smuggling are devised almost every day, as when cattle being smuggled across the frozen St. John River between Clair, New Brunswick, and Fort Kent, Maine, were fitted with overshoes, so that it would appear that just the usual crowd of people had walked across the snow-covered ice to the bingo game (McIntosh, 1984; 288).

The revenue has had to try to keep up with and devise methods of detecting ever more imaginative ways of smuggling. No one loves a revenue, so what sort of individuals become inspectors?

Duties, Role, and Powers of the Customs Inspector

The customs inspectors in this sample were fairly well educated with 15 out of 23 having completed at least one year in university (see Table 3.1). All claimed to be in the middle class economic bracket and 14 wanted to pursue

Customs as a career. Of the 66 full-time employees at the two ports studied, almost half were females and all but two of the inspectors were Caucasian.

The customs inspector's job is not always an easy one. Customs policy is "self-compliance by the traveller with the law and verification, courteous verification, by the customs officer that the law has been observed" (McIntosh, 1984; 344). Customs espouses a three pronged approach to dealing with the public crossing the border into Canada. The concepts of facilitation, enforcement, and compliance are seen to be complimentary (Customs 2000, 1989).

The administration believes that voluntary compliance by those crossing the border is promoted by an effective enforcement program. Through selective enforcement, facilitation of cross-border travel can be improved, freeing resources to focus on selective enforcement and encouraging voluntary compliance. Management expects each element to work in concert to improve the viability of the others (Customs 2000, 1989; 12).

To ensure compliance, it is often necessary for customs inspectors to verify a travellers' declaration. As a result, about "10% of travellers are required to undergo selective baggage examination" (McIntosh, 1984; 344).

The Customs officer rifling through luggage is not trying to annoy the traveller, rather as a representative of the oldest department in government and springing from a long and honorable line of public servants, the officer is dedicated to carrying out the orders of the Parliament of

Canada - protecting the revenue - while keeping smile and temper in place (McIntosh, 1984; 291).

At the border, this means the customs inspector must constantly balance the role of enforcement with sensitivity and responsiveness to the auto traveller's needs.

As in policing, selective enforcement is practiced. This is a necessary practicality as it is not possible for the customs inspector to enforce all violations discovered. To ensure the smooth flow of the public auto travellers, priorities are set. In practical terms this means that the customs inspectors focus upon the collection of duty and taxes owed, the administration of the Customs Act, the Immigration Act, the Agriculture Act, and the Criminal Code.

Movement of the public is a role emphasized by the customs administration, with many customs inspectors expressing this aspect as the 'super host policy', "smile, be nice, and welcome to Canada, like we're running a provincial travel service." This attitude is not new and is reflected in the following ditty written by a customs inspector in 1929:

A machine rolls in from the U.S.A. - a family
on the trail;
They carry a tent to save on rent, they have
extra gas by the pail.
They carry their food, they carry their oil,
they have blankets and pots;
They are rarin' to go and spend their dough
on the gratis parking lots.
You open the door, they put up a roar, you
hand them a free permit,
They whine of red tape and call you an ape
but you mustn't mind a bit;
You dig up their gats from under the mats and
insist that they check their rods;
If your temper they try, you mustn't reply,

they are tourists and therefore gods
(McIntosh, 1984; 337)

All inspectors are required to wear a uniform with bilingual shoulder flashes and hat badges. "The uniform used to be navy blue but was changed in the 1970s to a brighter blue" (McIntosh, 1984; 347) and in 1990 the inspectors were allowed to wear baseball style caps. Uniforms and rules of conduct have changed little in the past century. The code of conduct and appearance has changed little since the early days of customs appearing as follows in 1911:

1. Officers must be courteous in their dealings with the travelling public and with all transportation officials with whom they may have business.
2. Officers must not be discourteous by reason of provocation on the part of a passenger or other person seeking to land in Canada. If exception is taken by a passenger or other person to any part of the examination, it will be the duty of Border Inspectors to explain courteously the provisions of the Immigration Act.
3. Officers must not enter bars when in uniform, whether on duty or not, and must abstain from the use of intoxicants while on duty.
4. Officers must abstain from smoking or chewing while on duty.

5. The Department requires that Officers shall pay strict attention to a cleanly appearance not only of uniform but of linen and boots (McIntosh, 1984; 336).

and as it appeared in 1982:

Employees should be sensitive to the expectations and needs of the public served and should act in a business-like fashion in every official activity involving their conduct with others. Sensitivity to the needs of the public requires that employees of Customs and Excise conduct themselves in a pleasant, polite, and business-like manner, with all members of the public with whom Customs and Excise does business, even under difficult conditions and in times of personal stress and in the face of provocation which does not involve a violation of the law. In this regard, employees will not make any abusive, derisive, threatening, obscene or other insulting, offensive, or provocative gesture or remark to or about another person in their presence (McIntosh, 1984; 347).

A customs inspector, like the police officer, has a great deal of discretion in ensuring compliance. The Customs Act (1988) lists the officers powers of enforcement in section 98 (1) and 99 (1).

98. (1) An officer may search
(a) any person who has arrived in Canada, within a reasonable time after his arrival in Canada,
(b) any person who is about to leave Canada, at any time prior to his departure, or
(c) any person who has had access to an area designated for use by persons about to leave Canada and who leaves the area but does not leave Canada, within a reasonable time after he leaves the area, if the officer suspects on reasonable grounds that the person has secreted on or about his person anything in respect of which this Act has been or might be contravened, anything that would afford evidence with respect to a contravention of this Act or any goods the importation or exportation of which is prohibited, controlled or regulated under this or any other Act of Parliament.

99.(1) An officer may

- (a) at any time up to the time of release, examine any goods that have been imported and open or cause to be opened any package or container of imported goods and take samples of imported goods in reasonable amounts;
- (b) at any time up to the time of release, examine any mail that has been imported
- (c) at any time up to the time of exportation, examine any goods that have been reported under section 95 and open any package or container of such goods and take samples of such goods in reasonable amounts;
- (d) where he suspects on reasonable grounds that an error has been made in the tariff classification, value for duty or quantity of any goods accounted for under section 32, examine the goods and take samples thereof in reasonable amounts;
- (e) where he suspects on reasonable grounds that this Act or the regulations or any other Act of Parliament administered or enforced by him or any regulations thereunder have been or might be contravened in respect of any goods, examine the goods and open or cause to be opened any package or container thereof; or
- (f) where he suspects on reasonable grounds that this Act or the regulations or any other Act of Parliament administered or enforced by him or any regulations thereunder have been or might be contravened in respect of any conveyance or any goods thereon, stop, board and search the conveyance, examine any goods thereon and open or cause to be opened any package or container thereof and direct that the conveyance be moved to a customs office or other suitable place for any such search, examination or opening.

The inspector also has extensive powers of seizure which the Customs Act lists in section 110 (1-3). These powers surpass those of police officers.

110.(1) An officer may, where he believes on reasonable grounds that this Act or the regulations have been contravened in respect of goods, seize as forfeit

- (a) the goods; or
- (b) any conveyance that he believes on reasonable grounds was made use of in respect of the goods, whether at or after the time of the contravention.

(2) An officer may, where he believes on reasonable grounds that this Act or the regulations have been contravened in respect of a conveyance or in respect of persons transported by a conveyance, seize as forfeit the conveyance.

(3) An officer may, where he believes on reasonable grounds that this Act or the regulations have been contravened, seize anything that he believes on reasonable grounds will afford evidence in respect of the contravention.

There is wide diversity in the Customs mandate.

Originally travellers' clearances dealt only with matters related directly to Customs and Excise - that is, protection and collection of the revenue. The administration and enforcement of laws and regulations pertaining to immigration, agriculture, health, and so on were performed by officers of those departments located at the customs ports of entry (McIntosh, 1984; 344).

Today, collection of revenue remains an important part of an inspectors duties. Many inspectors, however, view this as less important than the law enforcement aspect of the job.

The enforcement should be the most important. We have to attend to the public's needs because we deal with them but we're not a service that people come to, because we're Customs and the travelers have no choice but to come to us. So while we have to be sensitive to them, we can't let it overshadow our role as peace officers and our responsibilities to enforce the act.

The most important part of my job should be to be able to look for the type of people and the type of situations that are not healthy for the country instead of worrying about if somebody's got too many gallons of milk. We should be looking for terrorists and drugs, large quantities of stuff.

Customs policy is premised on self-compliance by the auto traveller and verification by the customs inspector. Customs administers, besides its own acts and regulations, the provisions of 57 other acts of Parliament prohibiting or regulating imports (McIntosh, 1984; 344). There are over 40

volumes of federal D memos explaining and directing policy. Customs collected over 7 billion dollars of revenue in 1988 (Customs 2000, 1989; 2) and participated in 2,209 drug seizures via land mode (1988 Drug Report, 36). In practice, balancing the concepts of facilitation, enforcement, and voluntary compliance is not always easy, as reflected in the comments of several of the customs inspectors about their primary duties.

Well basically it's to deal with the public, facilitate them as much as you can, protect Canada from things that are harmful. But a lot of it is just facilitation. They want the public to be moved along and they want you to be public relations oriented.

It changes all the time. One week it's clear the traffic through as fast as you can, be polite; more public relations oriented. Then the next week it's get the stats and the seizures up and be looking for clothes coming up. The following week it's be oh we're not getting enough guns. It changes weekly.

We are public servants so giving information, to protect the economy by collecting duties and taxes and making sure the desirable people come in; protecting the border as far as anything unfavorable coming in; drugs, weapons.

When asked what qualities made a good inspector, their answers were varied, however. Certain elements were repeated over and over including: common sense, the capacity to read people, and the ability to make decisions for oneself:

Things can't be black and white. You have to have flexibility and street smarts. It depends on where you're working but if you've never been out in the world you can't really relate to what people are telling you when they're coming through the line.

I should tell you what customs says; sensitivity and responsiveness. It's true you have to be sensitive and you have to be responsive to the public's needs but you also have to try to be knowledgeable. That's one thing that bothers me. There's a lot of ambiguity between different places and different people. The public can ask one inspector a question and get a different answer from the inspector right next to him.

One who knows all the regulations, or most of the regulations. An inspector who can work on his own with minimum supervision and one who can make a sound judgement without requiring assistance or other opinions from people. One who's not intimidated by the public in any way.

Someone with a personality. I think a good inspector is someone who really seems to care about people but is not too one sided. I think having a bit of a personality, diversity and other outside interests make you an interesting person, makes you interesting to work with and a sense of humor and compassionate as well.

I think a person that thinks he's a good inspector is one that not only knows his regulations but one that also understands people. One that can read people and maybe understand why they're doing certain things in a certain manner. They have to have compassion. They have to be enforcement minded. They have to be a person that can read other people and make decisions, sometimes in split seconds; someone who can back off from situations or make advances depending on the situation.

Many inspectors mentioned the use of discretion in their statements. As both the legislation and policy under which customs inspectors work is written to encompass a broad range of situations, customs inspectors have a great deal of discretion in performing their day to day activities. This is particularly true at the primary inspection level, where there is very little control over the inspector's activities:

Basically the inspector controls his decisions. You're all alone out there. You're your own boss so you're using your own discretion; your own ethics and morals. Of course if someone is unhappy with the way you've used your discretion, they're going to come in and talk to your supervisor and then it's whether or not your supervisor feels your discretion was appropriate or not.

Other team members control ones decisions. In this case here it's stats. You have to have so many seizures so there's no discretion there. If you have to have a seizure you're gonna have one even if you have to fabricate your own evidence, which has occurred, not with me but with other guys. So there's really no discretion. You get an older couple and they have an extra bottle or they have been gone like a day and a half instead of two days, well there's no discretion, you know you're gonna do the seizure. Secondly, is the superintendent. If your superintendent says you haven't had a seizure in a day, get one. There's no discretion, you're gonna send everything in and sure enough you're gonna get a seizure. There's no discretion there at all.

The enforcement manual and directives are guidelines in my opinion. So I would say we run into a problem again between teams. Certain superintendents expect a certain amount of criteria from you and after a while you get to know which superintendent wants what. I would say the ultimate decision is the superintendent's but you're given the opportunity to present your case to him or why you want to take this action or why you do not. I don't know if they could force you to take seizure action because your name is going to headquarters. Your name is going to Adjudications and if it's appealed you're writing the report.

We've never been questioned about how to use our discretion. We have memos continuously coming out of various dealings with the public. We also have open dialogue with our superintendents and they deal with people who are not giving the public the benefit of the doubt. They'll tell us and expect us to change.

The Canadian governments, the head office downtown control some discretion but it doesn't always work. The head office makes decisions, but whether or not it filters down through the line, whether or not we do it is a different story. We control

it. I think it filters all the way through. The superintendents would like to see one thing sent in but if they ever found out that you were letting certain things go down the road, they would be extremely upset, but I think the officer uses a lot of his own discretion. I think there's a comfortable range, sort of like the officer should give you a speeding ticket if you're going 65 when the speed limit is 60. Should we be sending in the \$20.00 worth of groceries when someone else has got \$80.00 worth?

Like the police, the customs inspector has a great deal of discretionary power. In fact, at the primary inspection level it is almost impossible for management to monitor any of the inspectors actions without physically joining them in the booth. As this is not commonly undertaken, as in policing the only times misuse of authority or discretion comes to management's attention is in the form of complaints from the travelling public or another customs inspector. The inspectors are expected to use discretion wisely within the limits set by policy and adhere to the code of conduct to avoid complaints.

The extensive discretion exercised by customs inspectors raises the specter of bad decisions being made. When asked to describe what constituted a "good" decision, the inspectors described the following scenarios:

If you send in a good referral it would be with regards to high risk commodities and the goods are actually in there.

A good referral is a decision made after having observed several indicators where the inspector arrives to a decision based on reasonable probable grounds that there is something there. You don't send somebody in because you think he's got a gun. You send them in because you know he's got a gun and when you do find a gun you're not surprised because you knew it was there. That's a good

referral. It's when the primary inspector can recall what the guy was wearing. If you ask half the inspectors what color the car was they wouldn't remember and that's important because it could go to court. All our actions here can ultimately end up in court and it's important. There's not enough importance given to it.

A good referral is somebody in a rented car, no real reason for being here, may say they own their own car, may be no known occupation, unemployed, they're coming up here on vacation or to meet a friend, somebody that just doesn't fit with their reason for coming.

Most inspectors indicated that good referrals were decisions made in primary inspection in which there had been some analysis of the situation and circumstances. Matching a profile or the presence of nervousness or some other non-verbal cue was not enough to result in a referral. However, if these cues were paired with other indicators, this was a good referral. Other examples of good referrals distinguished between the presence of high and low risk commodities with high risk goods being a good referral. Unfortunately, not all inspectors follow these criteria as bad or poor referrals also occur.

When asked to describe what constituted a "bad" decision several inspectors described the following situations:

Something where there's a lack of foresight as to why they were sent in, a lack of direction. Oh, I really didn't like them. They were kind of nervous. That doesn't quite sum it up. A poor referral is something where the primary has not been completed. Sort of like a couple questions were asked, didn't like their answers and sent them in. It all depends on what happens in primary. If somebody says well they're driving a third party car and it's actually grandma and grandpa that rented a car from the airport and

they've come up for a of couple days, that's garbage. Same thing, a 40 year old Hispanic man coming up here to visit his son and his daughter and he's driving a rental car. That's a garbage referral.

An example of a bad referral is a single occupant in a mini van that has no seats and the person has declared no goods whatsoever other than gasoline. Now the officer wants a search for undeclared goods. All that officer has to do is step out of the booth and open the rear door of the vehicle and immediately notice that there is nothing in the vehicle. Sending that person into secondary, not only aggravates that person, but it ties up the line. It ties up another officer whereas that person could have gone down the highway.

A poor referral is the East Indians that are constantly sent in and coded for a search. A man and his wife who went down to get gas, East Indian, and pick up two gallons of milk and get sent in for a search is a bad referral. I've done a million of them and I've never got a seizure from an East Indian. They don't smuggle. I'm sure some of them do but the majority of them don't. People send them in because of their race.

Garbage referrals, just for example last night, there's three of us on duty and then you get a flood in the office of all these individuals for an extra 5 gallons of gas, six beer, things like that. That's a garbage referral. They aren't marked for a secondary exam. I call garbage referrals the really low duty and tax items.

The inspectors viewed bad referrals as those that were made without forethought or consideration. Referrals for reasons of matching a profile, signs of nervousness, or other non-verbal cues without further questioning or analysis resulted in unnecessary referrals. Inspectors also considered referrals for low risk items poor referrals as they resulted in lost time for the auto traveller as well as for the customs inspector. Finally, referrals for reasons

of attitude adjustments or ethnicity were considered poor referrals.

Generally, the customs inspectors interviewed distinguished bad decisions from good decisions in terms of the type of indicators used by the inspectors at the primary inspection level to make their decisions. Bad or poor decisions are those decisions that are made by the book, which often defy common sense and which exhibit considerable rigidity by the customs inspector. Good decisions reflect common sense, a degree of analysis and flexibility.

Attributes of the Customs Inspector

Experience and Training

The policing literature reveals that the training of new police recruits is accomplished in formal training settings and socialization into the police role 'on the job' through the efforts of experienced officers. Training was seen as providing the foundation while field experiences provided the details of what the job was really like.

Customs inspectors also experience both types of training. As "Customs administers its own legislation and more than seventy other pieces of legislation on behalf of eighteen other federal departments" (Customs 2000, 1989; 2), it is important that the inspectors receive extensive training. The inspectors interviewed for the present study had received varying levels of training. Some had attended the training College in Rigaud, Quebec, while others had

received only two weeks in of "in house" training. Their experience as a customs inspector ranged from six months to 13 years.

The two ports have a large proportion of the inspectors with relatively short terms of employment with Customs.

Table 4.1

Customs Inspectors Length of Employment

	Customs Inspectors Sampled	Total Number of Customs Inspectors
< 1 year	9%	8%
1-4 years	52%	54%
5-9 years	17%	19%
10-14 years	22%	15%
15 +	0	4%
	n=23	n=66

The College in Rigaud has been in operation since 1980 (McIntosh, 1984; 347). Currently, inspectors receive 16 weeks of customs training. This training runs the gamut from commercial and airport training to methods of search and seizure.

