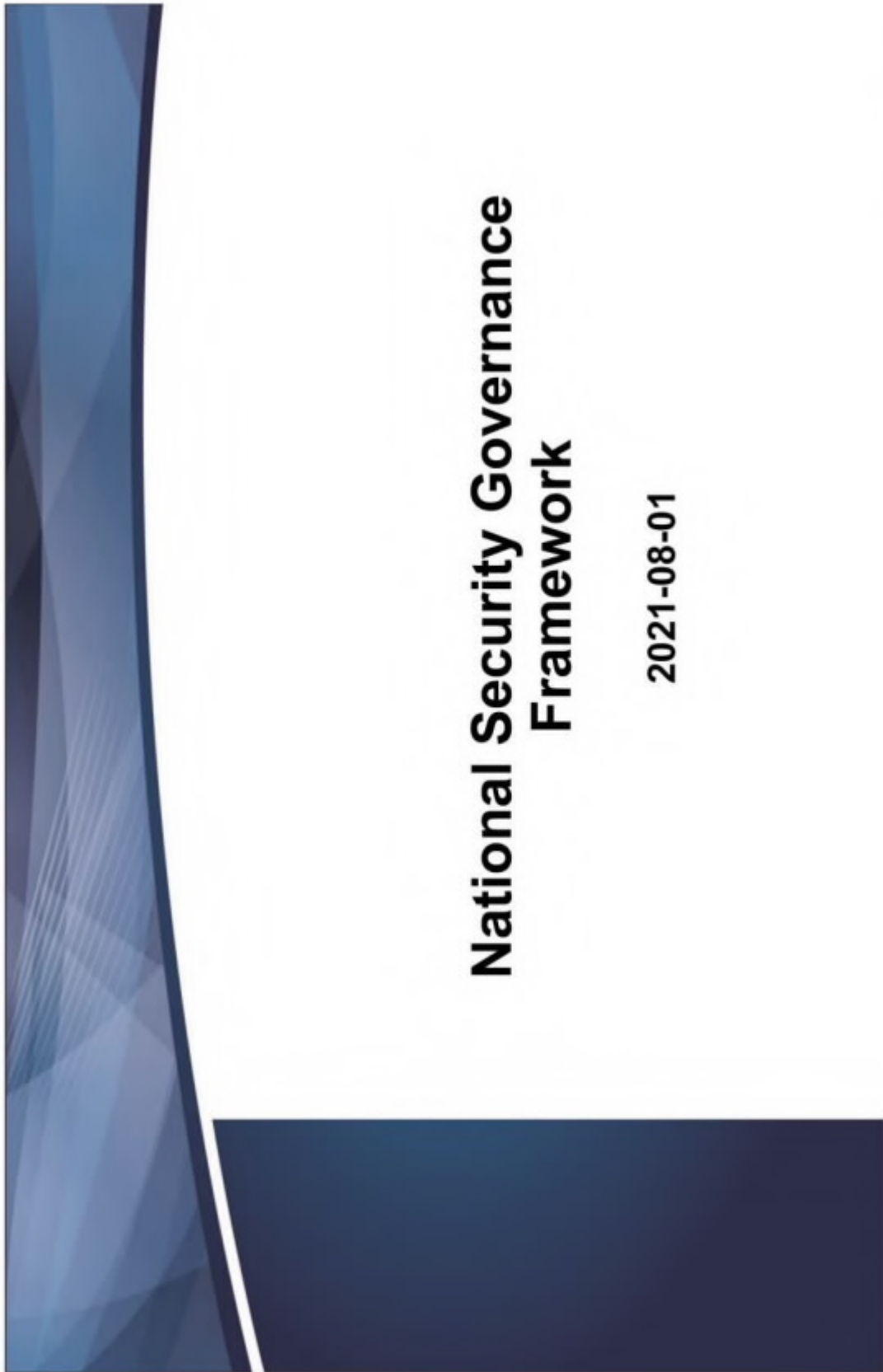
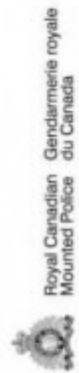


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# National Security Governance Framework