The training received at the college covers an array of topics. In 16 weeks, the inspector is inundated with information about customs as described by the following inspectors detailing their own training:

A lot of traveller environment, dealing with the public, arrest procedures, basically they went through how you perform a primary, how you perform a secondary, what you're looking for, the different acts you're covering, how to search someone, how you arrest someone, what you're looking for in a cargo verification. We looked at the traffic side and the commercial side and basically went through everything and tried to summarize. I guess it tried to give you a route

of knowledge and then they give you the books and stuff and they want you to go on from there. So they give you a basis.

You cover enforcement and how to search and the different acts in the customs side and the Charter of Rights and Freedoms. You're made aware of Sections 8, 9, and 10. As a peace officer you have to have reasonable and probable grounds and all that. Which I think is very important. I think a lot of people forget these things and should they ever have to go to court their case will mean nothing. We did a whole bunch of things. We dealt with commercial, the different regulations were gone over; the Customs Act, the Excise Tax Act, all the D-memos, other government departments. It's funny cause it was just the last like two or three weeks that was enforcement; when you're dealing with arrest and allegations etc. The last third was basically more enforcement stuff and the first two thirds of the course was immigration and commercial; except facilitation at primary, doing primary, and the different D-memos.

It covered everything. If you wanted to work at the airport, traffic here, highway, commercial, all the different departments, enforcement, just everything. Unbelievable.

In-house training relies on the "buddy" system. A basic summary of the job and the inspectors responsibilities are provided over the course of two weeks and then the new recruit is assigned to a senior inspector who provides field training. On the job training serves to convey those aspects of the job believed most important by the inspector doing the training. However, one inspector characterized this training as a process of self learning:

I received two weeks training with some role playing thrown in and one shift if you're lucky with a senior inspector and then you're thrown to the wolves. The emphasis [in the two weeks training] is on not rocking the boat, keeping things as they are. The only additional instruction is up to the team. They let you know when you're doing things that don't fit in.

The policing literature indicates that it is through on-the-job training that police officers are socialized into their role. They learn acceptable and unacceptable behavior as well as the standards of conduct and way things actually are done (Charles, 1986). Inspectors were asked about the extent and depth of their training:

I had three weeks of training; three months worth of work shoved down our throats in two weeks. On the job training; a lot of stuff working sort of buddying up with someone. It's just basically learn as you go.

If there's something that you're not sure about you ask and hopefully you'll remember the next time. I've only had a two week training program; two hours of firearms training, two days of immigration training, two days of commercial paperwork training, and about a day and a half of actually what to be looking for; like the profile thinks. They have the school now so it's getting better.

Initially I went through a two week program and basically that's all the formal training I've had. It covered port policy, how to do things, how to do your primary inspection, how to do your secondary inspection, basically familiarizing yourself with all the relevant acts that you first start to deal with like immigrations, customs, and the criminal code; the more important acts and then they touched upon the smaller things, agriculture and that. It acquaints you with government policy, port policy, what's expected of you as a customs inspector by the public, by management and by the government and basically tells you what to do and how to do it.

Customs also offers or sponsors seminars several times a year which are available to the inspectors. The contents and subject matter vary and in many cases attendance is voluntary. As a result, many training seminars are not attended unless the subject covered is of particular

interest to the individual inspector. The type of courses offered are indicated in the following set of quotations.

I've gone to a lot of seminars, luckily. Fortunately enough for me I've had a chance to participate in some special projects. The department offers certain training like Asian crime seminars. I took the St. John ambulance course that was paid for by the department and I've tried to take advantage of as many things like that as I could. Plus there's quite a bit written in books and in intelligence bulletins.

I've done a couple of correspondence courses through the College. I've been to quite a few seminars. They hold quite a few seminars that are open if you want to go to them; advanced communication course, computerization, all their Customs Commercial System.

I had a three day course on traffic regulations and procedures etc. It was sort of a refresher course. It was a couple of years ago. I've had short courses on dismantling a firearm, identification of firearms, a very short course on handcuff training, the use of handcuffs, first aid, and with the new system we had a quickie course on the new commercial system, but most of it is on the job training.

A vital portion of the inspectors training is received on-the-job. This training initiates the inspectors into their actual role and duties. Many inspectors believed on-the-job experience was crucial in making better primary level decisions. Several customs inspectors also expressed the opinion that their training and the priorities of the job are such that the inspectors are only prepared to handle minor infractions and not those that are high risk.

The more experience you've got the better the decisions you make. Because of repetition and time, you know how to function, you know when to back off from people a little more, you know when to accept people, to draw information from them

and you're probably more at ease with what you're doing.

History repeats itself constantly. There's certain individuals that drive certain types of vehicles and those vehicles have certain hiding spots that aren't really known to the general public, but through doing a detailed examination you come across them and if you get someone, the possibility is there. They've been gone for a length of time, they appear to have the currency there and they say they've been down for a drive and they've been gone for five hours and it's the middle of the day and you know that this particular vehicle has great built-in hiding spots that aren't well known. You will more than likely influence the decision towards a referral and a lot of times it does pay off, so it's from past experience. Sometimes you hear the same old story like a hundred times. It's just experience like anything in life. The more experience you have the better at it that you are.

A customs inspector encounters a variety of situations and circumstances during the primary inspection. As in policing, it would be an impossible task to train and prepare an inspector for every possible situation they would ever encounter. Consequently, formal training focuses on areas believed to best serve the inspector and the organization.

When questioned about the specific areas of training that the customs inspectors believed were necessary to their jobs but were not available, there was a range of responses. Many inspectors expressed the need for refresher courses and other specific areas of training, while a few maintained that there was too much formal training or that their training had been a waste of time.

They spend so little time when a person starts with the actual enforcement aspect of the job; on searching techniques etc. People don't know how

to interview. People don't know how to search properly. They give you such a short time to look through a car, but all cars are different. They throw you to the wolves so to speak, without proper training. Even for the regular inspectors I think they should buddy them up for as long as possible, not wait until they're short so that they can't afford to send them on training right away. but they have to put them to work and then eventually send them on training which really doesn't work that well I don't think.

Probably the biggest difference between us and the US inspectors is that as a customs officer here you're thrown into a key position with little or no training and you're expected to do everything. Whereas with US customs you have more supervision, more guidance, and it's more structured so you're doing one job and when you do that job well, then you can apply to move on, as opposed to us where we just do everything. I think that training should be an ongoing thing. There should be refresher courses and whether it's on a monthly basis or every six months, or I think the biggest thing that I find here in this particular area is that we don't have the time to update ourselves to the new material that's coming out and I think we should set down a time and deal with that end of it. Here it's up to the individual themselves and a lot of people here, a lot of the inspectors here just really don't have the time because they work not only the long hours but they're working on days of rest and things like that and the information doesn't seem to be, as far as I can tell, doesn't even seem to be being passed down, some of it.

They train you to death and when it comes down to it and you have it and you still don't do it right. That's not because you haven't been trained or you haven't had refresher training enough. It's because you haven't actually done the practical work. They can train us to death and it won't make any difference. You have to actually be in the situation where you do it.

Firearms. Not as far as finding them but knowing what to do with them when you find them. There's been many times where I've seen, you get a lot of vintage handguns and things through here and for somebody who hasn't even shot a gun before and we can just sort of do the basic firearms like Smith & Wesson's and that so when you find something that's a little bit different it can kind of throw

you off and it could be potentially dangerous. I think if they expect us to find firearms and seize firearms and disarm firearms, they should give us some type of formal firearms training.

While formal training provides the customs inspector with a basis from which to make decisions, the day to day problems and encounters, which are their focal concern, are not addressed in formal training. The methods and means of meeting the demands of the public while operating within the parameters set by the administration are managed individually with direction from peers.

One of most important potential sources of information about how to meet the daily conflicting goals and demands is the individual customs inspectors' peers. In conjunction with the formal training received by the inspectors at the college each inspector works with and is privy to the wisdom of their peers. This often takes the form of war stories. War stories can reflect the inspector's personal philosophy or reflections of the job, their most unusual seizure or what they view as their best seizure, the parameters they feel are important in their job, tips for discerning deception, profiles of smugglers and routinely encountered auto travellers, and the exercise of discretion. In short, the customs inspectors share their experience and expertise:

The eyes are the key to whether a person is telling the truth. If you watch someone when they are asked a question their eyes will either move to the left or right consistently when telling the truth. Once you've established a pattern, if their eye movement changes while responding to a question they're lying.

I had an older guy, mid sixties, from Saskatchewan drive up and say he'd been in Blaine for five hours. When asked what he had purchased he said nothing but a hamburger. Well, I don't know anywhere that it takes five hours to get a hamburger and why would anyone go to Blaine for a hamburger. There is however an adult theater in Blaine so I checked his trunk and sure enough there were two porn videos in a bag, one kiddie porn and the other bestiality. It's usually the older guys that have these kinds of tapes not the younger ones; men in their late forties and fifties.

At one time you knew that this certain person was a good possibility of a drug smuggler but some of the drug seizures I've had lately have gone from two kids from California coming up to Alaska to a husband and wife, baby seat in the back and mother and daughter, daughter twenty-four and eight months pregnant, gone to bingo for the day.

Twice now I've caught child abductors at primary. You look at the man and think, "That's not your niece or that's not your daughter." The discrepancy is too much. You ask for identification and they don't have any. We got one of the ten most wanted a couple years ago. He was wanted for rape and torture and he escaped custody. We got him and it really makes you feel good because I had a gut feeling that got this guy. There's something wrong with this guy. They go in and they find firearms and arrest him and then they find out who he is and you go like WOW. I once had a gun pointed at my head and I was able to talk my way out of it. So I think conversation is a great way to make decisions. I talk to people constantly. If somebody's against the wall and I'm frisking them cause I found drugs, "Oh great looking socks. Where'd you get those?" I find it works.

Two weeks ago one of the inspectors sent in these old people and they were down there for their anniversary and they came back and she [the inspector] thought that they probably bought something for the anniversary. It was an old car and old people. I went out and checked through everything and I didn't find anything. There were two bags of groceries with one bag on top of the other. I lifted up the top bag and, these people were like 82, 84 years old, there they had a bottle of wine. I go oh dear, they didn't declare a bottle of wine, big deal it's their anniversary

right. But I was sitting in the backseat and when I leaned back a bit I heard something and I couldn't figure out what it was. So I lifted up the backseat and underneath in the wires there was nine bottles of wine. Then I lifted up the top of the other thing and there were another nine, 39 liters altogether of wine that they didn't declare.

Americans love their guns but most don't know how to use them. A lot of weapons are found under the pillow or bed loaded. We had these three cops come through from San Diego and each declared 1 shotgun for hunting. Their vehicle was searched and we found that each had a handgun as well and one a fully automatic assault weapon.

During the study, both new recruits as well as senior inspectors were observed and interviewed. While it was relatively easy to distinguish the inspectors by experience, it was difficult to ascertain whether experience or training had an effect on their decisions making. Because of the shortage of inspectors, many of the customs inspectors had received only two weeks formal training and one shift with a senior inspector teaching them the ropes in primary and then they are on their own. How and when to use discretion was learned through a process of trial and error on the job.

An inspector's experience appears to have an effect on how an inspector performs his/her duties in terms of proficiency and confidence, but it was unclear what effect experience had upon the decisions made by the inspector or how important the inspectors perceived experience to be in their decision making (see Table 4.2). The following quotations express the inspectors views of experiences' importance.

If you have experience it's good for you but you don't consider that when you're making your decisions.

It makes you more attentive. The more experience you have the more you can read the indicators; The more simple indicators that you overlooked before, you pick up on; the way people answer, dilation of the pupil, things that you look for. You ask a question and they're looking at you and all of a sudden the more you do it you see the pupils start getting bigger. It makes you better, more effective, more consistent and you don't second guess yourself.

The more experience I get the better the referrals become. Personal growth, more knowledge of what's happening, basically you're refining your techniques all the time. The experience you learn on the job leads you to making better referrals all the time; the more knowledge you have about what's going on in the situation and the person that's out there. The new kid out there that's never dealt with the two crew mates off of the ships, sitting there thinking, two young black men with earrings driving a really fancy car; I imagine they refer them as drug dealers, for guns and that sort of stuff. They don't have the background. Experience gives you the background and the knowledge which allows you to make better decisions while doing your job.

Observations indicate that operational experience is very important. Not only are neophyte inspectors trained to use discretion by senior inspectors, they are privy to their knowledge of the port and its unique features. Senior inspectors share their knowledge of common traffic trends and patterns and the accompanying auto travellers. Their familiarity with the Customs Act as well as the other legislation administered and their experience in dealing with the travelling public in encounter situations is relied upon by new inspectors learning the job.

The importance that customs inspectors ascribed to training and experience as factors in decision making is revealed in Table 4.2. Twice the number of inspectors perceived experience as more important than formal training.

Table 4.2

Inspector Characteristics	yes
Does the amount of training an inspector receives influence their ability to make good referrals?	22%
Does experience affect your decisions?	48%
Do you use profiles to make decisions?	43%
Policy is based on the idea of voluntary compliance. Do you think that most people comply with the <u>Customs Act</u> ?	48%
Are the number of seizures a good measure of job performance?	13%
How does the public view your job?	22%
How do you view travellers who smuggle?	57%

n=23

The public's view of customs and the inspectors provides a backdrop to all of the inspectors' choices. Most of the inspectors had a positive view of the public, but in turn, believed the public held a negative view of customs and the inspectors. In conjunction with these feelings, half the inspectors believed that the travelling public complied with the Customs Act and legislation in varying degrees from complete compliance to complying within the scope of their knowledge of the laws to absolute noncompliance.

Well you have people who will smuggle only one bottle of alcohol, you have people who smuggle kilos of cocaine, so you have to look at them differently. I would say that people who smuggle a bottle of booze are definitely not a major risk to our economy, to the well being of Canada and the people we want to aim at, the people I really think are smugglers are people who smuggle

firearms, smuggle big commercial loads of merchandise, people who traffic cocaine, drug trafficking, people who smuggle aliens into Canada. These are the people I would call real smugglers. People who go down and get away with a pair of shoes or a bottle I don't really categorize them as smugglers.

The majority of them I consider bargain hunters. They're trying to save money and most of them it's just a one-time offense.

The majority of the cases that we have in smuggling it's basically due to lack of information. We have chronic people that basically they are criminals and those individuals I think should be dealt with severely. I think our laws should be changed to deal with these people in a little harsher manner.

There are individuals that feel that everybody out there's a criminal and everybody smuggles. It's been proven time and time again that's not right. They have teams that go around the country and they were here a month or so ago and they do selective searches and they're not getting any more than what we get. Anybody that says that everybody's smuggling, why then are we only getting 8 or 9% of the people we even send in for secondary referrals? Everybody that we send in on secondary should be a seizure or an enforcement action of some sort if everybody's a smuggler.

I don't have a tremendous amount of respect for them. When I'm dealing with them I'll tell them that they're able to bring a lot into this country. There's very little that they cannot bring, all they have to do it tell us the truth. I'm polite about it but I make sure they understand that I really don't have much tolerance. I don't believe that everybody is a jerk and I don't believe that everybody's lying and there are some very nice very legitimate people out there. The majority of people that come across this border I think are legitimate.

As Table 4.2 indicates twice as many inspectors felt that experience effected their decisions more than formal training with half the inspectors believing that experience had an effect on their decisions. From the field

observations of customs inspectors, it was not possible to distinguish experienced inspectors from those who had been employed for at least a year. The new recruits were easy to distinguish.

The Setting

Crossing the international border between Canada and the United States through a land port requires that each auto traveller present themselves to a customs inspector. As the number of auto travellers has continued to increase over the years, from 80 million in 1982 to over 100 million in 1989 (Customs 2000, 1989; 8), so has the difficulty in crossing the border. Customs facilities have not grown in concert with the increased traffic and many land ports have been faced with increasingly longer line-ups for those waiting to enter Canada.

With multiple booths and the corresponding lanes leading to them, traffic is constantly in flux. Cars stop and move slowly inching ahead slowly toward the booths. At long last the traveller pulls up alongside the customs booth. The encounter begins. It is during this encounter that an inspector decides whether the auto traveller may enter the country and if so under what conditions. The customs inspector may require documentation to verify a travellers' declaration, citizenship, parentage, or ownership of vehicles, may detain and search a traveller's vehicle or person, and may warn, fine and/or confiscate

merchandise and/or vehicles giving the inspector a great deal of power and authority)



Figure 1: Border Crossing Number One.

The booths are designed and positioned so that the inspector has the best possible view of the approaching vehicle and its occupants once it has stopped alongside the booth. The encounter usually takes place with the inspector inside their booth and the automobile traveller seated within their vehicle (see Figure 1 and Figure 2). Questions are directed primarily toward the driver of the vehicle although, if there are accompanying passengers, they may be questioned as well.



Figure 2: Border Crossing Number Two.

In the Pill - Primary Inspection

The area of the customs booth and its feeder lanes is called primary inspection or "the pill". This is the area where the initial contact is made between the customs inspector and automobile traveller and where the customs inspectors decision is made. Decisions made in primary inspection are crucial not only to the traveller but to the rest of the customs inspection system as well. (An ~~star~~ overzealous customs inspector can create an extensive line-up in secondary inspection and a line-up of vehicles waiting to approach the booth.) This creates problems for both travellers and other customs inspectors. The decisions made in primary inspection determine the type and amount of work generated throughout the rest of the customs inspection system. (In the words of one inspector:

If you're working the pill line your basic objective is to screen and pull things out that you feel aren't fitting the mode of traffic flow. Things that aren't quite right. You're screening people for immigration, you're screening possible infractions for narcotics, personal, and commercial goods. You're basically the front line, the filter. If it gets by primary, it's gone. I feel sometimes that I'm a gatekeeper, letting sheep run through.