2021-08-01



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# Presentation Structure

## 1) Introduction

- a) Governance Framework
- b) The Evolution of Governance

## 2) Roles and Responsibilities

- a) Divisions
- b) NHQ & FPNS

## 3) Information sharing

- a) Domestic & Foreign Information Sharing
- b) Sensitive Sector Investigations
- c) RCMP-CSIS Relationship

# RCMP Mandate

- **Federal Policing (FP) is mandated to address a range of National Security Threats**
- **Defining “Threats to the security of Canada”:**
  - Espionage or sabotage against Canadian interests;
  - Foreign influenced activities that are detrimental to our interests and are clandestine or deceptive in nature, or involve a threat to any person;
  - Activities directed to the threat or use of serious violence for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state;
  - Activities directed to the undermining by covert unlawful acts or directed to the overthrow by violence of the constitutional system of the Government of Canada.



# The Evolution of Governance

- **The RCMP's approach to NS criminal investigations has been in continual evolution, with significant adaptations implemented as a result of**
  - *the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 (1985), chaired by Justice Major, and*
  - *the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (2006), chaired by Justice O'Connor*
- **Justice O'Connor recommended central control of NS investigations**
  - Commissioner Zaccardelli directed the RCMP to implement the O'Connor recommendations, which came into effect 2007-05-15



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# Centralization

- Centralization of Governance at NHQ ensures adherence to the 2003 Ministerial Direction, which states that **“all investigations ... [relating to NS] be centrally coordinated”** to enhance operational accountability.
- NHQ supports the effectiveness and integrity of NS investigations by
  - requiring that relevant information is shared internally,
  - assisting in discerning trends, and
  - facilitating the briefing of senior management and government officials, while respecting police independence



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# Governance Framework Structure

- **The NS governance structure establishes oversight and reporting requirements to support the management of the program and mitigate risk. They ensure that we can:**
  - protect the integrity of criminal investigations,
  - ensure appropriate disclosure to the courts, and
  - help manage risk to the organization
- **We are all accountable!**



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# Roles and Responsibilities

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# Divisions

- **Divisions are responsible for delivering the FP program and conducting investigations within the federal mandate, including NS.**
  - Divisions have operational command of all NS resources within their area of responsibility.
  - Divisions advise NHQ on the potential impact to other programs/priorities; task operational support as necessary; and, contribute to an accurate picture of NS-related criminal activity.
- **The Federal Cr.Ops Officer is responsible for administering the directives and programs concerning NS criminal investigations within their province/territory.**



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## Divisions – the Commanding Officer

- **The Commanding Officer (CO) is responsible for overseeing and managing NS criminal investigations within their division and validating adherence to Ministerial Directions, RCMP priorities, and policy.**
- **The CO is responsible for**
  - ensuring the effective management of INSETs/NSEs in order to respond to FPNS taskings,
  - allocating and demonstrating that adequate investigative, technical and support resources have been deployed within the investigative entities, and
  - supporting the development and maintenance of local relationships.



# National Headquarters (NHQ)



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## NHQ Senior Executives

- **The Deputy Commissioner FP** is responsible for managing strategic direction, priority setting, resource allocation, policy and program development, public engagement, compliance, coordination.
- **The A/Commissioner FPNS&PP** is accountable for all aspects of the NS program, and provides oversight, guidance, and direction to divisions on NS matters, ensuring accountability by senior management.
- **The DG FPNS** is responsible for managing operationally-oriented matters including endorsing all operational plans, liaising with Divisions regarding ongoing investigations, monitoring and ensuring policy compliance, and more.



# Federal Policing National Security

- **FPNS provides national oversight and governance of all NS criminal investigations**
- **FPNS Reviewers are responsible for reviewing and monitoring operational developments**
  - liaising with investigators providing advice and guidance.
  - facilitating oversight of investigations with respect to operational policy.
- **FPNS Criminal Intelligence Analysts research and analyze information to assist in advancing NS criminal investigations**



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# Federal Policing National Security

**In addition to FPNS Reviewers and Operational Analysts, FPNS comprises a diverse group of specialized teams to assist in investigations:**

- Extra-Territorial Investigations
- Foreign Actor Interference
- HAVOC
- Intervention Team
- LEADs
- National Critical Infrastructure
- National Response Team
- Technical Investigation Services
- Technical Operations
- Terrorist Financing
- FPNS Secretariat
- Secure Information Handling Unit