There are six standard questions which are generally asked of automobile travellers during a primary inspection. Three questions are designed to screen the auto traveller for immigration: (1) "Where do you live?", (2) "What is your citizenship?" and, (3) "How long will you be in Canada?" or depending upon the citizenship of the traveller, "How long were you out of the country?". The remaining questions are more specific to Customs' needs and are generally concerned with the movement of goods. Questions such as, "What was the nature of your trip?" or, "Where are you going in Canada?" are asked to determine whether one has a legitimate reason for entering Canada or for visiting the United States; "Did you purchase or acquire anything?", "What is the total value of all goods, gifts, or purchases you are bringing back to Canada?" or, "Are you taking in any gifts or goods that will be left in Canada?", are asked to allow the auto traveller the opportunity to voluntarily comply with the Customs Act and make any declarations. Additional routine questions generally asked of American travellers

are: "Do you have any weapons or firearms?" and, "Are you bringing in any alcohol or tobacco."¹

There are limits to the questions that a customs inspector can ask Canadian citizens. For example, customs inspectors are not allowed: "to ask a Canadian the purpose of their trip to the United States or what they were doing down there". For travellers who are not citizens of Canada, a customs inspector has a different set of limitations within which they can ask questions. There are few questions which cannot be asked, except those of a personal nature:

There's some questions that are in poor taste but some of the specifics is; some countries have major health problems and some officers will ask about health, if anybody in the vehicle had tuberculosis. It is in fact a primary question that can be asked. As far as I'm concerned that's an Immigration questions. I find it in bad taste in primary. If you're going to refer them in, refer them to Immigrations and say these people don't look too healthy maybe you should take the questioning further from there.

There are certain questions for certain ethnic groups. Well certain religions don't allow alcohol or tobacco and you ask everyone about alcohol and tobacco but you get to know that these certain people after they laugh at you about it eight or ten times. A lot of the Sikhs' have their religious daggers and that's not a personal protection weapon and they think they don't have to declare it. In Canada or from the State of Washington we don't ask travelers about firearms generally but you may be tempted to ask a certain ethnic background about weapons because it's part of their culture.

¹ Canadian travellers are also routinely asked about the amount of alcohol and tobacco they are returning with. However, they are rarely asked about firearms.

Once these questions, (or some variation thereof) are asked, the customs inspector must decide whether to admit the motorist into Canada or whether further investigation and inquiry is needed. If the inspector decides to allow entrance, the motorist is told to proceed. However, if the customs inspector decides further information or investigation is required, the motorist is referred to secondary inspection at an adjacent location.

An additional duty of customs inspectors at primary inspection is the collection of statistical information. Each person crossing into Canada by motor vehicle is counted and classified by their citizenship and the amount of time to be spent in Canada or the amount of time spent away from the country. This information is compiled by the graveyard shift and sent to Ottawa.²

Secondary Inspection

Secondary inspection is carried out in the Customs offices or in the parking lot adjacent to the Customs officers. Vehicle searches are conducted within the parking lot while personal searches are done within one of the private interrogation rooms inside the office. The other important area in secondary inspection is the main office or counter area. It is here where every traveller receiving a card in primary must wait to see a secondary inspector.

² Ottawa does not publish these statistics once they are received, other than in the intelligence reports and the yearly drug reports. Consequently, the decision makers have no statistical feedback about the decisions they make.

Duty and taxes are determined and collected, vehicle taxes are collected, permits are written, declarations verified, general information is dispensed, and fines, confiscations, and warnings are disbursed.

There are a number of reasons a customs inspector may refer a motorist for secondary inspection: (1) the traveler owes duty and taxes on goods purchased and they must be collected prior to entry, (2) the traveller is a foreign resident and immigration must check their identification to determine whether they have the correct paperwork to enter Canada, (3) Customs enforces many regulations for other Canadian agencies so writing permits or the verification of documents etc. must be done in the secondary areas where the inspectors have more time to be thorough and, (4) the inspector suspects that the automobile traveler is attempting to smuggle undeclared goods or contraband into the country. Generally however, all secondary referrals involve verification of some sort, involving the examination of physical evidence or documentation.

If an auto traveller is referred for secondary inspection, they are given a white card that has been filled out by the primary inspector and the traveller is instructed to present this card to a customs inspector in the office. The card is coded by the primary officer as to what type of action they expect the secondary inspector to perform as well as the traveler's declaration, the number and citizenship of the people in the vehicle, the amount of time

spent out of the country or intended to spend in Canada and any additional comments they might wish to add. One final piece of information the card contains is whether the primary inspector feels a search of the vehicle is necessary and the type of search to be conducted.³

While the number of auto travellers referred into secondary for any reason is tallied by the customs inspectors, it is not published. Customs officials estimate that 10% of all travellers will be subject to selective verification (Customs 2000, 1989). The number of travellers sent in to secondary inspection, however seems to vary, as reflected in the comments of several of the inspectors who were interviewed:

Over here I'd say about a dozen. It depends, sometimes I refer 12 of them in, sometimes I haven't referred any. If I send in six people a day that's a lot. I don't normally send that many in.

There's hours that you'll send loads of people in during one hour for examination. There's hours when you may not even send one person in for examination. It really depends. Like eight o'clock in the morning, sometimes all we have is milk and cheese, that's it. That's when it really gets boring too, but then out of all those people you might get one person you may want to refer. Most of them are just locals travelling back and forth. If you're on a weekend, let's say in the summer, eight o'clock in the morning, you may have motorhomes from California, Florida, Dakota, Texas, you know from all these places coming through and you may be in the farthest booth and you have thirty motorhomes come through your lane in an hour. You may want to refer fifteen of them in for exams. So it really depends on what time you're out and how the public varies.

³ The type of search requested is also coded on the card.

Decision Making at Primary Inspection

As the review of the policing literature indicated, there are many potential factors which play a role in the decisions police make on a routine basis. These factors can be categorized according to the 1) task environment, 2) the individual characteristics of the auto traveller and the customs inspector, 3) the interaction between the traveller and the inspector, and 4) the organizational environment. In accordance with these categories, the customs inspector's decisions were examined to see in an attempt to determine how each element affected their decision making.

To provide a description of a normal or routine encounter the following section will describe the procedure followed in primary. A chart of the possible actions taken in primary is provided. The actions which a customs inspector may take in primary inspection are presented in escalating fashion. The inspectors are not required to follow the entire process and may release or refer a traveller after only observing and asking a few questions.

- observations
- routine questioning
- further questioning/checking documentation
- pop trunk
- referral/release

The inspectors were asked to explain the steps they routinely followed in making decisions in primary inspection and why they escalate these actions. The following customs inspector responses summarize the chart presented above.

Your routine questioning is not all that routine. Routine questioning is different for some individuals than it is for others. You can tell by observations where the direction of questioning will go. If you put observation in there as number one and an old lady came up in a three year old car at eight o'clock in the morning you can almost say go ahead to her because you can see in the back seat there's no goods. It's too early in the morning to have gone shopping and she's obviously not of shady character or bad nature, so you can almost not even question her. As soon as she drives up you can decide that you're not going to bother with this one too much. [You'd proceed further] if you sensed a reason. If she drove up and you saw a package in the back seat and she said she'd bought nothing. Or if she were driving a rental car or if she gave you a reason to go further, observation again.

It gives us time to assess the person. It gives us time to assess any indicators that we might see. It can tell us a lot if you ask the person what his citizenship is and they're all jittery and everything, chances are that maybe they're not a Canadian citizen, maybe they're not even landed, maybe they're trying to smuggle or maybe the passenger isn't a citizen and they're trying to smuggle the person in. It gives time, or should give us time to assess that individual enough to determine whether or not we want to go on to further questioning or whether we will accept what that person is saying. [You'd continue] if there's something you weren't satisfied with or if there was an indicator.

I'd say observation, routine checking, routine questioning further questioning. If you're not satisfied at this point it'd be further questioning, then the receipts and the passport. I'll open the trunk if I have the feeling that the guy's lying to me or they might have something else and I don't want to send them into secondary. That's the only time I'll pop the trunk, is to save time. Other-wise if I'm satisfied at this point that the guy's going in it's a straight referral.

There are no published statistics as to the number of people who, during an encounter, experience each portion of the escalation of actions possible. The inspectors interviewed gave their best estimates:

Questioning, I like to talk so I'd say this part is 100% of the people I do all the questioning, check the receipts and all that I'd say 50%, not exactly receipts but I'll extend my questioning by trying to find a reason to do it just to observe the people. Further questioning will be 35% and open the trunk another 10%.

It really varies because you have to reach a point of finality and if you can't reach a point of finality by your routine questions then you have to go further and suspicion comes into it too. It depends on the time of day. If you're here and it's seven o'clock in the morning you get all the people that are coming through to work and stuff like that. You might not go maybe five minutes out of the hour. But then if it's busy, you usually won't go to much into further questioning. I'd say if I had a hundred cars in an hour I'd say 10 or 15 of them I would go to further questioning.

While the procedural aspects of primary inspection are important for establishing what type of actions are possible, to understand the decision making of customs inspectors, it is necessary to examine the dynamics of the customs inspector/traveller encounter.

The Task Environment

A review of the policing literature revealed that the task environment in which police officers work may have a significant impact on police/citizen encounters and police officer decision making. While the customs inspector's tasks are similar to the those of the police officer, their decision making environment is radically different. The physical surroundings of a customs inspector remains static while those of the police officer are in flux. Police officers may work in different areas of the city, each of which present different situations and constituents.

The customs inspector-automobile traveller encounter occurs at a static location. While the physical environment of the customs inspector may change from a particular lane or port, each encounter occurs at a customs booth. Every auto traveller drives up alongside the customs booth where a customs inspector waits. The encounter generally takes place with the customs inspector within the booth and the auto traveller within their vehicle. On occasion, the customs inspector will approach the auto traveller outside the booth, although this occurs infrequently. The environmental aspects of the encounter situation which are not static, however, are the elements of weather, the time of year, the time of day, and the amount and flow of traffic.

Table 4.3

Environmental Factors

	yes
Does the location of the booth or the particular port influence your decisions?	13%
Does standing outside in the lane, change the way you approach decision making?	52%
What effect does the weather have on your decisions?	39%
What effect does the time of year have on your decisions?	35%
What effect does the time of day or the particular shift have on decision making?	43%
Does traffic volume effect decision making?	74%
Does the amount of time you are able to spend with each vehicle affect your decisions?	74%

n = 23

The preceding table indicates the number of customs inspectors who agree that each specific factor affects the decisions they make in primary inspection encounters. The following section will introduce the reader to the type of traffic commonly seen by customs inspectors. This traffic is the major component of the customs inspectors task environment.

Routine Traffic

The activities at the primary and secondary levels of inspection are directed by the flow of traffic crossing the border. Certain patterns of traffic are recognized by the customs inspectors. Various times of the day bring people with the same reasons for crossing the border. Different goods are purchased on a seasonal basis. According to the time of day or the time of year, a customs inspector can predict what type of auto traveller will be encountered. The following excerpts illustrate the routine patterns of traffic at the border crossings:

Your eight o'clock people: People who come up who are working and going to school, people who just live nearby and are just going down for milk, gas and cheese.

The early morning hours, people going to work or going down to get gas. During the day it varies. It could be people coming home from vacation or snowbirds in the day; during the week, shoppers. The evenings, gas and milk because they want to beat the crowd and like the Navy guys and bingoers. The weekends it's the shoppers and people Sunday evenings coming back from being down for the week-end on short trips.

The daily gas, oh they'll come at four o'clock in the morning every day. I've been here three days

now and at five o'clock in the morning you have the same guys coming down for their coffee and danish.

Summertime from about June until the end of September you get all the American people coming through. You see Wyoming plates. You see Florida plates. The gun referrals go sky high. But from September through to late spring you don't see the same type of American travellers, so the traffic pattern is very different.

The particular port of entry also seems to affect the type of goods and travellers that are seen by the customs inspectors. This also establishes a pattern of expectations utilized by inspectors in their decision making.

For some reason we seem to get more seizures at one port than at the other. I think it is because one is more out of the way than the other. It's kind of strange, but it's like a different clientele between the two sometimes. For instance, people coming up from the States tend to use this border [port] a lot more because it's such a direct route and you get a lot more motorhomes here. You get a lot more guns at this port and don't get as many at the other port. I think the type of people that come through here you seem to get more enforcement-minded with than you do at the other one.

The particular booth, different booths have almost been known to carry certain types of travellers. Generally speaking your outer lanes will have more of your tourists. You know if you work an outer lane you're gonna have more of the tourists, therefore you'll have more of the potential weapon carriers.

However, other customs inspector who were interviewed stated that the particular port had very little influence on their decision making. From the field observations, differences in automobile traffic between one port and the other were not recognizable. Auto travellers of all types, from a number of areas, with the same reasons for travelling

were observed at both locations leaving the observer unable to make clear distinctions.

No, I don't think it influences my decision because I look at each individual traveller no matter where they are or their position in lines or whatever. If we were in an airport the position of the people coming out of the airport would be completely different.

Other physical factors which may affect a customs inspectors decisions are ecological in nature. The policing literature suggests that factors such as the time of day or the particular geographical location have an effect on an officer's decisions. Customs inspectors were questioned about how the weather, whether conducting the interview inside or outside the booth, the time of day, or the season had any effect on their decisions. Of all these factors, whether the inspector was standing outside the booth seemed to have the greatest effect on decisions as seen in the following quotations:

To be outside you may be willing to be a little bit more thorough because you can look into the vehicle. You can pop a trunk quicker. You're out there, you're mobile, a little bit more thorough or aggressive.

You see a lot outside. When you stand outside you see a lot of things that you wouldn't see when you're laid back in the booth and I pop a lot of trunks when I'm standing. When you're standing over top of a person, you tend to intimidate them more too. If you're laid back and the person's talking down to you, he's got the upper hand but as soon as you stand up and you're looking down at him, at that time you realize he'll feel the effect of you right away and you'll see how he react to it and I think it's easier to pick out people that way.

Inspectors were observed making decisions at primary inspection, both inside and outside the booth. While it was difficult to know what the customs inspector was thinking or to know why they reacted as they did, it did appear that being outside helped to direct or focus their attention on the particular auto traveller. Not being in their own private space, in the booth, relaxed and in control, the inspectors were more aware of their surroundings and seemed to enjoy their jobs more when outside. It was not possible to judge however, whether customs inspectors outside the booths opened more trunks, were more aggressive, or were more thorough in their questioning.

The weather seemed to make the customs inspectors more considerate of the individual auto traveller. They were also more aware of the inspectors in secondary and how the weather would affect secondary inspections.

Sometimes it does have an effect on decisions. Sometimes it's cold and it's really cold sometimes, like last winter and you have to use a little bit more discretion. You have to aim more at the higher risk people because officers don't want to freeze out there looking for a carton of cigarettes.

It does have an effect. Being that the area that we talk to people is all covered when it's cold and miserable it doesn't really make a difference I don't think because you're all bundled up. You're covered up, the rain or snow or the cold isn't going to hinder you. You're going to perform the same way. When it's hot and it's busy, because the two usually go hand in hand, I think it definitely does take away from the job performance because everyone's tired and the last thing you really want to do is hop into a hot steamy van and start looking in every nook and cranny.

However, other inspectors differed, believing that changing weather had no effect on their job performance or the decisions they made. "Nope. I go out there in the cold or rain. Some officers might not if it's freezing but I still go out there."

Field observations indicated agreement with the inspectors, that if looked at from a long term position, the changes in decision making made because of the weather were insignificant. Any changes seen were related to the payment of small amounts of duties and taxes. While this has a direct effect on the travelling public and establishes an atmosphere of uncertainty for them, when considered from the standpoint of the inspector and his/her responsibilities, it seemed inconsequential.

The time of year was not perceived as having an affect on the customs inspectors decision making. According to the customs inspectors, during certain times of the year, certain types of travellers and commodities are seen more frequently than at other times of the year:

It may have an effect on how you allow people to move. Like summertime we know we have more visitors, so the visitor aspect you're probably more relaxed with them. You know a guy coming up from Miami and he's visiting Canada say for instance in January. Well why is he here? It depends on the season and what type of goods are coming in. Right now [during the Summer 1990] I may be doing more examinations because of the illegal fireworks coming in. As far as a drug search and that, drugs are being used all times of the year. Commodities and goods are certain times of the year where you find a lot more of them; more alcohol in summertime, more commodities and goods like clothing before Christmas.

If it's like Christmas time and it's nuts in here and everyone's gone shopping you've gotta change your priorities. You've gotta raise them up because you're so busy now that when you start looking for things it's gotta be really worthwhile whereas when it's a slow time of the year you can spend a little more time with collecting less revenue. You just make your priorities to adjust to the time of the year.

Field observations for the study were conducted for a short time period during the Summer of 1990 and therefore it was not possible to confirm the seasonal traffic patterns mentioned by the customs inspectors. The daily traffic patterns during the period of observation, however, were observed and over time the patterns revealed by the customs inspectors became apparent, even to the extent that familiar faces among the auto travellers during certain times of the day were noted, as well as a group of routine reasons for travelling.

The ports observed were open 24 hours a day, seven days a week with the customs inspectors rotating among three shifts. During the graveyard shift, only one team works both ports, leaving half the normal number of inspectors on duty. These conditions may have an effect on the customs inspectors physical well-being and on the amount of work they are capable of accomplishing which in turn may affect the decisions made. The inspectors expressed varying opinions on whether the time of day or the shift worked had an effect on the way they performed their duties.

It all depends. The questioning remains constant. I don't really think the shift really has any bearing on the type of questioning you do or the

amount of searches you do. It all depends on who's in front of you. It's the same no matter when you're working.

Graveyards you tend to be more lax. You have to be aware for drugs and the big stuff but it is more relaxed because you have a lack of staff and you don't wanna be sending in everything just in case something happens. You have to sort of accommodate how the officer functions and you have to be aware of that all the time. So last night like I said I made the one referral of anyone and we got something out of it. So you have to be pretty certain when you make your referrals on graveyards.

From field observations, it appeared that the inspectors were more relaxed and at ease with the clients during the graveyard shift. They appeared to question the travellers more casually and asked fewer questions. There are an number of possible reasons for this. First, the upper management is not on site and there was less stress and pressure. Second, the traffic flow is often light creating less pressure and there are correspondingly fewer inspectors working each port during graveyard shifts. Finally, the inspectors know that the travellers are on the road for fewer legitimate reasons. The malls are closed, ruling out shoppers. People generally do not travel while on vacation or on business trips during the wee hours, the bars close at certain hours and most people are home sleeping not going for gas or items of groceries. Graveyards are also one of the best times to catch up on paperwork as the inspector can often work uninterrupted.

A major factor which may potentially influence the decision making of customs inspectors is the flow of

automobiles. With the increasing numbers of same-day travellers (Customs 2000; 1989), line-ups are becoming an integral part of crossing the border. With waits of anywhere from a few minutes to hours, the volume of traffic may have an effect on the customs inspectors decisions. However, the inspectors interviewed expressed opposing views as to the effect of line-ups on their decisions.

I don't care how long the line-up is because that's where you're gonna get a good seizure or you're gonna get something that's abnormal.

On days when it's fairly slow then you can spend more time and you can make better decisions. But on busy days you're like, on Saturday or Sunday afternoon you really want to facilitate the traffic and you're thinking God I don't have a lot of time to spend with people and it's really hard to make decent referrals. You kinda get to the point where you're sort of in zombie mode and you just ask the questions but you're not listening to the answers; when you're at the end of your hour cause it's very repetitive.

If I think there's something there that should be examined in the vehicle or the possibility of something being smuggled, I don't care if the line-up is 16 miles from here. There's no expediting them just because of a big long line-up. I do what I'm required to do as an inspector.

During the observation period, there were times when there was one lane open and during the course of an hour there were only six auto travellers, one lane open for as many as 152 auto travellers, and seven lanes open for 96 to 160 travellers per hour. The biggest change in decision making which was recorded during peak periods was that the dollar limits on goods being brought into Canada were raised significantly. This was a practical solution for the

customs inspectors. If they were to refer all auto travellers with duties and taxes owed, the line-ups of cars both waiting to reach the booths and waiting to get into secondary to pay the duties and taxes would increase exponentially.

Potentially related to the traffic volume and long line-ups is the amount of time that is spent with each vehicle during an encounter. Again, the comments of the customs inspectors suggests differences in perception as reflected in the following comments provided by two customs inspectors.

No I don't think so. I try not to let it. I'm sure it does sometimes when it's really busy and you think maybe but you know there's just that little bit of hesitation and they go up the road, where maybe I should have taken the time to ask a few extra questions. It happens. I try not to let it happen too much. We have to sometimes because you just know that the next person's gonna take your head off, that they waited an hour and ten seconds.

Ya. I mean you gotta make a snap decision. You only have 10 or 15 seconds to decide on something like that. You gotta be quick and sometimes you're gonna know that something went away that you shoulda spent more time on but you made your quick decision based on the time you had.

Observations were conducted of customs inspectors and auto travellers at peak times and at the very slowest times. Regardless of the traffic volume, individual inspectors seemed to behave in the same manner. Some customs inspectors are very thorough all the time, some most of the time, and some are very casual in their approach. This existed independent of the volume of traffic. One

noticeable difference, as noted earlier, was that during slack times, less intense queuing took place.

One customs inspector stated that he made all his decisions within the first ten seconds of the encounter, regardless of the amount of time spent with a traveller. Further inquiry could prove him wrong, but overall his first impression of the auto traveller was the basis of his decisions.

Table 4.3 reveals that the inspectors do not place much value on the effect of environmental factors on their decision making. With the exception of the traffic volume, and the corresponding amount of time spent with each vehicle, the inspectors did not perceive these factors as having an impact on their decision making.

The different port or booths, whether inside or outside the booth, the weather, time of year or day are all background factors, which although not constant, vary by degrees allowing the customs inspectors to use these patterns to predict events and situations. Slight changes in the weather or even in the volume of traffic do not have major effects on the inspectors actions.

The environmental factors provide the backdrop for the inspectors day to day decision making. These factors help establish the normal or routine patterns of interaction at the border. Consequently, the inspectors can predict what type of travellers that will be crossing the border during different times of the day. They can predict the hours

during a shift when the traffic will be heavy and when it will be slow, the effect a long weekend will have on traffic volume and type of travelers encountered and the effects of a holiday on either side of the border.

These factors are beyond the inspectors control. What the inspectors do have control over is the way in which they respond to the normal pattern of traffic movement across the border. Inspectors operate within a basically stable environment. Changes in traffic volume is the biggest potential source of their action. This change, however, may be instrumental in determining the outcome of an encounter.

The volume of traffic may determine the amount of time an inspector will spend on each encounter. During slack times, there is an opportunity for in-depth questioning during the examination. Whether this opportunity is utilized or not depends upon how the inspector exercises his/her discretion. If it is true, as was noted, that the more time spent with an encounter, the more informed the resulting decision was, then it stands to reason that during high volume times a greater possibility of poor decisions being made occurs. To counter the fluctuation in traffic flow the customs inspectors maintain that while their decisions are effected it is only in the cases which are categorized as "low risk". "High risk" commodities and travelers receive the same attention and scrutiny regardless of the traffic volume, weather, port, booth, or time of day.

A knowledge of the patterns of traffic flow during the normal shift, the buying patterns of vacationers, shoppers, bingoers, and milk and cookie crowd, an awareness of seasonal changes in the type of traveler or commodity likely to cross the border, the type of traveler most likely to cross a particular port or use a particular booth all contribute to the inspectors knowledge base from which he/she makes decisions. This knowledge, gained from personal experience as well as other inspectors experience shared in the form of "war stories", allows the inspector to predict with a measure of certainty the type of commodity and client encountered at any time of the day or night or time of year, regardless of the port or booth or the volume of traffic and within a very brief period of time decide an appropriate response.

The Organizational Environment

The way in which Canada Customs is organizationally structured creates a paradox for customs inspectors. Similar to police organizations, the customs system is hierarchical, with those at the top making policy, establishing priorities, and allocating personnel and resources. And, similar to the line-level police personnel, the customs inspectors at the base of the organizational pyramid have considerable power and discretion in carrying out their duties.

There are rules and regulations as well as legislation providing the framework within which customs inspectors

work. The inspectors are provided with education and training deemed necessary to promote professionalism and consistency in the administration of their authority. The supervisor, the team and the inspector's peers provide an additional check on their actions. However, at the primary level of inspection, as in police-citizen encounters, there is only the customs inspector and members of the travelling public who really know the interactive details. As the public knows little about the inspector's job, function, or powers it is possible for abuses of authority to occur.

Table 4.4

Organizational Factors	yes
Does management affect your decisions?	100%
Do the intelligence reports effect your decisions?	43%
What impact do the watch for sheets have on your decisions?	57%
Does the receipt of a complaint effect your decision making?	78%
What effect does the number of seizures you've made during the week have on your decisions?	22%
Does the identity of the inspectors in secondary influence the referrals you make in as an inspector in primary?	52%
Do you socialize with other inspectors?	65%

n=23

Table 4.4 presents the data illustrating customs inspectors perceptions as to the effect organizational factors on their decision making.

Peer Influence on Decision Making

Considerable attention in the policing literature is given to the influence of the police officer's peer group on

the exercise of discretion and decision making. The customs inspector's peer group also appears to influence their decision making through the transmission of knowledge gained from experience. Peers also function as a check on decision making. The inspectors work in teams of nine to ten inspectors under the direction of a supervisor. The relationships and interactions between the team members appears to establish the parameters within which the decision making of individual customs inspectors occurs. The inspectors impressions of the teams standing is indicated in the following comments:

I've worked on several teams, not as part of the team but on overtime etc. and you notice the different type of comradery or lack thereof. I'm lucky in that respect. I'm in a group that we're very close. I've seen others that are very close, as well where they even at times would vacation together, take off for a weekend. You don't see this often. Then I've seen other groups that they work with certain individuals that at four o'clock that's it. There's no ties. They don't like working with the individual. They have no communication or there's aggravation on the teams and a referral will be made and oh it's so and so's, forget it. So the attitude in a lot of teams is indifference.

Each supervisor is unique and each supervisor sets their team up according to what they believe which is black and white again. Some supervisors are all enforcement, so they've got a little enforcement team. They've all got big belts of things hanging all over and big boots and then you have another team who really doesn't care about enforcement. They don't like to have line-ups and they don't like to have backups, so they're all running around trying not to search any cars in case they get that seizure because they've gotta be on the road in five minutes. Then you've got teams that just like to go for coffee; noon, morning and afternoon.

The team is good for being able to work together and trying to develop your skills but it's hard because when you work on another team and they're real cliquy, it creates cliques. It creates bad habits where one team has a particular way of doing it and it's the wrong way but they all do it. When I first started I worked a lot of overtime, I do now if I want Christmas money or if I want something special and I started when the team concept was in effect and I worked for another team and I pretty much right off the bat said, "How do you do things on your team?" I said, "Do you send six beer up the road or do you send a dozen beer up the road or do you send every dozen in or what do you send in? What don't you send in?" It creates competition between teams as well, not only between inspectors but it becomes one team against the other.

Several inspectors expressed the view that a knowledge and understanding of other team members abilities as inspectors was a factor in their decision making. Not all customs inspectors have the same orientation: some prefer a public relations orientation, others an enforcement stance, some like collecting duty and taxes, and still others a combination of two or all of these facets. Additionally, the teams do not all have the same composite of officers. On some teams, customs inspectors have a great deal of experience and training, while on others, the customs inspectors are all relatively recent recruits with little training or experience. Still others contain a mixture of customs inspectors in terms of experience and training. The amount of training, experience, and orientation of each customs inspector within a team becomes well known among the other inspectors and may affect decisions made. The inspectors also indicated that pressure from other team

members could effect the type of secondary inspections sent in.

You know who's out there, who's gonna receive your card and I think that if you know someone who's out there that's good at getting a seizure and if they're gonna get that referral card, you're more willing to send it in for a search. If you know someone is in secondary that really doesn't know, is known for not doing that good of a job on a search, you're thinking out there, well why even bother to send it in. I'll either do it out here or send it down the road.

No, I'll make the same referrals. I may not have as much confidence in one officer as another ie. a drug referral. Some officers will go through every little detail and every little hiding spot or potential hiding spot where others will do a more cursory job and you really feel bad about it sometimes but as far as the referral, no, no matter who's there I'm gonna make the referral.

If you're going to refer someone you should be asking all the questions to reach that point of finality. I personally won't take an enforcement action on someone unless the primary's right on the money. So if I'm given a referral card that's half filled out I would probably side with the traveler before I would side with the pill officer.

It depends on how many staff are around. If there's only a few of you around and you happen to know that they're going down the road you just send them yourself and not have them wait. But usually it's so busy and there's so many around or there has been that you don't know who's gonna get them.

On several occasions during the field observation period, senior inspectors were witnessed telling other team members to stop sending garbage in for secondary inspection, to make sure they did a complete primary inspection, and to speed things up in primary and get the traffic moving. Senior inspectors advised junior team

members on points of legislation, policy, and ways of inspecting vehicles, as well as assisting them in making seizures and writing up reports.

Another indicator of an occupational subculture existing among the customs inspectors is the amount of time inspectors spent with their peers away from the job and whether they believed that only other customs inspectors were able to understand the unique difficulties associated with the occupation of customs inspector. The policing literature indicates that the beginnings of these beliefs in the police are cultivated in the police academy and continue when the officer is trained as a rookie. While the customs inspector also attends and receives several weeks of intense training, the esprit de corps present in the police appears to be lacking. There is little sense of unity or bonding between inspectors of one graduating class. Inspectors were queried about their relationships outside their jobs.

I associate with other inspectors to some degree. Pretty much my own team but I'm open who keeps my private life private and I don't do a lot of socializing within my job. Just because my world outside is my little world and it's not that I don't want anyone else in it it's just that when you're working with the same people day in and day out you need, I think, to have that break. You can get too close. It gets like a small town sometimes. Everybody knows everybody else's business. It's a really easy rut to get into and I don't think it's healthy. I think you need that outside influence to be able to come back and do your job properly but also to lead a decent life away from your job. You can't constantly have your job around.

From conversations with customs inspectors and from the field observations, it is clear that there are important relationships among many of the inspectors, but these relationships are primarily functional. Most of the inspectors had their own circle of friends outside the job who had nothing to do with customs or policing. Their relationships with other inspectors were limited to having coffee or a beer after work.

The customs organization has other structures in place which may also effect an inspectors decision making. One of these is the act of receiving and acting upon any public complaints that are made. As a way of measuring the inspector's view of the public and their concerns, the relationship between inspectors and the public was examined by questioning the inspectors about how public complaints are viewed.

Last year there were only 367 valid complaints nationally. That means that we're doing a pretty good job concerning those people. Each complaint is handled as a valid complaint until it's proven. A complaint here doesn't mean anything. Everybody complains, everybody whines and the people here have become accustomed to doing it. There's far too many complaints. The superintendents don't handle the complaints and the minute that someone complains, well the inspector's already looked at as being wrong, before it's even investigated. Complaints aren't an indication of anything.

It's not the fact that the people were caught or the fact that they had to pay duties and taxes, it was the way in which they were dealt with. A lot of complaints aren't valid; this person went through my clothing, went through my baggage and it's ignorance or the laws and regulations. But when you've got some valid complaints I think it's the officer's demeanor, the way in which the

regulations were enforced. You have to be polite to people. You can't be scolding and put your morals and values on them.

I'd say 50% of the complaints come when [there's] an enforcement action. They've been caught and they'll start saying an inspector was doing this or abusing their authority or whatever. I think the other half are just that things were read wrong, something was said by the inspector and the person took it as meaning something else. I don't think there's that many valid complaints to be honest. I think that if you don't get a complaint once in a while you're not doing your job right. I do think that if you're doing your job, you should annoy somebody once in a while as well as on the other hand if you're doing your job, you should get a letter from the public that says so. They end to jump to complaints faster but you can take it to the extreme too.

As shown in Table 4.4, the number of valid complaints is quite small considering the number of automobile travellers crossing the borders each year is considered.

One problem with written complaints from automobile travellers is that they may show up days, weeks or months after the incident and, unless the incident was extraordinary, the inspector may have a difficult time recalling the particular details of the incident.

A second way the organization has of monitoring an inspectors decisions is the emphasis that is placed upon making seizures. While there is no quota system for enforcement actions in place at the land ports observed, there is a strong emphasis placed on maintaining a consistent level of seizure action. A running tally is kept on each inspector and any large negative deviation from the individuals norm is noted and the inspector is encouraged to rectify it.

They don't take the highest and you're supposed to meet that expectation. They take the average and people who are falling way way below the average, who don't get any seizures or get one a month they should question because if you're working the counter you've had the opportunity to get them. There's two reasons why you don't do enforcement, either (a) you don't care, or (b) you don't know. So (a) if you don't care you shouldn't be here. If (b) you don't know then they should make some changes by buddying you up with somebody who does know what they're doing. I think it is good. You take a look at the overall picture within a two or three month period and you should be able to judge if a person is doing his job and enforcement is a very important part of this job.

The inspectors were queried whether this system had any effect on their decisions and their responses suggest variable perceptions on this issue:

It probably does have some effect. That if your seizure rate's down, that maybe you'll send somebody in that maybe you're not sure, maybe you'd normally send them up the road but there's the odd chance that there, there may be not a lot of indicators there but I've done it. I've thought well maybe just on the off chance. Well I haven't had any for a while the boss'll be breathing down my neck if I don't have any.

None, but the average person probably because the average inspector wants to at least meet a certain criteria or meet a certain standard so I think some people say, well I got one already tonight. It goes back to where we shouldn't have that discretion.

Nothing at all really. I'm here to do a job and if I get a seizure that's part of it but I don't go home upset because I didn't get a seizure or a point today.

The inspectors were also asked whether they felt the emphasis on seizures was a good means of judging their performance as an inspector.

The way I look at it is the amount of seizures does not necessarily mean that they're good

seizures. There's quality seizures and there's non-quality seizures. I'll give you an example. A drug seizure would be a good seizure. Firearms could be a good seizure. They could not be a good seizure depending on how it was done from primary to secondary. Extra groceries or clothing, as far as I'm concerned, is sometimes not a good seizure. It depends on what you're looking for. It depends on the volume or the amount of goods coming in or being smuggled. It depends on the circumstances, it depends on the officers, and it depends on the people bringing the goods in.

Management places an emphasis on seizures in some areas, [but] not in all areas of the country. This particular area here seems to put a lot of emphasis on quantity. Any seizure no matter, anything where duty and taxes is above \$50 is as far as they're concerned. They seem to have a point system here and as far as I'm concerned point systems never ever work for anything. It doesn't mean you're a better officer just because you get more points than the next person. In some cases it creates competition between officers. I find that the competition is more with the younger individuals that are coming on the job.

No. I would say that if you have an officer that does 259 seizures a year then that officer did nothing else. As far as I'm concerned, they let the rest of the personnel down. Because while he was doing that particular portion of the job he wasn't doing the rest of his job. I think it should be balanced. You don't have to be good to get seizures. If you come here, put in your 8 hours, answer the public properly and show up and do your work you're gonna come across a seizure. If you have a co-worker that says I don't have a seizure in over two months it's because they don't do nothing.

To assist the inspectors in making their decisions and to provide them with the latest trends in smuggling across Canada and the United States, intelligence reports are published and made available to the customs inspector. Revenue Canada publishes yearly Drug Reports and monthly or quarterly reports are generated by the intelligence divisions within the particular region. The following

excerpt is an example of the information provided as intelligence:

Officers at Aldergrove, British Columbia seized 1,030 grams of cocaine on November 16, from a 40 year old unemployed male Canadian travelling with a 29 year old Canadian postal worker. They had been referred to secondary because of their jovial and overly helpful attitude at primary (1987 Drug Report).

On October 19, 1988, Customs officers at Fort Erie, Ontario, seized 313 grams of heroin from two American males who had arrived in a vehicle from New York City. The indicators leading to discovery of the drugs, which were concealed in "ziplock" bags that had been hidden underneath the rear seat of the car included the following: rental vehicle, nervous behavior, lack of eye contact, arrival from a source area, and heavy perspiration (1988 Drug Report).

In addition, the inspectors have access to computerized information on previous smugglers and Customs related intelligence generated by other law enforcement agencies.

One final source of information for customs inspectors is the "watch for" lists. These lists are updated weekly and give a description of the wanted vehicle or person, the reason they are wanted and what agency is interested. These range from criminals fleeing prosecution and known felons to tips about prospective smugglers of goods. These lists and information are available in the office and some of it in the booths but it is up to the inspector to take the initiative to read and apply the data.