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# Engaging with FPNS

- All NS files are assigned an FPNS Reviewer and Analyst, who monitor the file via SPROS and through communication with the investigative leads
  - The investigative team and the Reviewer should be in regular contact as the file advances
- The Reviewer and Analyst are available to action requests and support the file as needed, including by providing advice on how to advance the file.
- **Always speak to the FPNS Reviewer if you have questions about NS Governance or how to leverage another RCMP unit, investigative technique, or partner agency**



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# Information Sharing

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# Domestic Information Sharing

- **Information sharing with non-law enforcement federal departments and agencies will be managed by FPNS, including the**
  - Canadian Security Intelligence Service
  - Department of National Defence
  - Global Affairs Canada
  - Canada Border Services Agency
  - FINTRAC

# Ministerial Directives & Orders in Council

- **Guidance issued directly by Ministers of Public Safety**
  - 2003: NS Related Arrangements and Cooperation
  - 2003: NS Investigations in Sensitive Sectors
  - 2003: NS Responsibility and Accountability
  - 2017: Avoiding complicity in mistreatment by foreign entities (replacing the 2011 MD on Sharing Info with a Foreign Entity)
- **The RCMP is also subject to an Order in Council (OiC) direction under the 2019 *Avoiding Complicity in Mistreatment by Foreign Entities Act*.**



# Foreign Information Sharing

- **Foreign Information Risk Advisory Committee**
  - Human Rights Assessments
- **Risk Mitigation when sharing information**
  - Relationships and experience with partners
  - Application of caveats (see note below on caveats)
  - Support of other countries for the share
  - Assurances from the LO and foreign country
  - Use of vetted teams
  - Not referring to the sensitivity of risk area (e.g. removing references to sexual orientation or national security)



# Sensitive Sector

- **The RCMP must take due care when investigations have an impact on, or appear to have an impact on, fundamental institutions of Canadian society**
- A sensitive sector request (form 6543) shall be submitted to FPNS when the investigative unit identifies the need to utilize specific investigative activities tool/techniques that may impact one of the sensitive sectors
  - Sensitive sectors of Canadian society primarily include academia, politics, religion, the media, and trade unions
- The A/Commr FPNSPP is responsible for the final approval of NS criminal investigations whenever a sensitive sector institution itself is the primary focus of the investigation



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# RCMP-CSIS Relationship

- **Both CSIS and the RCMP share the goal of ensuring the safety and security of Canadians**
- Collaboration supports the activities of both agencies while allowing for independent operational decisions
- In response to the changing NS threat picture, CSIS was granted new powers to conduct Threat Reduction Measures (TRMs), adding new ways to address threats to the security of Canada

# RCMP-CSIS: One Vision

- **Cooperation is governed by the *One Vision 2.0 Framework*, which reinforces the importance of collaboration while respecting mandates. **One Vision:**
  - guides deconfliction efforts and the possible disclosure,
  - reinforces that strategic case management and the process by which disclosure of information may occur,
  - codifies expectations for tactical deconfliction (cooperation) by divisions/regions and,
  - enhances accountability and corporate memory through joint records of decisions**
- ***One Vision 3.0* is currently being drafted by RCMP & CSIS.**

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# Summary

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# Challenges

- **Legislation**
- **Intelligence enabling evidence**
- **Headquarters/Divisional communication**
- **Lack of knowledge on the roles and responsibilities**
- **Technological limitations**
- **Embracing prevention and disruption as viable options to threat mitigation**



# Review

- **Governance Model provides clear operational structure to ensure all NS-related activities are in compliance with policy and Ministerial Directives**
  - NHQ is there to **support** and **advance** divisional investigations
- Legislation, Ministerial Directions, and Policy provide direction commensurate with GoC position and values
- These often flow from external inquiries and recommendations, including the O'Connor inquiry
- Governance ultimately minimizes the risk of injustice and ensures that the RCMP continues to serve the Public Interest.



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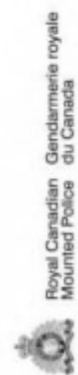
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# Questions?