The inspectors were asked how effective this intelligence is in assisting their decisions.

Local watch fors

I have very little confidence in our drug team here and I have very little confidence in I & I here because of the lack of research. Generally speaking, the information is passed out in a timely manner but it's not always current. We've got look outs dating back to February and they haven't been intercepted. That's not current information. A lot of things could have changed. The car could have crashed, the license plate could have changed and we don't know. There are two license plates that make me laugh every time I see them on the list. They're from the Northwest Territories. Well it was timely when they were put on the list but it's not current anymore particularly if those license plates are up in Yellowknife. If they're up there, we're not likely to intercept them here.

They get filed. Like when they come out they get put in the booths. Within the first 48 hours they've disappeared. They often get crumpled up or moved to a drawer and then thrown out. Everything you see whether it's a watch for or an intelligence report or if it's a piece of paper as long as you've got it there with you in the booth you're gonna watch for it. I don't ignore them by any means. I think they're very important. I just don't think they're maintained like they should be.

When I get a chance to look at them I look at them but sometimes when it's busy and they're saying get your traffic moving faster, you don't have times to look at them.

National Intelligence Information

I think they're really effective. Intelligence bulletins, are for me with high risk commodities, are the only input that you have. They are actually probably the only information you get. I've had the opportunity to go on a few projects and learn a little more but most of my training with regards to narcotics has come out of reading not just specifically the intelligence bulletins by Canada Customs but other information that's also received.

Not all inspectors read them. Sometimes you just don't want to read it. The good thing is they'll let you realize new things. A guy in the States was just about to go to Columbia with frozen bull semen like it comes into Canada the same way as well. Well they had \$600,000 worth of cash in the

container instead of semen. So US Customs caught on to it and it came to us on the bulletin. This is good because it gives us all the new ways to stash stuff. Some are more closely related to the daily stuff we're dealing with. One of them was a can of pop that the bottom unscrewed and came undone. If you read it and you try to remember it cause there's a lot of stuff to read here and you've gotta know a lot of stuff, it can be good.

They're very outdated. I find that there are certain trends with intelligence reports but once we start doing good with them the smugglers are on to something else. By the time we identify the trend we catch them at and it gets sent to Ottawa or the regional I & I, gets published and gets back to the people in the field, the drug smugglers have gone on to something else.

The inspectors have very little time to keep current with all the changes and updates that occur. They meet a few minutes before their shift begins to get their shift assignments and to chat with the supervisor and other inspectors. There is no set briefing from the supervisor so any information such as, changes in policy, "watch fors", or intelligence is communicated through memos or some other type of written publication. The onus is on the inspector to keep up with any changes.

One final means of measuring management's impact on the decisions made by inspectors at the primary level was to ask them about the impact of management of their decisions.

It depends on where you work. You're only as good as your management allows you to be. The job's supposed to be the same because it's a federal department enacting federal legislation but it's not that way.

They've got this open border, nobody does anything wrong attitude. You never see a dog down here [to check vehicles]. There's a lot of things they could have to help the officer, to assist him. They'd sooner collect \$2 on milk and duty and

taxes. It's nation-wide. It's coming from the high echelon. Politically if they really wanted to, they could change the idea. They could cut this traffic down to I would say half easy. All they have to do is put a toll on the gate out here and say that anyone who goes on a day trip \$10, \$15 whatever. It would solve two problems: the money would stay in Canada and money would be saved while cutting the line-ups and allowing the inspectors to concentrate on the high risk travellers.

There's a lot of good inspectors here. There's good resources, the RCMP are willing to help whenever they can but they're being pushed away by our collector. He won't have anything to do with them. US Customs, US INS, the border patrol, they're all good resources that we have available at our disposal to help us and management here just does not want to let them in. They're containing us in an area, depriving us of the resources. It's a numbers game.

All paperwork generated by the inspectors is done manually, including collection of the traffic flow statistics which are sent to Ottawa. The only computerized system is connected to the assessment of duty and taxes. There is little feedback for the inspectors in regards to the seizures and referrals to secondary that they make. Unless they take the initiative and follow up on a specific incident themselves there is no indication except in the form of the yearly drug reports and the intelligence reports that they are effectively utilizing selective enforcement. None of the statistics they generate; the number of referrals made requesting searches, the number of seizures, warnings, the number of travellers crossing the border according to nationality and time.

One final aspect of the organizations potential effect on the inspectors decisions was explored by asking the

inspectors what changes they would like to see customs make in the future.

Several customs inspectors mentioned there was a need for clarification and standardization of their role as decision makers:

I would change the focus of what the management here is trying to push employees into. Our aim has gotta be more defined and it's gotta be at the higher risk commodities. We can't enforce everything. But when we do enforce we've gotta enforce the big things. If you're gonna assess penalties, lets penalize the real people smuggling. Let's not just go after people with cigarettes and bottles. Let's go after the people who got guns and let's not give them \$100 penalty. Lets stick them with a penalty, \$200, \$300. Lets make em feel it so they won't do it again.

Many inspectors mentioned the need for an up-to-date agency. In this constantly changing high tech world, many of Customs facilities, procedures, and practices are archaic, some over forty years old. Additionally, the inspectors expressed the belief that while gathering and processing information is their business, there is a lack of communication between and among the various levels of Customs.

There's no liaison between the three, [upper management, middle management and the outer level]. There's a huge gap. The dissemination of information is poor. Everyone works on their own little wave length. Like there's a general mandate but there's no concise consistency coming down from what the top level management wants to the middle management coming down to the people at the bottom. Different things happen and nothing. Half the people know about it, half the people don't so what happens then is you get an officer that knows or attempts to know changes and do the job and then you find that the public's already talked to someone who gave them misinformation

simply to get them out of here or information possibly they didn't know was outdated and that can cause problems.

Inspectors also noted that there was a need for more support from other agencies who work in the same field; US Customs and border patrol, the RCMP, and Customs Drug Team. More personnel with proper scheduling, the use of drug dogs, and the arming of inspectors at the border crossings were all mentioned as important to effective customs inspection.

A border patrol and we definitely need some dogs at the border full-time as far as drugs. They tell us we're catching about 5% of it and that's gotta be a major concern. I know if we were to become armed they would have to do a major change around because there's a number of people here who would not be able to carry a firearm just because of the fact that they'd never experienced that or they're afraid to but in some respects. I'd like to see either weapons in the office with the supervisor or having the drug team armed.

One final area many inspectors felt strongly about was the hiring and promotion of inspectors. Most believed better selection and was needed. The need for an incentive program and recognition of the inspectors efforts and encouragement for their initiative and development were also mentioned.

There's no incentive program here at all. There's no incentive to go out and be the seizure king or the PR person. Whatever you try, no one recognizes when you're really trying.

These last comments show the inspectors frustrations and concerns with the career that they've chosen. They also reflect the importance of establishing clear standards of decisions making. They also point out the paradox of the customs mandate of selective enforcement, facilitation, and

voluntary compliance. The inspectors need to have clear guidance and leadership and all that entails with good communication throughout the organization. These statements also indicate a need for involvement of the people making the decisions in making port rules and establishing the ports priorities.

Table 4.4 indicates that one third of the inspectors sensed that peers within their teams had an effect on their decision making. This effect extended to the inspectors reliance on and belief in team members' ability to make competent decisions both in primary and secondary.

The effects of the organization on the inspectors decisions appears to be quite extensive. While each inspector stated that management had an effect on their decisions it was not all positive or negative. For the most part, inspectors felt management had a negative effect on their decisions. An absence of consistent caring leadership: a lack of communication between the various tiers of employees: the absence of current and timely intelligence and equipment: and a generally inconsistent stand with the public were common criticisms and changes the inspectors looked forward to.

Inspectors praised the current management for their introduction of academy training and the emphasis placed on enforcement, but felt the emphasis should be concentrated on high risk travelers and commodities rather than low risk ones.

The importance of intelligence reports and "watch fors" was noted by close to one half of the inspectors. However, many of these same inspectors noted changes that need to be made to improve the timeliness of these reports. Intelligence aids the inspectors adding wisdom and current knowledge to their techniques of inspection.

Three fourths of the inspectors felt that public complaints had an effect on their decisions either directly or indirectly. Many felt that most of the complaints that were made were inconsequential and should be dealt with by management rather than involving the individual inspector. The inspectors also felt that complaints about the length of lineups, the limits on goods, and issues related to duty and taxes were beyond the inspectors control and should be handled by those in positions of authority.

Management's policy concerning seizures was viewed by the inspectors as having a marginal effect. Only five of the inspectors interviewed felt that this emphasis effected their decisions.

The fact that enforcement is encouraged by superiors has an impact on the customs inspectors. There was often competition between inspectors and between teams. There was also a distinction made between teams according to their philosophy toward seizures. Informally, customs inspectors with a consistently high record of enforcement actions are referred to as "seizure kings" or "queens". Other inspectors noted that the focus on enforcement action has

changed the way enforcement actions are viewed. High risk or low risk, it does not matter. The number of seizures is important regardless of their quality. This not only impacts the customs inspectors view of auto travellers identified as trouble but also the normal traveller. Every auto traveller becomes suspect which increases the likelihood of escalating actions on the part of the inspector.

The customs inspector, as one of the participants in every encounter situation at the border, brings individual values, beliefs and skills to each encounter. As well, other factors influence the customs inspector's decision making. The task environment, while physically static, has identifiable traffic patterns and trends each exerting an impact upon the customs inspector. The organization through rules, regulations, and policy and inspector culture also influences the customs inspectors decision making. Together, the task environment and the organizational elements establish the parameters within which the customs inspectors make decisions. The unchanging daily traffic patterns, seasonal trends, and established organizational guidelines become routinized, allowing the inspectors to develop typifications of encounters situations.

Chapter 4 examined one half of the participants in any encounter at the border; the customs inspector, and the factors that have an effect on that participant. It was

shown that the task environment, and the customs organization have a great impact on shaping the direction, predilection, and parameters within which the customs inspector makes decisions. The personal attributes of the inspector were also examined and were found to have a potential impact on primary inspection. In Chapter 5, the role of the other participant in the primary inspection encounter - the auto traveller and the interaction between these two participants, is examined.

CHAPTER V

THE AUTO TRAVELLER

The second participant in the inspection encounter at the Canadian border is the client or auto traveller. Unlike the clients/suspects regulated by the police; who are alleged to have committed an offense or have engaged in behavior which has attracted the attention of the police officer or a member of the general public, all automobile travellers attempting to enter Canada must participate in an encounter with a customs inspector.

Customs like policing has a policy of selective enforcement. As not every violation can be enforced priorities must be established. To set priorities the customs inspectors have devised a method whereby the auto travellers, as well as the type of commodity, have been divided into two groups; high and low risk. High risk travellers are those with high risk commodities; such as drugs, weapons, porn, large amounts of goods, or commercial shipments. Low risk travellers are those routine travellers with low risk items; gas, small goods purchases, picking up mail, etc. High and low risk auto travellers correspond to the way in which priorities are established.

I grade them according to what's more important. What you have to take time with, what things you would like to take time with, obviously the high risk things aside from the weapons with people coming up from the States with motorhomes. Those are low risk weapons and I think you grade them that way.

CLIENT ATTRIBUTES

Each auto traveller presents individual characteristics to the customs inspectors at the border crossing. These characteristics include; age, gender, self-presentation, attitude, class, and race, and have been shown to potentially influence police officer decision making. Table 5.1 displays how customs inspectors perceive the effect of these traits on decision making.

Table 5.1

Client Factors

Are verbal indicators used to make decisions?	yes 100%
Do nonverbal cues assist you in making decisions?	100%
Does the travellers age affect your decisions?	17%
Does the gender of the traveller affect your decisions?	13%
Does your interaction with travellers change when there are cultural differences between you and the traveller?	35%
Do most people caught with contraband fit a certain economic class?	26%
Does a lack of communication due to language difficulties have an affect on decision making?	17%
Does a citizen's attitude toward you impact the escalation of decisions?	39%

n=23

Police research has shown that the demeanor of the suspect is often a key factor in decision making by police officers as to whether to arrest a suspect. Other factors such as race, social economic status, age, gender, and verbal/nonverbal cues have also been identified as important potential influences on police decision making. A brief review of the literature on nonverbal cues, however,

indicated that nonverbal cues could not consistently detect deception (Green, O'Hair, Cody & Yen, 1985). So while the police and the inspectors utilize these types of attributes to detect deception, they may not be able to rely upon their accuracy.

The way in which a customs inspector perceives the importance of nonverbal cues in the decision making process follows. Observations indicated that the inspectors relied on nonverbal cues seemingly to the exclusion of other cues. Nervousness of the automobile traveller was indicated overwhelmingly when inspectors were questioned about their referrals in primary inspection. Despite the time spent in primary inspection, the researcher was unable to distinguish the "nervous behavior" indicated by the inspectors making referrals. In fact, many automobile travellers observed which the researcher felt were displaying signs of nervousness were routinely questioned and released. The following quotations indicate the importance inspectors place on non-verbal cues.

Assessment of Nonverbal Cues

Avoidance of eye contact, nervous twitches, anxiety type strumming on the wheel or rubbing your hands together. Physical movements, just a general aura about people quite often you can read how they are. You get used to reading people. You can read how they are. You can usually tell even if the person's hiding anything. They've got a hand anchored on the steering wheel.

Some people are so obvious with nervousness and body language that they might as well as told you that they're smuggling when they drive up. I don't know what it is and I can't really put my

finger on it exactly, but I would say seven out of ten times, as soon as somebody drives up to your booth you know if that person is doing something wrong. So it's body language, some type of body language that they're giving you. Whether it's poor eye contact, I name that in a lot of reports because you've gotta have some reason for going for the gusto. You can't just put in I had a gut feeling and that's basically what it is. There's something about this one that isn't right.

I generally tend to view the other person that's travelling to see how they react. Usually, I know it may sound that I'm chauvinistic or something, if there's a female travelling they generally seem to react a little more strongly. They'll look at the person who's driving so I usually cue in on what's happening to the passenger and just examine the driver as well but to a greater extent I think it's the passenger I cue in on.

If the person is sweating, if they're showing uncontrolled movements with their hands quite often, if they're tapping, if they're fidgeting, if they're avoiding eye contact is a big one. They have things on the list like dry lips, if someone is visually very nervous and agitated. Basically I think lack of eye contact is a really big one.

Verbal Cues

Verbal cues go hand in hand with nonverbal cues and the inspectors often find it is hard to separate one type of cue from the other. Table 5.1 exhibits the inspectors views about the traveller's characteristics and their effect on decision making. The data indicates that non-verbal and verbal cues are the most important components in this category of factors. The most commonly cited non-verbal and verbal cue was nervousness as revealed by a range of behaviors: talking too much or too little, shaking, sweating, lack of eye contact or avoidance of eye contact, being too friendly or too distant, change in vocal pitch,

inconsistencies in stories. All these reasons were cited as cues to a person's telling the truth or not. In fact, these same factors appeared in almost every report I saw written up. These same reasons also appear in the published intelligence. These behaviors seem to act as a primary indicator of trouble or as an indication to escalate an inspectors actions from the routine process of questioning. While it is not always the case that these indicators are accurate predictors of lying or hiding something they are used extensively in decision making.

Evasive answers, something sitting on the seat, maybe the smell of a new leather coat. It's very discretionary. It's something you have to find, you have to have a reason for sending in an individual. Nervousness is a very very poor key because there are so many people that are nervous for other reasons other than hiding something. People say I've got a gut feeling about this individual. There's more to it than that and I think those individuals are not reading people or they're not explaining really why they got this individual. Something is not normal and it's not individually that the vehicle is wrong. There's something in the vehicle or there that the individual's telling you. Whether it's the way they're speaking to you; it's a hurried manner, or are they being aggressive to you or that their hands are showing you something. A lot of it is body language they're telling you something that you have to pursue.

Inconsistencies in peoples' stories. People tell you they went down to visit somebody and you ask them who and they don't know who. Or they say they're coming up to visit someone and you ask them who they're visiting and they have to go to a piece of paper to see. You ask someone whose car it is and they say mine and you ask for registration and it's registered to someone else. Or they've been away a week and you open the trunk and there's no luggage.

Their answers are evasive. Like the other night I got a seizure with these two guys. Through questioning I sort of figured they might have something and they also fit the profile. They had a really nice car. It was a Jeep Cherokee, brand new. They came through and they had been down in California for two weeks; San Diego or that area. LA is what they call a transit area for drugs and so that's an indicator there. They weren't particularly clean cut but they had this really nice vehicle. One guy didn't have a fixed address but he worked at Lake Louise as some sort of sports instructor but I think that was only like a seasonal type of occupation. I asked how much are you bring back and one guy says \$120. Then other guy goes oh \$120 too or maybe \$150. He said the exact same thing as the other guy. There was nothing sort of concrete about their answers so I thought well I'll send them in because they have to fill out their declarations and they have this nice vehicle and they're young. You think there might be something there and they didn't spend very much when they were away for two weeks. Usually when people go down to California they have at least \$300 worth of stuff. The fact that these young guys only bought like \$120 a piece I didn't believe and sure enough. They had like \$700 worth of stuff.

Well somebody who says they've been away for a week and they've got no luggage. They say they've only been across the border and you look down and you see an airline ticket sticking out of the purse. Or they've only been in the United States and you see a baggage tag. Little things like that. Some people are stupid. A woman had a bottle sitting on the seat. Do you think I could get her to declare her bottle of duty free? No. I've gotta go out and seize it and it's fine. Anything that's unusual or doesn't fit with the person. A lot of times vehicles and people don't match or rental cars too. You can pick those out too and find out why they're renting the car.

The inspectors seemed to rely upon nonverbal cues to determine whether an auto traveller was different from the norm. When asked their reasons for referring a traveller to secondary inspection, a customs inspector would respond: "Didn't you see how nervous he/she was?" Customs inspectors

not only keyed in on nonverbal cues from the driver, but from the passengers as well. Verbal disagreements between passengers were also taken as an indication of deviance from the norm. The inspectors reports invariably listed nonverbal or verbal cues as their reasons for referring an auto traveller for secondary inspection.

Age and Gender of the Auto Traveller

A consistent finding of the police research is that a disproportionate number of young males are arrested by the police. This pattern, however, is not evident at the borders observed, as is indicated in the responses of the customs inspectors in this study.

If they're younger, you're more likely to get a drug user that's 18 to 30 or 40 as opposed to 75. I've found the older people tend to be a little more honest about what they're bringing back.

When I was a term I arrested a 64 year old guy who had heroin in his crotch so I don't really look at the age because everybody could do it.

Over the years I think I've come down to the conclusion that I think anyone can smuggle, any age.

Men are just as devious as women.

No I just look at the indicators. I don't put too much emphasis on the age or sex until the very end.

Probably males in terms of drugs and females in terms of goods. But males in terms of goods too. Not a lot of female referrals for drugs, from what I've seen it's mostly been males.

They're all smugglers! I've had right from 13 year to 78 year olds that smuggle, all different races, different jobs. People are just trying to save money. These are hard times. Even

millionaires smuggle. Everyone's just trying to save a buck.

With no statistics to support the inspector's perceptions, it is hard to definitively confirm or deny their perceptions. From the observations, it appeared to depend on whether one was examining high risk or low risk commodities, but that is only an impression. People of all ages, from teenagers to the very elderly were routinely referred to secondary inspection.

Ethnicity

Along with age and gender, ethnicity has been shown to be a factor in police decision making. The research indicates that this often is a result of demeanor, rather than overt discrimination on the part of the decision maker. This appears to be the case in customs inspectors decision making also.

I think there's people in all walks of life, in all different backgrounds, all ethnic groups that smuggle. There are some ethnic groups, coming from certain societies or certain parts of the world that have grown up with it. They've grown up with the idea that they have to smuggle or whatever and I think it's something that's a social thing that the average individual that resides in Canada and has for any length of time are pretty well equal.

You can almost categorize what nationality of people smuggle. The Oriental people from past experience smuggle jewelry. They'll smuggle jewelry also all kind of goods like linen and liquor and tobacco a lot of times. East Indian people go with linen, a lot of linen. They'll also go for clothing and liquor.

Unfortunately I think that if you take the statistics on which races smuggle you might find that certain races are higher than others because those people are referred more often. I think

sometimes those stats might be misleading. So if you've got a whole crew of Caucasians, you might find more Orientals coming in or more Filipinos or more Fijians, more East Indians than whites. I'd say overall you'd probably find Asian races smuggle more than Caucasians. If you work a whole shift and it's been nothing but Orientals, then obviously that's gonna effect the statistics.

If you come from a different country you tend to think that what you did back there, you may be able to do here. So you do some seizure actions against a minority groups and when they hit you on primary and you see that minority it does influence you a bit. Some inspectors it's a lot, some it does a very little but I know it influences every officer. That's why it seems like we pick on minorities a lot. If we do pick on minorities it's only because they're visible.

There's some cultures where they see a woman in a uniform or to have a woman with authority, they can just not handle that. As soon as that happens, as soon as you can pick up on that, I tend to get frustrated or even angry. I know that I'm dealing with someone that's not gonna respect me or sometimes not even listen to what I'm saying and I'm on edge.

Again it is difficult to make any definite statements confirming or denying this factor's effect on customs inspectors decision making from the observational data . Observational data indicated that individuals of all races were referred for secondary inspections. However, certain inspectors appeared to elect to send in one particular race over another, assuring the field researcher that this was an outgrowth of past experience with the odds of seizing something smuggled being very high.

Persons of all colours are seen crossing the border into Canada. In fact, people of colour are more visible, perhaps making up a greater percentage of the normal travelling public than non-colored persons, which may affect

the number referred to secondary inspection. As the customs inspectors are not given statistics on the outcome of referrals that do not end in an action other than release, they must rely upon their past experience and that of those around them.

Socioeconomic Status of the Auto Traveller

The individual's class and social economic status have also been identified as possible factors in determining a police officer's decisions. For the police, these factors are often known by the community being policed. For the customs inspectors, they are not always easily identifiable, although there was the perception among many customs inspectors that middle and upper class auto travellers were responsible for most smuggling.

Again the customs inspector relies upon what he/she can see and observe; the persons dress, the type of vehicle driven, the number of passengers etc., compared to what he/she knows from experience is the norm.

We've got people driving Cadillacs smuggling linen. We've got people driving a Lincoln Continental smuggling shoes and they don't smuggle \$500 worth of shoes, but one pair of shoes. It's because they don't want to pay duty or they don't feel they should or sometimes it's for a kick or whatever. You cannot say it's a couple between 25 - 40 years old with two kids and all that. It's impossible.

Upper middle class does more so. The lower classes, the people at the poverty level don't have the money to spend and they're very discriminate in what they spend money on. Upper middle class and people who have the money and the time tend to be more so. I have done some enforcement actions against some very wealthy

people, millionaires that were well known in society that can't be bothered. It's time for them and so they can't be bothered. Other individuals there's no rhyme or reason to it. They have plenty of funds available with them, they drive up in their Jaguar, which has a huge trunk by the way, you open it up and it'll be full of goods and they'll say they have absolutely nothing. So the upper middle class and the middle class tend to be more involved.

Your middle class people are trying to get away with it. I would say that the majority of seizures are done on the middle income group. Mostly because the consumer is in that group. I think you average consumer buyer is in the \$25,000 to \$40,000 bracket. People that make over that buy less. People that make less don't have the money to spend.

Attitude of the Traveller

One of the more significant influences on the decision making of police officers is the demeanor of the suspect. However, the demeanor of the auto traveller at border crossings does not appear to have a significant impact on the customs inspector's decision making.

To me it's just easier to do the proper questioning and do what's required of me and let them go if there's an attitude or they're rude or they're just jerks in line. Some people are rude for a reason; they're trying to smuggle something and they figure they can walk over you to get through. If that's the case I'll pop the trunk. But if it's just your general jerk in the line, no I'd just as soon get rid of them and not put up with the garbage they dish out.

I don't send people in just because they're jerks. I send people in because I don't think they're telling me the complete truth. People become very aggressive but sometimes there's a reason, sometimes there isn't. Sometimes they're just frustrated or sometimes they're just trying to get away, to pressure me into letting them go. I don't let any of that effect me but then again a lot of people do. I had four strippers the other day and they started being very very aggressive with me and that didn't work. Then they tried to

suckold me and that didn't work. They had over \$400 worth of boots and clothing and stuff undeclared. She said to me that the average guy thinks with his dick and that it usually works when they cross.

Several customs inspectors revealed that, on occasion, they responded to an auto travellers attitude with a change in the recipes for action. Instead of finding out why there was an attitude, the auto traveller was sent to secondary inspection, simply because there was an attitude.

It's against management policy to discriminate against anyone. You're supposed to sit back and take what the public has to dish out to you, but sometimes it gets too much. Sometimes we don't want to take it anymore and especially when you're very polite in doing your job and some person is just having a bad day and he wants to take it out on you. If effects you so sometimes you just don't wanna take it either, so you start to use your authority a little bit more and even though the person may not need an examination we tend to send them in for an examination; just to give them a time delay to think about what he said to you. It does happen a lot here. It's called attitude adjustment.

I try not to let it get to me but once in a while somebody really get to you and you might send them in if they really asked for it. A couple weeks ago a guy did ask to get searched so I sent him in, but you try to ignore it. Sometimes somebody tries to get an officer really irritated so they're sent in or whatever cause the next car is really nice to you and they're the ones with all the stuff and they go down the road. You've gotta try and reason why they're doing it. Maybe they're locals and they're not used to the extra questioning or whatever. Or maybe they're doing it for a reason. So you have to take a few extra minutes with them, which gets them even more irritated. They probably think you're asking them more questions because they were rude and obnoxious but you're just trying to sort it out as to why they're doing it.

Field observations did not reveal the customs inspectors referring travellers to secondary inspection for

'attitude adjustments'. However, several incidents occurred while in secondary where a customs inspector mentioned, that the only reason this person had been referred was for an attitude adjustment.

Respect and Deference Shown the Inspector

In conjunction with attitude, the respect shown a police officer has an effect on how the officer treats the offender in return and may determine the outcome of an encounter. Customs inspectors were queried about challenges to their authority and whether this effected their decision making. Most seemed to believe it made little or no difference.

I enjoy it. It's kind of a challenge to me when somebody challenges me. It's a matter of who's gonna win and it's gonna be me.

It depends on what he's challenging. You have to feel out the people. Some people are just ignorant people. Some people are racist people. People who are racist I can't take. Those are the kinds of people I will refer in. If he wants to judge my authority, he can do it inside. Let him judge someone else's authority cause I don't have the time. So if he wants to play games with me, then go and play inside.

I actually like that. I'm quite comfortable and knowledgeable about what we do here and I don't think I've ever been caught up. It's not that I've been lucky. It's because I can quote the sections and I like to do that. I think it's their right, their privilege. I think they're stupid not to question, in certain respects. Somebody who wants to question my authority to do that I think is great because I also want that person to be fully aware of their rights.

The attitude and respect shown to customs inspectors by frequent border travellers is often dependent upon the

length of the line-up. Many of the travellers, especially those who are seen on an ongoing basis are very curt and short with their answers. It would be very easy for the inspectors to follow suit, but part of the job is serving the public.

Several customs inspectors indicated that disrespect was not a reason for referring an individual but an indication that they should follow up on the reasons for the disrespect. Perhaps the attitude is hiding something else or there is another reason for the attitude. Consequently, customs inspectors frequently escalated their actions to discover the reasons behind an attitude.

The Publics View of Customs

One additional aspect of interest is the auto traveller's opinion of customs. As the auto travellers appearing at the two border crossings were not interviewed, the customs inspector's perception of how the public views customs and the inspectors is presented.

They all think we're a bunch of goons just spending an hour over there, an hour inside and that we just worry about groceries. They think that because they're not smuggling anything at all, why should they we ask them any questions.

They don't view it as a law enforcement agency. They view us as clerks more than anything else. That's why they resent it often times vigorously when they are faced with paying penalties for seizures of goods, say in the \$100 - \$200 range. When they're really wrong or they've got drugs or weapons or large commercial quantities those type of people view it different because they know what you're here for. But the average person don't think there's anything wrong with smuggling.

I think people have become so accustomed to crossing the borders so frequently and getting their way that there's not much respect here.

The people because they live so close to the border and they just go down for gas and they think we're there to just wave on traffic, I guess. If you live far away I think they have this idealistic version of customs but if you live closer by it's just a routine that you go through and they don't really respect that routine sometimes.

Sometimes I think people think it's an extra long stop light rather than something important, an important law enforcement sort of thing.

I would say generally in a good view. Sometimes they get mad at us but it's more a specific, they had to wait in line and got angry. But I'd say on the whole people view us fairly positively.

Voluntary Compliance of the Traveller

One final client attribute which may have an effect on the decisions made by customs inspectors is the amount of voluntary compliance seen. Most inspectors would say that many auto travellers attempt to smuggle items across the border. However, the extent to which this occurs and the quantity and value being smuggled is varied. Compliance is therefore ranked accordingly by the inspectors.

I think they voluntarily comply without knowing they're complying. You'll find that the minor infraction in every single vehicle because the Act and the regulations are so vast that it's impossible for them to know all of it. 1 to 2% smuggle on a serious basis; evasion over \$1000 or running pornography or drugs. Last year I had 65 seizures. I would say out of those 65 seizures 25 of them were serious in monetary value. I think if you're gonna smuggle, then you should smuggle big, not fooling around with a leather jacket or something really small. The serious people do it seriously, like they're into smuggling jewelry or something major. I personally don't care about a leather jacket. I would get the guy to pay rather than do a seizure and then sit there and write

reports and all that kind of stuff. While I'm doing that then maybe a major one has evaded or is getting away with it.

They have a thing saying that there's only a small percentage of people that smuggle. That's not true. There was a thing on the news where they collect the garbage at those two rest areas. They go to that one rest area going south once a week and pick up one bag of garbage. They go to the one on the other side going into Canada and pick up 26 bags of garbage a day; receipts, packages, shoe boxes, the whole bit. The majority of the people smuggle and that's just the bottom line.

I think when I say 60 - 70% that is just about everybody who would consider not declaring items of minimal value but when you get into the large items, I think you're gonna find only 5% of the people would not comply. A tenth of a percent are caught.

I'd say the majority do but there is a very high percentage that don't and this has been proved with test cases here. Middle of the week they found 15% weren't complying and weekend 25%. At least half or more are serious smugglers because the intention is there. They've gone to a great deal of trouble a lot of times to break down packaging, spread things out. I tell you sometimes you just shake your head in amazement and even though enforcement may not be done or the lightest is when they pay the duties and taxes and they're given a written warning. Sometimes you wonder if maybe you shouldn't go further because the intention is there. They went to a great deal of trouble for a small amount and they've done it this once and you have caught them. How often have they been doing it? How long have they been doing it?

Smugglers start out with a little bit and then when they see how easy it is they go for the big guns. They go down all the time. People furnish their whole houses and they all brag about it. They get their booze and cigarettes. Shit they do it all the time. Maybe 70 - 80% do it all the time. Probably 7% are caught. On a busy day we spend three, four hours in the booth. You do a couple hundred cars an hour and you don't even get a seizure a day. Some people do, some people don't.

For the inspectors who daily detect people from all walks of life smuggling, the suspicion of every auto traveller increases and the belief that everyone is hiding something develops. Combined with the emphasis placed upon taking enforcement action, more auto travellers become the target for secondary inspections.

As indicated in Table 5.1, customs inspectors appear to rely upon nonverbal and verbal cues to make decisions at the primary level of inspection. These cues are indicators that the traveller does not fit in with the normal auto traveller and so further action is required to determine why not.

Customs Inspectors Use of Typifications in an Encounter

Frequently encountered types of auto travellers, business, and situations become the norm with typifications used by inspectors as a basis for their primary decisions. Customs inspectors have developed detailed descriptions, naming and detailing routinely encountered normal auto travellers. There are also profiles of trouble or abnormal auto travellers used by the inspectors.

Typifications were used routinely, not as a way of determining referrals but to identify potential referrals. Automobile travellers not fitting the categories for normal auto travellers were subject to a series of escalating recipes for action, often culminating in secondary referrals.

Automobile travellers give a vast number of reasons for crossing the border such as: taking children to and from

school, picking up mail, travelling through Canada to meet a cruise ship, fishing in Canada, or passing through Canada on the way to Alaska or Point Roberts, returning from the U.S.A. for various reasons; shopping, playing bingo, attending sporting events, vacationing, filling vehicles up with gasoline, or going to dinner. The reasons for entering Canada are as diverse as the people attempting to gain entrance.

The establishment of normal routine traffic patterns brings about a corresponding distinction between auto travellers. Customs inspectors have identified three distinct groups of travellers crossing into Canada from the United States. These groups are, (1) Canadians returning to Canada, (2) Americans and, (3) other foreigners. Those automobile travellers seen frequently are viewed as normal travellers and provide the basis for judging other automobile travellers by customs inspectors.

Canadians returning to Canada are generally categorized by customs inspectors on the basis of reasons for crossing the border and the amount of time they have spent away from the country. Among the categories routinely used by customs inspectors at the two border crossings to classify frequently encountered auto travellers are: "bingoers", "commuters", "shoppers", "gas, milk, egg, and cheesers" or "milk and cookie crowd", "snowbirds", "red necks", and the "bar crowd".

The largest identifiable group of Americans crossing the border are the vacationers or tourists. However, this group encompasses such a diversity of people it is not easily identifiable except for the amount of time to be spent in Canada. "Commuters" and "navy boys" are the two most readily identified American border crossers. Other categories recognized by some customs inspectors are: "snowbirds" and "red necks".

Just as the inspectors have distinct names for each group, they also are able to provide detailed descriptions of the groups. Some examples of these descriptions provided by the customs inspectors interviewed follows:

Bingoers

Quite often there will be two or three, four people to a car; usually 30 to 50ish, middle aged to young seniors, glazed eyes from the smokey bingo halls. Basically people that don't have much else to do. You know the average person who wants to go out for the evening for entertainment and doesn't want to go to a bar and get drunk or doesn't have a social gathering to go to every night. Generally your middle class average people go down for a fun evening. Ten to midnight, dinner times. I would say more often than not they're not searched.

Like they have bingo paraphernalia all over the vehicle; majority of them are women. You ask how long they've been gone, between three and four hours. It always fits in and it's certain nights of the week, certain time of the day.

We're generalizing here, norm; elderly couple, three men, three women, elderly in a car. Woman, husband team, elderly with a younger 14 year old going down for bingo. Coming back with gas, sometimes cheese. They're not generally searched. If there's a person I don't feel fits in with the bingo crowd I'd pull them over. A person from Van, 32 years old, but he just doesn't fit in.

It's more the place for me, where they live with regards to the bingo thing.

Milk and Cookies

This is Joe Average, Mr. Bargain Hunter who is really tired of paying high prices for certain commodities and you see them on a regular basis. You get to recognize a lot of them. They come through, they're not wearing a jacket. Jumped in the car and made a quick trip. They're just sort of easy to distinguish.

24 hours a day. It could be three in the morning, three in the afternoon. A lot of them are people who are out and about for whatever reasons and just decide to slip across the border and get their gas and their milk. We can't really pin anything down onto them. A lot of the time they're single people in a vehicle, anywhere from the person from West Van driving the \$80,000 Mercedes to your poor schmuck driving the beat up battered old van. No type of background, type of person, race or nationality anything to it. It's everybody. I would say they're searched a little more than bingers.

They are probably the most common traveler around here; the retired man and wife down for milk and gas and cheese. Nine out of ten cars at this crossing.

I had a guy come through in a Mercedes XL, red convertible and he went down to get gas and milk and I thought, that blew everything I thought right out the window. Everybody, anybody, they all do it. If they don't there's something wrong. Expensive cars, cheap cars, cars that burn oil, kids, grown ups, seniors, everybody's gas, milk, cheese. Not even only from local areas.

Shoppers

A lot of it depends on the type of person and the time they're coming through. On a weekday you're looking at an older crowd, usually the semi-retired, retired people, families in the evenings and on the weekends. Usually you get two or three women in the car during the day on a weekday; kids are in school, hubby's at work and they'll go down and shop with their friends. The time of the day really differentiates who the profile is for. They're searched quite often

especially if they've been down for a fairly lengthy absence.