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## Slide Notes

### Slide 4:

As Canada's national police force, the RCMP has a mandate to prevent, disrupt, and investigate NS criminal offences to ensure public safety. Under s.6 (1) of the Security Offences Act, the RCMP has primary responsibility for investigating offences relating to NS. By virtue of the definition of threats to the security of Canada provided in the Canadian Security Intelligence Service (CSIS) Act, the RCMP is the primary investigative agency with respect to acts of sabotage, espionage, foreign-influenced activities, clandestine activities, threat, or use of serious violence, and undermining by covert unlawful acts.

In order to understand what we do, we first need to understand what constitutes a threat to national security.

**Espionage:** Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.

**QUESTION TO THE PARTICIPANTS:** Can anyone provide me with an example of espionage?

E.g. Project STOIQUE: In July 2007, Sub-Lieutenant Jeffrey DELISLE in the Royal Canadian Navy walked into the Russian Embassy in Ottawa and offered to sell secret information to the Russian military intelligence service (known as the GRU). In 2012, he pled guilty and was sentenced to 20 years in prison. Charges included: Breach of Trust by a Public Officer (Criminal Code) and two counts of passing secret information to a foreign entity (Security of Information Act).

**Sabotage:** Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.

E.g. attack against critical infrastructure; attack on the administration of our immigration policies; people entering Canada unlawfully; refugee claims.

**Foreign-influenced activities:** Activities detrimental to the interests of Canada that are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.

E.g. Foreign governments or groups that intimidates or harasses persons in Canada or Canadian citizens abroad to do or not to do something at the benefit or the support of a foreign entity. Threats may also be made against relatives living abroad. (LTTE, Hezbollah, ETA, IRA)

**Political Violence or Terrorism -** Threat or acts of serious violence may constitute attempts at compelling the Canadian government to respond in a certain way.

Acts of serious violence cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property, and are contrary to Canadian law or would be if committed in Canada.

Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country.

E.g. FLQ, Litton Systems

Exponents and supporters of political, religious or ideological violence may try to use Canada as a haven or a base from which to plan or facilitate violence in other countries.

E.g. Air India Flight 182

Such actions compromise the safety of people living in Canada and the capacity of the Canadian government to conduct its domestic and external affairs.

Subversion: Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Undermines the integrity of our politicians, public servants etc.

The threat environment faced by the RCMP and the law enforcement community has been transformed over the last 10 years, and will continue to evolve. Good governance allows the RCMP to responsibly adapt to changing threats and respond to new challenges.

Threats to the security of Canada do not include lawful advocacy, protest, or dissent, unless carried out in conjunction with any of the activities referred to in the CSIS Act.

**Slide 5:**

The RCMP's approach to NS criminal investigations has been a continual evolution with significant adaptations implemented as a result of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, chaired by Justice O'Connor, and the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, chaired by Justice Major. Commissioner Zaccardelli directed the RCMP to implement the O'Connor recommendations, which came into effect 2007-05-15



RCMP personnel must comport themselves in a transparent and accountable manner, in compliance with laws, Acts of Parliament, the Charter of Rights and Freedoms, and Ministerial Directions. Investigations must also be carried out with due consideration to the rulings of R. v. Jordan, R. v. McNeil, R. v. Hart, R. v. Stinchcombe.

The RCMP's NS Framework was updated in January 2018 and again in October 2019 to reflect the changes implemented over the past decade, while retaining the requirement for central control and oversight of NS activities.

Current environment...

NS investigations can be politically sensitive (Human rights, war on terror)

NS investigations can affect relationships with foreign countries (US, Syria, PRC)

We need to be aware of our civil liability at every turn – law suits, inquiries.

Consultation with what was then CID, COs, CROPs and Nat Security investigative units (NSESs / INSETs)

**Slide 6:**

Centralization of Governance at NHQ ensures adherence to the 2003 Ministerial Direction, which states that “all investigation ... [relating to NS] be centrally coordinated” to enhance operational accountability.

NHQ supports the effectiveness and integrity of NS investigations by requiring that relevant information is shared internally, assisting in discerning trends, and facilitating the briefing of senior management and government officials, while respecting police independence. For instance:

All NS files are evaluated and assessed according to the National Security Prioritization Rating of Operational Files (NS PROOF)

The Major Projects Prioritization and Governance tool is used to evaluate and tier major projects to manage resource allocation

**Slide 7:**

The NS Governance Framework outlines the accountability system maintained within FP at NHQ for the oversight of all NS criminal investigations. The objective of the Framework is to ensure that all NS-related activities are conducted in compliance with organizational and operational policy and Ministerial Directions, and with human and financial resources prioritized against the greatest threats.

The governance structure establishes oversight and reporting requirements to support the management of the program and mitigate risk. The Governance Framework protects the integrity of criminal investigations, ensures appropriate disclosure to the courts, and helps manage risk to the organization. It does this by ensuring that there is the operational space required for divisions to conduct investigations; there is appropriate access to, and leveraging of, the established networks of expertise in NHQ and throughout the Canadian and international security and intelligence community to facilitate investigative efforts; that risks and responsibilities are appropriately shared within the organization and that there is one accountable executive, the Assistant Commissioner (A/Commr.); and that program and/or operational gaps are identified and reported to FPNS, which in turn can advocate to senior management on their behalf

NS files and projects are prioritized according to threat and risk, and investigative steps are subject to review by senior management at both the divisional level and NHQ. While this level of review is not unique to NS criminal investigations, the Framework underscores the added accountability measures and investigative considerations that must be implemented to support the NS program.

Persons involved in NS criminal investigations are provided specialized training to ensure they have a full working knowledge of the policy, and to inform them of the unique operating requirements of the NS environment - We are all accountable for compliance with the model. RCMP personnel must comport themselves in a transparent and accountable manner, in compliance with laws, Acts of Parliament, the Charter of Rights and Freedoms, and Ministerial Directions. To ensure compliance, the RCMP and NS Program have developed the modern Governance Framework and other relevant policies.

**Slide 9:**

**ROLE OF DIVISIONS and INSETs/NSESs**

Divisions are responsible for delivering the FP program and conducting investigations within the federal mandate, including NS. They have operational command of all NS resources within their area of responsibility, and are responsible for ensuring that NS activities are on mandate, respect and adhere to policy, are fiscally sound, and legally compliant. Divisions advise NHQ on the potential impact to other programs/priorities; task operational support as necessary; and, contribute to an accurate picture of NS- related criminal activity.

As part of their role, divisions are responsible for maintaining relationships with municipal, provincial, territorial, municipal and Indigenous partners as well as federal agencies and reinforcing community policing principles. Divisions are also responsible for:

establishing provincial counter terrorism plans in collaboration with the partners at the federal, provincial, and municipal levels;  
supporting the delivery of the Counter Terrorism Information Officer (CTIO) program to law enforcement partners;

maintaining an up to date list of Protective Policing Persons of Interest;  
responding to requests from National Threat Assessment Section and performing threat risk assessments at the local level related to the safe travel of Internationally Protected Persons;  
developing sources that can provide information regarding risk or threats to NS;  
establishing a network of partnerships that will benefit NS investigations;  
liaising with provincial public safety officials to expedite and service local needs that will in turn preserve the security of Canada; and,  
forming strategic partnerships with key representatives of the community (broadly defined).

Divisional Criminal Intelligence units, while not mandated to collect NS-related intelligence, should contribute to the NS program through relevant intelligence reports and proactive identification of potential NS threats.

The INSETs and NSESs exemplify the interconnectedness of the NS environment. INSETs and NSESs are subject to centralized oversight, governance, and coordination by FPNS but the facilitation of resources and structure comes through Divisional COs and Federal Cr.Ops Officers and equivalents. The interconnectedness then extends to the integration of provincial, regional, and municipal police partners in addition to federal/provincial government departments and agencies. This integrated model permits the leveraging of the resources and mandates of the partners to achieve the shared strategic and tactical objectives which are aimed at ensuring the safety of Canada, Canadians and our allies.

#### CrOps Officers

As appropriate, the Federal Cr.Ops and A/Cr.Ops Officers will facilitate coordination with the DG and FPNS Directors in regard to high risk NS activities or high profile or top priority files related to NS. Where present, the A/Cr.Ops Officer, will have oversight of activities of their respective INSET and will coordinate inter-provincial requests through the standardized Criminal Operations procedures.