Well they're usually a little better dressed. I'm not saying that because of their economic status, I'm just saying because they're going shopping. They're not just going across the border to get milk and cheese.

The majority of the time are male/female couple or a group of women. Time of day, 10 a.m. to say 9 at night. Those are the shoppers. Women make up the majority of it. They always have their treasures visible. They'll be grocery bags visible, other bags visible.

Commuters

Single travellers. They've got a coffee cup in the hand, hair's wet, coming across in the morning. They're very hi, very open, but see they're dangerous too. What I mean is if you ask them to open the trunk sometimes they may get offended at that. Anyone that gets used to the routine of not getting examined constantly going through the border, thinking it's no big deal sometimes get offended if asked to open their trunk. It's something they should learn that there is a border here and the US and us we're both looking at things and they should expect that.

Time of day; first thing in the morning or at five o'clock at night; people work in the United States coming back. So time of the day is what distinguishes them. Usually alone, one in the vehicle and you get to recognize the faces very quickly.

Their attitude is the big thing. You can tell whether it's a gas and milk vehicle or a commuter coming up, by the way they pull up, the speed they pull up. The commuters are always in a hurry. Gas and milk people a lot of times in the morning are not in that big a hurry or they are but it's not quite the same. I had one pull up and said, "just a minute please." And I said, "No, you just a minute please. You want to talk on your phone, call them back. Hang up the phone." I said I have a job to do here. There's hundreds of people behind you waiting. If you want to talk pull over on the side and talk and we'll do this when you're ready, but I ain't waiting. The hair on the back of my neck was stand out. Most of them other than

that one in particular will hang up or tell them to wait a minute. They're very quick. They want to get it over with cause they're paying for the line.

Bar Crowd

They come through about 2 to 4 in the morning. They're dressed up, have perfume on whatever. They do down, "nothing coming back except the beer my stomach, ha, ha, ha" Once in a while I examine them.

The bar crowd are usually working class, blue collar. Usually in poor quality vehicles. They pull up and it's usually one or two couples to a vehicles. You rarely ever see single people going to the bars; couples or they're couples by the time they get back. The majority are smokers and they have a cigarette hanging out. You see two couples come up and you'll see four lit cigarettes in the car as soon as they come up. They're driving a '78 Chevy Biscayne and they've been to the Tavern.

You can tell the ones that have red eyes and they're slurring their words. You just know. The young people and the people that are dressed up, looking real foxy and that.

They all look like cowboys or sluts. I had one tonight. She came through, Sue says after she drove away, "Slut." The next vehicle pulls up. I finished with him and he says I gotta go my date's waiting for me and it was the girl pulled over ahead. I just started laughing. You can tell the drinkers because they're all drunk, most of them are drunk. They're impaired, probably 90% of them shouldn't be driving home, so you can tell who they are.

Navy Boys

Servicemen. Close cropped hair. They'll be one or two guys in the car, but sometimes it'll be four guys in a car, all basically the same age, mixed races but all basically the same age. They're 28 or younger. The haircut gives them away and the way they answer the questions. "Yes sir, no sir. "They're very polite, they respect authority even though we've had one guy here that we busted for pimping on his days off. He was yes sir, no sir. The respect was there and this comes again from the military.

Typically travelling one or two coming up in a fancy car from one of the several ports. Readily identifiable with the haircuts and their attitude toward you, very respectful. Most of them are very nice, are coming up to see girlfriends or going out to do the club scene for the weekend. Always identifiable by the sticker, Department of Defense sticker on the windshield. Very seldom are they searched. Most of them have to take mandatory drug testing every six months. I myself ask for ID military ID just to prove that they are still in the military. Weapons, most of them especially the locals from around here, very rarely won't carry weapons because they know it and they've come up every weekend in the last year and a half so they know the routine. Very seldom do they get sent in and searched.

Servicemen, you mean like Navy boys? Oh those are easy to pick out. They all have short hair and they all usually drive brand new cars and they're easy to spot.

Snowbirds

Almost always older retired, driving nice vehicles; motorhomes, fifth wheel trailers, van, campers, whatever. Usually tanned looking, very content and relaxed. Usually around during the day, 8 to 5. They're searched quite often. I would say as much as the shoppers are, maybe sometimes more, depending. More alterations to their vehicles, especially if they've been down two, three, four months. All senior citizens basically with alcohol and tobacco.

Time of the year, vehicles. They're either the big motorhomes or the big cars. We're talking Cadillacs etc. Usually crammed full of stuff and they're suntanned. All have their Arizona t-shirts on.

Like in March or April you get all these people in motorhomes that have been away for six months so that's an identifiable group there. If effects it because they usually accumulate a lot of stuff and a lot of repairs. Those motorhomes they can get a lot, like microwaves, like those are homes that are mobile so people acquire very expensive items in those homes so we tend to check them a lot because you get big seizures off them. You tend to get just tons of stuff.

Red Necks

They'd be anybody from Blaine who drives a truck and wears a baseball cap. Some guy from Point Roberts could be considered a red neck.

Red neck, hot cars, mufflers or hot pipes etc. Hot cars more than say the family cars. You won't see one of them in a station wagon. Attitude can be short and abrupt. Punk attitude, some can be mouthy and verbally abusive and this is just answering your questions. Then you get to the American red neck, the backwoods type. Good old boys, hillbilly type. Clothing is casual to more blue collar, a lot more pickups and outdoor vehicles, a lot of bigger vehicles. Red necks don't drive little cars. They're either hot cars or they're backwoods trucks.

Red necks, younger 16 to 25, anywhere to your biker types to cowboy types. Texan with a big built up 4X4, your biker on a Harley. They get searched. I would say on an average basis, as much as the travelers, no more I don't think that the travelers. But often you get red necks going down for a tank of gas and a case of beer. Young more often male, than not. Vehicles are not expensive, not BMW's or Mercedes, you get the kid with the souped up car with mags and all that.

I don't know what a red neck looks like.

Tourists

Tourists can be anything in the world. The young just married couple out on their honeymoon to the senior citizens coming up for a couple days or seeing their relatives or just visiting, mom, dad and 16 kids in the back seat kind of thing. No socioeconomic background. I would say sometimes, over the summer not as much, in the winter you usually see the middle class, upper class. Anything in the summer months. Usually it's family units or husband/wife, mom/dad sort of thing; quite often husband/wife. All variety.

The other travellers are just the vacationers; the people who have been down with their families or a couple or whatever go down for a weeks and whatever. Quite often we get a lot of undeclared goods that way cause people like to shop in the States. We ask them where they were, "Oh we were in Seattle staying at South Center, or we were at my aunts in Wichita, Kansas for a family reunion.

"The travellers vary. There's people that you can see probably don't have a lot of money so they probably don't spend a lot when they're on vacation. They probably just spent most of their money being able to go on their vacation.

Given the quite extensive descriptions the customs inspectors have of each group that crosses the border, the way in which these auto travellers are viewed and treated by the customs inspectors is quite interesting. The groups are not only typified but the customs inspectors have devised 'recipes for action' common for each group of travellers. 'Recipes for action' are illustrated in the following excerpts:

Milk and Cookies

Gas and milk is an excuse for all sorts of things. We did a major cocaine bust here a little while ago and it was someone that went down twice a week for gas and he had the opportunity to transport some goods and so he did it. The majority of the time an undeclared case of beer type of thing. They can be searched depending on the situation and what observations are made when they come back. The majority are not examined.

Commuters

Commuters I think probably are the ones who abuse the system more than anyone else. We don't have the legal teeth here to pursue them. There's lots of legislation out there for us to do it but again the management here is really come down on us. I think there's medical fraud, hundreds and hundreds. I was involved in a case that's actually in court. MC in Point Roberts and his wife. We ended up getting him for \$14,000 of Med fraud. So there's a lot of legislation. I stay away from the commuters because they've all been hassled. I look at some of the inspectors here, I really have to shake my head because there's a lot of people who are hassling the public for no reason. When we do want to pursue something, we're not seen as a professional body pursuing a legitimate cause. We're seen as just another jerk trying to piss me off. I just generally tend to

leave them alone. They know the rules. They're usually good about it and they know what they can get away with and they get away with it.

Shoppers

I'd say the that they're the majority ones that get examined and they're the majority that get goods found. Their intention is going down to make purchases and that's where the majority of examinations are done.

Snowbirds

I can't think of any snowbirds ever coming back that have never made an exemption under \$100, so they're always declaring a lot of goods and I would say that the percentage of them getting examined is a bit higher. You're probably looking at 20 to 25% for sure, but then the non-compliance with them is extremely high.

Navy boys

I think that servicemen around here, because they're black get picked on a lot more than they should. I was in the military police so I have an appreciation for them. They're in a foreign country so they're less likely to do anything wrong. I'm not saying that none of them are gonna do anything wrong. We've caught people in the past bringing in drugs and guns and it happens. But that's where the indicators come in. You just don't arbitrarily send them in because he comes from a port, he's a black guy, he's in the Navy, we're sending him in. That's a garbage referral but it happens here on a day to day basis. And they're generally polite and they've got a sense of humor.

Servicemen I would say there is very few of them getting examined. They get, a lot of times they'll be referred into immigrations. We've had AWOLs. We've had, a lot of them are in the military as opposed to serving a prison term, so a lot of them will get referred to Immigration as opposed to Customs, but they have been searched.

Categorizing the auto travellers is done by most of the customs inspectors with only a few inspectors not able to give a description of the group in question. The

typifications not only include individual characteristics of the auto travellers, but reasons for travelling, the length of absence or time to spend in Canada, the destination or lack thereof, the time of day the type of traveller is commonly encountered, the type of vehicle driven, as well as a prediction of the type of goods possessed. Typifications and recipes for action are used to judge and direct the customs inspectors decision making.

If an auto traveller does not fit into one category or another, this does not mean they will be referred to secondary inspection. The typifications and recipes for action are an indication of the attributes normally associated with a specific type of traveller. However, auto travellers not recognized as typical are also encountered. Several customs inspectors indicated that they utilize typifications and recipes for action in the following manner:

I do it for fun. I don't take it any more seriously than looking at the individual situation. I do it because it's fun to do. I think if you're gonna target a certain group, well within that certain group you're gonna target certain individuals. You're not gonna target the group and send the whole group in. If you say we're looking for the snowbirds, then that's categorizing; somebody's been down for more than six months but less than a year. It sort of helps to identify a group from which you can then target that individual but over here I think it's probably done out of ignorance.

Your questioning will be different for each one of those groups. It will be the same basic questions but if you're gonna carry on any further, there's an area you'll go to for say the snowbirds. Like they go down and repair their vehicles cause

they've been gone so long and you know damn well they've had repairs done. They say no I haven't, but you know they have. You won't ask a bingo player if they got their car redone while they were down there, although they very well could have dropped their car off a week ago and had \$10,000 worth of work done on it. You just don't ask them that.

I look at discrepancies all the time. I had a big commercial seizure when I first got here. It was a school teacher and it was a school day and it was 10:30 a.m. and he was driving a beat up green van. I wanted to know what he was doing out of school. It's not because he was in with another group. It's because he was different. It wasn't different from the group, but different in the marked norm. A school teacher at 10:30 a.m. should be in school. Nothing to do with who's behind him or who's ahead of him or who's in the lane next to him. It's what detracted from the marked norm in his case. So a snowbird who says oh ya my motorhome's been in Utah for a year but I'm just coming back from Mexico and I drove my motor home from Utah to here. Well he's a snowbird but what he says is detracting from norm. It just doesn't make sense why he would bring his motorhome now after being in Mexico. That would prompt me to look at him more closely than your average snowbird. But like I say, it has nothing to do with the group. It's just the individual.

It's so routine that sometimes maybe you lose that edge. It's like they're there. You get to know the people, even get to know their faces and who they are. I think the potential danger is you're there and you're doing 100 cars of that type people, all of a sudden you get one in there that doesn't fit and that's when you can see them standing out. That's when you can see that, and they're not necessarily doing anything wrong. It's just that it's not part of the normal flow. People will go through and all of a sudden boom, this person does not fit this deal. They're different.

You look for abnormalities, you don't look for abnormal travellers. You look for something in a vehicle that doesn't fit. You look for something that somebody's gonna say to you that doesn't fit the questioning. They may answer something not exactly as you perceive them to answer or you ask a question or they've already prepared their answers ahead of time and sometimes I'll change my

questioning and they'll answer the wrong question. You normally ask, "where do you live?" A Canadian coming back I'll say, "Where are you going?" It throws them right off. All their questioning is gone and then I can use my questioning from there and pick out the abnormalities. They're not answering the questions the way they should be. It's the questioning or something that's sitting on the seat or there may be something on the dash that will key you into something that shouldn't be there. That'll say to you that something's not quite right. Those are the abnormalities. It's not the individual travellers. It's not because he's Caucasian or he's Negroid or he's Oriental or they drive a special type of car or whatever because the old clunker can have drugs in it just like the brand new car can have drugs. It doesn't make any difference so it's the abnormalities in that sense.

It's the amount of people that you deal with and the amount of garbage that comes through here. You just can't pick them out; not with the gas, eggs and cheese and stuff, just junk. Like how do you know that the person that just bought gas doesn't have like a kilo of coke in the car. That's what makes it frustrating too. There's so much of that junk coming through you can't pick out the drug smugglers cause they know already, oh we just went down to get gas. That's what makes it frustrating and that's what I hate.

During an interactive encounter at the primary level of inspection all the factors discussed are manifest in the typifications used by inspectors. Within a typification, there is evidence of the typical or normal traffic patterns, the matching client attributes, and nonverbal and verbal cues associated with trouble. Together with the physical, ecological, and organizational environment, the inspector attributes contribute to the pattern of decision making used by the inspectors. It is during the interaction when all these factors merge to form the typifications and recipes for action used continually.

CHAPTER VI

DISCUSSION

The preceding discussion has presented the findings of an exploratory field study of Canadian customs inspector decision making. The focus of the study was the manner in which customs inspectors exercised discretion and the techniques used in making decisions at the primary inspection level at two land ports of entry into Canada.

The conceptual framework for the study was constructed using the finding from studies of uniformed line level police officers. Two concepts from the policing literature, typification and recipes for action were identified as potentially applicable to the decision making of customs inspectors during the primary level of inspection.

To facilitate an examination of customs inspector/auto traveller interaction, five hypotheses were developed based upon the policing literature and researcher's observations:

1. The customs inspectors task environment has an affect on customs inspector decision making.
2. Auto traveller attributes affect customs inspector decision making.
3. Customs inspector attributes have an affect on the decisions they make.
4. The interaction between the customs inspector and the auto traveller can be understood and

explained by typifications and recipes for action.

4a. Customs decision making, much like that of policing, becomes routinized.

4b. As response to the routinization of their encounters with the public, customs inspectors develop typifications or categories of encounters.

4c. In conjunction with the typification of encounters, the customs inspector develops and uses standard recipes for action as a response to typical encounters.

4d. Although customs inspectors exercise discretion and practice selective enforcement resulting in variability of individual decisions, there are definable and predictive parameters to their decisions as revealed through the typifications and recipes for action that are used routinely.

5. The customs inspector's decisions are affected by the organizational environment.

The categories identified in this thesis' hypotheses as potential impacts on customs inspector decision making were used to sort and analyze the data collected. Given that the study's exploratory focus was descriptive in nature with priority given to gathering and describing data, an emphasis on testing and building theory was not a priority. However, given the limitations of the study, the findings do suggest support for the stated hypotheses. Following is a summary of those findings.

Findings

Task Environment

The policing literature indicated that the police officer's task environment had an important influence on their decision making. Familiarity with their patrol beats geographical and ecological aspects was necessary to establishing a 'norm' for the area. The frequency with which certain situations were encountered resulted in routinization of decision making.

Like the police officer, customs inspectors learn that there are common patterns of movement and situations with similar interactions within their task environment. Daily and seasonal traffic patterns are discerned by the customs inspectors enabling the inspectors to predict not only the amount of traffic flow but also the reasons auto travellers have for crossing the border at particular times of the day and year. This knowledge is routinely used by the customs inspectors in their decisions made in primary inspection.

The environmental factors having the greatest perceived influence on decision making were the volume of traffic encountered and the amount of time spent with each auto traveller. Each factor is linked to the other as the volume of traffic dictates the amount of time an inspector is able to spend with each auto traveller without effecting other aspects of the customs system. Both factors affect the efficiency and effectiveness of the customs inspectors at the primary level of inspection and contribute to the routinization of decision making.

The factors of the time of day and whether the inspector questioned auto travellers outside the booths also appeared to be important factors affecting the customs inspectors ability to predict, recognize, and utilize established patterns of traffic in making their decisions.

Unlike police officers who may make decisions anywhere within a large physical area or beat, with varying landmarks and features, largely as a result of a citizen complaint, the customs inspectors decisions are all made in one static location, in the pill, with no other citizen involvement. Auto travellers come to the inspectors regardless of residence, citizenship, gender, ethnicity, socioeconomic status. The customs inspector does not rely on the public for reports of suspicious activity or as witnesses.

The customs inspector at the primary level of inspection questions every auto traveller who wants to cross the border. From these questions, the inspectors

observations, their knowledge of the normal patterns of traffic flow, and the auto travellers reasons for travelling the customs inspectors make decisions. The customs inspectors knowledge and use of patterns of traffic flow, seasonal and daily traffic, and the stability of their environment routinize decision making. Another factor which appears to influence not only the way in which decisions are made but the type of decisions made is the organizational environment in which the customs inspector works.

Organizational Environment

The customs organization is like the police organization in structure and the distribution of authority. Both organizations have quasi-military structures with hierarchies distributing power and authority from the top down. Control of the customs inspectors is primarily in the form of rules and regulations found within policy manuals. Management also decides what the priorities are and distributes resources accordingly. These controls limit rather than direct the customs inspectors duties on a day-to-day basis. Paradoxically, customs inspectors have a great deal of discretion and autonomy in their daily decision making.

A second factor affecting the customs inspector in their day-to-day decision making is their peers. Customs inspectors, like police officers, rely on their peers to provide a practical basis from which to make everyday decisions. Senior inspectors guide and cajole, teach and

share knowledge with junior inspectors about daily duties, tricks of the trade, and how to get along within the organization.