#### **Slide 10:**

The Commanding Officer (CO) is responsible for overseeing and managing NS criminal investigations within his/her division and validating adherence to Ministerial Directions, RCMP priorities, and policy. The CO is responsible for ensuring the effective management of INSETs/NSESs in order to respond to FPNS taskings, allocating and demonstrating that adequate investigative, technical and support resources have been deployed within the investigative entities, and supporting the development and maintenance of local relationships. In keeping with centralized control, divisions are responsible for ensuring that investigative information is readily available to NHQ and that active consultation take place with NHQ.



The CO has the authority to delegate these responsibilities to the Federal Cr.Ops Officer, including the responsibility to comply with the FP budget and align resource allocation to the RCMP's Federal Priorities. The Federal Cr.Ops Officer is responsible for administering the law enforcement directives and programs concerning NS criminal investigations within their province/territory.

The CO is also responsible for:

- ensuring compliance with Ministerial Directions, RCMP policy, NS and TechOps best practices, maintenance of records, databases and security of information contained within their holdings;
- safeguards and mitigation strategies are in place to minimize the legal risk associated with the use of technologies, as well as the risk of disclosure and/or compromise of technologies and techniques;
- oversight of criminal operations for their division and allocating appropriate resources to all investigations based on overall threat and priority;
- oversight of the Federal Cr.Ops Officer, the FP Budget, and ensuring that FP resources are focussed on the Federal mandate and priorities;
- participation in, and contribution to, international, national, provincial and municipal level meetings and briefings with respect to trends, operations, best practices and threats to national security; and,
- ensuring that the division is comprised of members that have appropriate training to meet the Federal mandate.

**Slide 11:**

Accountability and responsibility for all aspects of the NS program including NS criminal investigations continues to ultimately rest with the A/Commr. FPNSPP.

Centralization of Governance at NHQ ensures adherence to the 2003 Ministerial Direction, which states that "all investigation ... [relating to NS] be centrally coordinated" to enhance operational accountability.

NHQ supports the effectiveness and integrity of NS investigations by requiring that relevant information is shared internally, assisting in discerning trends, and facilitating the briefing of senior management and government officials, while respecting police independence. For instance:

All NS files are evaluated and assessed according to the National Security Prioritization Rating of Operational Files (NS PROOF)

The Major Projects Prioritization and Governance tool is used to evaluate and tier major projects to manage resource allocation

**Slide 12:**

The Deputy Commissioner is responsible for the RCMP's Federal Policing (FP) mandate

The DCFP is responsible for managing strategic direction, priority setting, resource allocation, policy and program development, public engagement, compliance, coordination and, at times, direct control and delivery of operations and services.

The DCFP also ensures that FP, which includes the NS program, effectively implements governance, accountability, and responsibility on the part of the RCMP by overseeing, managing, prioritizing and directing FP criminal operations in adherence with Ministerial Directions and RCMP policies.

Assistant Commissioner or Executive Director, Federal Policing National Security and Protective Policing is:  
accountable for all aspects of the NS program, and provides oversight, guidance, and direction to divisions on NS matters, ensuring accountability by senior management.  
is responsible for ensuring divisions and NHQ personnel are compliant with appropriate systems and controls, such as the safe storage of information.  
has the discretion and appropriate delegated authority to task the Director General (DG) FPNS.

NS criminal investigations require mandatory divisional reporting at a frequency directed by FPNS. The higher the risk profile associated with a particular NS criminal investigation, the greater and more frequent the reporting requirements. FPNS is the final authority on reporting frequency and content.

The DG FPNS is responsible for:

- endorsing all operational plans submitted by the INSETs/NSEs prior to A/Commr review and approval;
- providing national coordination, guidance, tasking, and direction to Federal Criminal Operations (Cr.Ops) Officers in regard to high risk NS activities or high profile and top priority files related to NS;
- providing a high level integrated perspective to the management of complex operational files;
- managing reviewers and criminal intelligence analysts in the NS program;
- liaising with divisions in regard to ongoing operational investigations;



providing support, guidance, and tasking in regard to high risk activities and techniques;  
 monitoring and ensuring compliance for identified operational files;  
 verifying that divisions have adequate controls in place to ensure compliance with RCMP policy;  
 authorizing the activation of the Intervention Team;  
 ensuring that police of jurisdiction (POJ) and community relations are effectively maintained.

**Slide 13:**

FPNS provides national oversight and governance of all NS criminal investigations, and provides strategic and tactical operational support, advice, and direction to divisional investigative entities.

FPNS Reviewers are responsible for reviewing and monitoring operational developments on NS files. They:  
 liaise with investigators providing advice and guidance  
 facilitate oversight of investigations with respect to operational policy

FPNS Criminal Intelligence Analysts research and analyze information to assist in advancing NS criminal investigations

FPNS analysts also work collaboratively with the tactical analysts in divisions by identifying links among investigations and providing a strategic perspective based on whole of government consultation and foreign partner engagement.

**FPNS Reviewers**

FPNS Reviewers are responsible for reviewing and monitoring operational developments on NS files, including terrorism, espionage and threats to critical infrastructure. They liaise with investigators providing advice and guidance to mitigate operational impediments while facilitating oversight of investigations with respect to operational policy and Ministerial Directions.

**FPNS Criminal Intelligence Analysts (NS OA)**

FPNS Criminal Intelligence Analysts research and analyze information from a variety of sources to assist in advancing NS criminal investigations by developing intelligence products to identify changes and trends in the threat environment in order to inform organizational decision making. FPNS analysts also work collaboratively with the tactical analysts in divisions by identifying links among investigations and providing a strategic perspective based on whole of government consultation and foreign partner engagement.

**Slide 14:**

In addition to FPNS Reviewers and Operational Analysts, FPNS comprises a diverse group of specialized teams to assist in investigations. These include, but are not limited to:

**Extra-Territorial Investigations**

Governance Principal: With respect to international investigations pertaining to NS criminality, FPNS will exercise central control the same as if the criminal investigation was conducted in Canada.

Section 7 of the Criminal Code allows for certain offences that have been committed abroad to be prosecuted in Canada.

The goal of extra-territorial investigations is to gather evidence that will permit those who commit the offences to be brought to trial. The means by which these investigations unfold can range widely but, generally, are done in cooperation with local authorities with deference to the foreign law.

Without the consent of the host country, the RCMP has no jurisdiction to conduct investigations in a foreign country.

**Technical Operations**

The role of Technical Operations (TechOps) is to provide strong oversight over the RCMP's specialized technological and investigative services to enable operational outcomes and manage risks associated to the deployment of sensitive investigative techniques and core technical capabilities in an operational capacity.

Operating under the delegated authority of the Deputy Commissioner, Specialized Policing Services, the A/Commr., TechOps is accountable for:

- maintaining efficient, consistent, and transparent national service delivery in TechOps;
- defining risk tolerance for TechOps;
- evergreening operational policy relating to TechOps;
- maintaining relationships with Government of Canada departments and agencies, and partners of national and international interest;
- and,
- integrating the services provided by TechOps into the RCMP as a whole.

**Technical Investigative Services**

Under TechOps, Technical Investigation Services (TIS) provides technological tools and operational capabilities that enable the lawful collection of digital evidence and the investigation of criminal activity

The decision to deploy any sensitive tool or technique must consider and assess the sensitivity of the tool or technique, applicable international or inter-agency agreements and restrictions, and disclosure considerations and implications on current and future investigations.

Bottom Line: consult with TechOps to learn more about how they can support your investigation and what policies you must comply with

**Slide 15:**

All NS files are assigned an FPNS Reviewer and analyst, who monitor the file via SPROS and through communication with the investigative leads

The investigative team and the Reviewer should be in regular contact as the file advances

The Reviewer and Analyst are available to action requests and support the file as needed, including by providing advice on how to advance the file.

Always speak to the FPNS Reviewer if you have questions about NS Governance or how to leverage another RCMP unit, investigative technique, or partner agency

**Slide 17:**

INSET/NSES commanders are responsible for information exchanges with domestic law enforcement.

The responsibility for approving and disseminating information exchanges with domestic departments and agencies is dependent on the nature of organization the RCMP is sharing with.

Federal Cr.Ops. Officers are responsible for information exchanges with domestic non-law enforcement departments and agencies, including CSIS, DND, GAC, CSE, FINTRAC (and others).

**Slide 18:**

MINISTERIAL DIRECTIONS – in 2003, during ARAR – OCONNOR, RCMP received 3 Ministerial Directives regarding NS investigation, including cooperating with foreign agencies, investigating sensitive sectors, and accountability through governance.