Together these two structures provide the customs inspector with the background information necessary to perform the many duties of the job. Every inspector interviewed indicated that management had an effect on their decision making. While they did not agree what this effect was or whether it was positive or negative, the inspectors regarded management's impact as significant.

One facet of the Customs Mandate which appears to impact the customs inspector decision making is the collection of revenue. The mandate's approach of enforcement, facilitation, and voluntary compliance makes day to day operation problematic for the customs inspector. On one hand, most customs inspectors view collection of revenue as secondary in importance to the enforcement of high risk activities; smuggling drugs, weapons, pornography, and large quantities of goods - criminal activity. On the other hand, management appears to emphasize the collection of revenue; at the local level, by collecting anything over \$2.00 in duty and taxes owed, when operationally possible, and expecting the inspectors to maintain a constant level of enforcement action; at the federal level by setting the limits for goods being brought into Canada quite low and by remaining a significant source of revenue for the government.

It is very difficult for primary level decisions to be monitored directly as there are only two parties involved in the interaction; the customs inspector and the auto traveller. As long as the auto traveller is satisfied or doesn't complain and if the secondary inspectors do not notice any referrals which are not in character with the others, the primary inspectors decisions are not questioned. The second most important organizational factor perceived as affecting the customs inspectors decision making was the receipt of a written complaint. While the inspectors reported that few written complaints are received in proportion to the number of travellers crossing the border, those that are appear to impact all inspectors, not just the inspector mentioned in the complaint.

Like studies of the police have shown, there is some indication within the present studies data that a 'customs culture' exists. The presence of teams and the importance given the members within that group and their influence on each others decisions was recognized by more than one third of the inspectors interviewed.

The inspectors looked out for each other and were aware of their team members activities inside secondary inspection and outside in primary inspection. They advised and explained new procedures and forms to new recruits and assisted them during seizures as best they could while doing their own work. In short, they did what a policy manual,

rules, and regulations could not do, applied the legislation to specific cases with real people and circumstances.

Attributes of the Customs Inspector

The customs inspector is one of two central characters in every encounter situation. From this interactive encounter, the customs inspector must come to a decision, within a very short period of time, and be able to justify his/her reasons for the decision if necessary.

The customs inspector does not enter an encounter free from biases, values, or beliefs. In fact, individual qualities and characteristics may account for the variability in decisions that are made. However, an effort is made to standardize every customs inspectors use of discretion and each decision made by formal training. Familiarity with the legislation, rules, regulations and policies provides all customs inspectors with the same basis from which to make decisions.

The police literature also reported the individual officer's background had an important impact on their decision making. It was noted that many police officers come from similar backgrounds; education, socioeconomic status, and hold similar values and beliefs. This did not appear to be the case with the customs inspectors interviewed.

While all inspectors interviewed stated being from the middle class, they had a variety of educational levels from graduating grade twelve to holding a bachelors degree from a

university. Additionally, several inspectors had criminal justice training as students or previous law enforcement experience as police officers, while other inspectors had no previous experience in either area. The inspectors views for their future employment also varied with some viewing customs as a career, others looking at it as a stepping stone to other government employment, and still others viewing it as simply a job. These differences in background reduce the likelihood that the inspectors have the same world view and values and may account for some of the variation in the decisions they make.

Few of the customs inspectors interviewed recognized the importance of formal training in impacting their decision making. Those interviewed had received a varying degree and amount of formal training since employed as a customs inspector making it impossible to determine whether a group of equally trained inspectors would have responded differently.

The importance of informal training, or the buddy system recognized as important within the police literature, is also noted in the present research. The inspectors experience and use of intuition learned from other inspectors was cited as important by twice the number of inspectors as formal training, but was still not viewed as a very important impact on decision making.

Finally, the customs inspectors perception of the citizens support or view of customs was interesting as half

the number of inspectors who viewed the public positively, believed the public viewed customs in a positive light.

One area of the policing literature which was not investigated in this study was the connection between an inspectors career stage and orientation and their job satisfaction. While there are some hints within the data presented of identifiable styles of inspecting, the issue was beyond the scope of this project.

Attributes of the Auto Traveller

The second participant in every encounter is the client or in this case, the auto traveller. As with the customs inspector, these individuals do not come to the encounter without values, biases, or personal viewpoints.

The auto traveller factors perceived as having the greatest impact on customs inspector decision making were verbal and non-verbal communication cues. This finding mirrors the results of the mock study of customs inspector decision making, showing comportment and stereotypic cues as the most important factors in determining an inspectors decisions. The inspectors not only indicated using non-verbal cues on a regular basis in their decision making, but used these cues as justification for their referrals when an enforcement action took place.

The customs inspectors reliance upon these cues in decision making should be questioned as the deception literature reviewed indicated that few nonverbal cues can consistently detect deception. Other auto traveller

attributes such as age, gender, demeanor, and socioeconomic status were perceived as having little effect on the customs inspectors decision making.

The Auto Traveller/Customs Inspector Interaction

Every traveller brings unique as well as common attributes to their encounters with customs inspectors. As the interview data indicated, travellers were categorized according to a variety of characteristics observed by the customs inspectors. Just as the customs inspector learns the patterns of traffic flow and volume according to the time of day and season, categories of commonly encountered travellers are also well known.

The customs inspectors had names for frequently encountered travellers complete with detailed descriptions of each type of auto traveller. Included in many of the descriptions were client attributes; the travellers age, gender, type of vehicle driven, dress and image, destination, length of absence, type of goods bought, occupation, and reason for travelling. Many of these descriptors; age, gender, and socioeconomic status, were also indicated as affecting police officer decision making.

Together, the elements of routine traffic flow and routine travellers allow the inspectors to develop and use typifications to classify normal encounter situations and recipes for action to initiate corresponding responses. Indicators, often times non-verbal and verbal cues, which appear to be out of the ordinary or vary with the predicted

or expected actions or responses of the traveller cue the customs inspector that a specific traveller may not fit within the norm for a particular category of traveller and must therefore be questioned more thoroughly, have their trunk opened, or be referred for secondary inspection.

All four categories of factors identified by the policing literature as affecting decision making also have an impact on customs inspector decision making within the encounter situation at the primary level of inspection. The two principal actors in every encounter situation at the border bring a set of individual attributes to the encounter. Additionally, the customs inspector has two other categories of factors acting as influences on his/her decision making. Both organizational and environmental factors work in conjunction to provide the inspector with a background or basis from which to make his/her decisions. When all these factors merge during an encounter situation, the customs inspector relies on what experience has shown to be effective, typifications, for judging travellers.

Despite the use of typifications and recipes for action, there is still variability in the customs inspectors decisions. This variability is contained within the parameters set by legislation and policy and may vary by team as well as individually. As long as the inspectors decisions fall within the outer limits set by policy and legislation, no one is the wiser. However, when a customs inspectors decisions consistently fall outside these limits,

his/her actions will become apparent to not only the auto traveller but to other inspectors and management, and steps will be taken to correct this conduct.

Implications of Study for Current Theory

As the only field study of customs inspectors decision making, the present study opens up a new area of decision making inquiry. As a descriptive ethnography an in-depth description of customs inspector decision making, their role, duties, training, and personalities of customs inspectors as well as the travellers crossing the border was provided. This data provides a basis for further inquiry into many different aspects of customs.

The present study, using concepts from the policing literature as a framework, has added additional support for the concepts of typifications and recipes for action as an explanation of how decisions are made within the Criminal Justice System.

Limitations

This study was exploratory in nature and focused on describing the setting, characters, and activities of the characters within that setting. While the analysis was based upon a conceptual framework borrowed from the policing literature, the responses were a composite of inspector perceptions compared with the researcher's impressions. There was no matching of inspector responses from observation to interview and there was no statistical data.

Consequently, the findings do not conclusively prove the hypotheses but appear to support them.

There are two areas in which it is difficult to determine whether the present studies findings are applicable. The study was conducted at two of 114 land ports across Canada and it is problematic to believe that the findings of two ports would accurately represent those across Canada. Second, the study was conducted at one specific period in time and as the process of change is continual, the findings may be outdated.

However, there is no reason to believe that the phenomena observed and presented here regarding the process of decision making of two federal agencies are unique. So, while limitations are recognized, these limitations do not refute the value of the research or the conclusions drawn from this endeavor. The descriptions and conclusions are not invalid simply because the process may change over time or because every finding may not apply to every federal agency, or decision making organization. This study provides insight into the customs inspectors role of decision maker within the context of an interactive encounter.

Finally, this study examined only one small portion of Customs and the customs inspectors tasks. Primary inspection is just one aspect of the customs inspectors duties. Areas which were not included were commercial traffic, bus and foot traffic, and secondary inspection.

Recommendations for Further Inquiry

As an exploratory study a broad range of issues, focusing on decision making at the primary level of inspection, were described in some detail. There are many areas within this range in which the surface was just scratched. First however, this study provides background data for further decision making research using a more controlled method of inquiry.

One possibility would be to prepare a group of scenarios and present them to a group of customs inspectors both inside and outside a laboratory setting. The inspectors would be asked to make decisions based upon the information presented in each scenario along with their reasons and the information that was used to make their decisions.

Another possibility of future research would be to test the present study's findings by preparing subjects to cross the border acting out a variety of previously prepared scenarios of typifications. The customs inspector's decisions would be predicted along with the development of the scenarios and compared to decisions made by them at the border.

With few studies of customs inspectors, this field of research is wide open. Several areas of inquiry which could be expanded upon are 1) the customs inspector's socialization process, 2) the working personality of the customs inspector, 3) the connection between career stage

and job satisfaction, 4) the detection of deception, travellers strategies for crossing the border, and 5) decision making within all areas of customs; commercial, auto, bus, train, boat, air, and foot, as well as within the secondary level of inspection.

Implications for Customs

This study is an opportunity for Customs to examine the responses of their own people to questions from an outside source concerning a significant portion of their jobs. Insight into the customs inspectors perceptions and views of their duties, the priorities they believe most important, the lack of communication between management and the inspectors, the inspectors view of the public and smuggling, and their perception of the public's view of customs are all discussed in some detail within this paper.

A recognition of the importance of the decisions made in primary is also important. The rest of the customs system is affected by the discretion exercised and the decisions made in 30 - 45 seconds in primary inspection. The importance of the interactive encounter between the customs inspector and the auto traveller and the ultimate outcome is crucial for both the traveller and customs.

Finally, the research on the detection of deception; revealing that nonverbal cues cannot be relied on to consistently detect deception, and the customs inspectors reliance upon these same cues as indicators of 'trouble', as

reasonable and probable grounds for referrals, and in justifying their actions in reports should be enlightening.

It is the researchers hope that the customs inspector's views and opinions will be considered seriously by management. The data and findings presented represent the perceptions of the people best qualified to make statements and judgements about the customs decision making at the primary level of inspection, as they are the ones making those decisions on a daily basis.

APPENDIX 1

INTERVIEW SCHEDULE

Age

Marital Status

Ethnicity

Social Status

How long have you been employed as a customs inspector?

How many years of formal education do you have?

If university, what was your major?

Why did you choose this particular job?

What are your career goals?

If they include customs, why?

If they do not include customs, why not?

What were your job and personal expectations when you started working for customs? Have your expectations changed?

Would you recommend this job to others?

You are responsible for enforcing numerous acts, some 70 acts. Of these acts, which are defined as most important and given priority by management?

What are your primary duties and responsibilities?

What do you think is the most important part of your job?

What do you like best about your job?

What do you like least?

What are your responsibilities to the public?

How does the public view your job?

How do you view travellers who smuggle?

If you could change any aspect of your job, what would you change and why?

What are the similarities and differences between your job and policing?

What are the differences and similarities between your job and that of an American customs inspector?

Do you think you should be armed? Why or why not?

Respond to the following statement. "There is only one border crossing and that is going south. Going north is just an inconvenience."

Is your job dangerous?

Are there precautionary measures in place? What needed.

Is your job personally satisfying? Why or why not?

What are the three most important qualities an inspector should have?

Are certain skills necessary to be an inspector?

Are inspectors selected for these skills or do they have to develop them?

What makes a good inspector?

Are number of seizures a good measure of job performance?

What is your current seizure rate and that for the past year? Do you consider yourself successful?

What is the role of the team?

Do all team members have equal authority?

Who sets the team agenda?

Is each team unique? Why?

Do you socialize with other inspectors?

If so, are they members of your own team or of other teams?

How has customs changed since you were hired?

Do you think the changes have been positive or negative?

What changes would you like to see in the future?

What kinds of training have you received since employed by Customs?

How long did training last?

Evaluate the training you received.

Who decides the kind and amount of training each inspector receives?

Why are you peace officers?

How much of your job involves enforcement?

What does the rest of your job involve?

Are seizures routine? All seizures or certain kinds?

Some policing literature indicates that police become more cynical after several years of employment. Has your view of citizens changed since your employment? If so, in what ways?

How much discretion do you as an inspector have?

In what areas of your job do you not have discretion?

Compare the discretion you have to that of a police officer?

Do you have enough discretion to do your job?

Do you have more discretion than is needed?

Who or what controls an inspectors use of discretion?

How much control does the team's superintendent have over the inspectors use of discretion?

Some policing literature indicates that discretion should be more structured and controlled. What guidelines or structures are in place to ensure conformity?

Is port and federal policy designed to structure or control an inspector's discretion?

Do you think more control is needed over an inspectors discretionary powers?

What is an example of a positive use of discretion?

What is an example of an abuse of discretion?

If you were going through Customs what would you consider to be a bad decision?

Complaints received from the public are an indication of what?

Is there anyone who can reverse the decisions made by an inspector?

Does Immigrations have the authority to overrule an inspectors decision?

Figure 1 Escalation of Primary Actions

Above is a diagram of the escalation of actions taken by inspectors in primary. Is this an accurate depiction?

What factors determine how far along this continuum an inspector progresses with a citizen? Can you give me an illustration for each situation?

Of all the people you deal with during a shift, what percent would you place in each category along the continuum I drew?

What basic criteria is used in making decisions?

What nonverbal cues assist you in making decisions?

What verbal indicators are used?

Does the traveller's age effect your decision?

Does the sex of the traveller effect decisions?

What effect does the weather have on your decisions?

What effect does the time of day or the particular shift have on decision making?

What effect does the time of year have on your decisions?

When an inspector tells me he/she looks for inconsistencies what are they referring to?

What impact do the watch for sheets have on your decisions?

How do the intelligence reports effect your decisions?

Are some reports more helpful than others? If so, which ones and why?

Does the location of the booth or the particular port influence your decisions?

How do long line-ups in the office influence an inspectors decisions in primary?

Does the amount of time you are able to spend with each vehicle affect your decisions?

How does traffic volume effect decision making?

Light vs. Heavy.

Are you effected by the movement of other lanes?

Does the hourly rotation of inspectors between primary and secondary influence decision making?

What effect does the number of seizures you've made during the week have on your decisions?

Does the receipt of a complaint effect your decision making?

Which position do you like best, primary or secondary?

How are the decisions made in primary different from those made in secondary?

Is the amount of discretion used the same in both positions?

In which position is there more discretionary power?

Is more discretion needed in one position than the other?

Is so, why?

Does the identity of the inspectors in secondary influence the referrals you make as an inspector in primary?

Does the presence of drug team members effect your decisions?

What impact does lack of communication, due to language difficulties, have on your decisions?

Does your interaction with travellers change when there are cultural differences between you and the travellers?

Does standing outside the booth in the lane, change the way you approach decision making?

How does a citizen's attitude toward you impact the escalation of decisions?

What is your reaction to a traveller who challenges your authority?

Does the amount of training an inspector receives influence their ability to make good referrals?

Give me an example of a good referral.

Give me an example of a poor referral.

Many inspectors I observed mentioned a gut feeling as a reason for making a referral. What kind of actions are gut feelings based upon?

Nervousness was also given frequently as a reason for making referrals. What cues indicate nervousness?

Can you distinguish between general nervousness and nervousness associated with hiding something?

What indicators are different?

Do most people caught with contraband fit into a certain economic class?

Are there certain identifiable types of people who attempt to smuggle contraband?

Are there certain types of travellers who you see on a routine basis?

Many of the inspectors I observed classified travellers into groups ie. Bingo'ers, Milk, Gas, Cheese, and Eggers, Commuters, Bobs Bar crowd, Shoppers, Snowbirds, Servicemen, and Red Necks. Can you give me a description of each?

These types of travellers account for what percentage of the travelling public?

Are these types normally searched? Why or why not?

Are there other identifiable groups not mentioned?

How does grouping travellers into like types effect your decisions?

Are you more suspicious of travellers who do not fit into one of these types?

Do you use profiles to make decisions?

How are these profiles generated?

How does experience effect your decisions?

How does management effect your decisions?

Given all the factors we've just discussed which effect decision making, which factors do you rely upon?

Are inspectors naturally suspicious?

Are they more suspicious than the everyday citizen?

Policy is based on the idea of voluntary compliance. Do you think that most people you deal with comply with the customs act? Why or why not?

People who do not voluntarily comply account for what percentage of all travellers, do you think?

Are there different levels of compliance?

Out of the previous figure, what percentage are involved in serious smuggling? Of those how many do you interdict? in Figure 1?

Figure 2 Escalation of Secondary Actions & Outcomes

Here is a representation of the escalation of actions taken by inspectors in secondary and the possible outcomes of those actions. Is the sequence correct or is anything missing?

What factors determine how escalation progresses? Can you give me an illustration of each escalation?

Are different criteria used to make decision in secondary than in primary? If so what are they?

Does an inspector in secondary have to rely on the primary inspector's coding of a referral?

Does an inspector have the discretion to search a vehicle not coded as a search by the primary inspector?

Under what circumstances would this occur?

Does the identity of the primary inspector making a referral effect the decisions of the secondary inspector to search or how thoroughly to search? Why?

Does the type of search requested by the primary inspector effect the thoroughness of a search?

Does it limit the secondary inspector's discretion?

Does finding a significant amount of contraband change your procedure?

When is it necessary to Charter an individual?

Is there an assumption of guilt by the secondary inspector when a referral is made?

What factors must be present in order to escalate the action to a pat search?

What indicators would justify a personal search?

When is the RCMP involved?

What is the most unusual or unexpected thing that has happened to you on the job?

Is there anything you would like to add?

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