On September 25, 2017, the RCMP received a new Ministerial Direction: Avoiding Complicity in Mistreatment by Foreign Entities . The Government of Canada is committed to addressing threats to national security and protecting rights and freedoms. The purpose of this Direction is to clearly state Canadian values and principles against torture and mistreatment and commitment to the rule of law.

The RCMP is also subject to an Order in Council (OIC) direction under the 2019 Avoiding Complicity in Mistreatment by Foreign Entities Act. An OIC is a legal instrument made by the Governor in Council pursuant to a statutory authority or, less frequently, the royal prerogative. All OICs are made on the recommendation of the responsible Minister of the Crown and take legal effect only when signed by the Governor General. The OIC superseded the 2017 MD.

The 2019 Avoiding Complicity in Mistreatment by Foreign Entities Act prohibits disclosing, requesting, or using information when doing so would result in a substantial risk of mistreatment of an individual by a foreign entity.



It is important to keep in mind that operational need, or the greater good, does not override the prohibition of mistreatment in most cases. For example, for child exploitation, the ultimate factor to be considered is the risk of mistreatment to the individual on which the information is being shared.

There is a carve out for the Commissioner to authorize use of information likely obtained through mistreatment in circumstances to prevent significant loss of life, such as an imminent terrorist attack.

Information cannot be used if it would create a substantial risk of further mistreatment or as evidence.

**Slide 19:**



As a result of the MDs and the OiC, as well as our commitment to the RCMP's values, if there is a risk that the disclosure or request for information could result in a substantial risk of mistreatment of an individual by a foreign entity, the exchange must first be approved by the Federal Cr.Ops Officer, submitted to FPNS and then reviewed by the Foreign Information Risk Advisory Committee (FIRAC). Submit a request using the 6517 form and make sure to consult the Liaison Officer when drafting the request. The FIRAC's recommendation is captured in a Record of Decisions which is provided to the Executive Director or Assistant Commissioner for decision.

#### Human Rights Assessments

FPNS has now created Country profiles with human rights assessments for a variety of countries. Various sources such as reputable Human rights records, GAC Country Reports and information from RCMP LOs assist in drafting the HR Assessment. These assessments are then used by senior management in the decision making process in whether to share information with a country or not. The input of our Liaison Officers is also used in these assessments as they are our eyes and ears on the ground in foreign jurisdictions and have a good understanding of the agencies they're dealing with. Bottom line is can we trust the agency or not.

When sharing information, mitigation strategies could include accounting for:

- Relationships and experience with partners
- Application of caveats (see note below on caveats)
- Support of other countries for the share
- Assurances from the LO and foreign country
- Use of vetted teams
- Not referring to the sensitivity of risk area (e.g. removing references to sexual orientation or national security)

Bottom line, keep the information being shared to what is absolutely necessary to advance the case.

#### **Slide 20:**

Recognizing that there are no sanctuaries from law enforcement, special care is required with respect to RCMP investigations conducted with respect to matters that fall under subsection 6(1) of the Security Offences Act, and investigations related to a terrorist offence or terrorist activity, as defined in section 2 of the Criminal Code of Canada, which have an impact on, or which appear to have an impact on, fundamental institutions of Canadian society. Primary among these institutions are those in the sectors of academia,



politics, religion, the media and trade unions. Investigations into these areas must be closely monitored as they hold a special place in large segments of society.

With regards to university or post secondary campuses, in particular, it is paramount that the investigations undertaken by the RCMP do not impact upon the free flow and exchange of ideas normally associated with an academic milieu. Furthermore, the activities of the RCMP shall not adversely affect the rights or freedoms of persons associated with academic institutions.

It is the responsibility of the Assistant Commissioner FPNSPP at the RCMP National Headquarters, or in his/her absence, his/her appointed designate, to approve all RCMP investigations involving these sensitive sectors of Canadian society.

\*\*\*New form #6543\*\*\*

In an ongoing effort to streamline processes, a new form was created, titled "Request for Approval in Relation to a Sensitive Sector (Form 6543)" which is an enhanced sensitive sector form created to streamline the process and ensure that all of the information in the request adheres to the Ministerial Direction. Form 6543 is to be utilized whenever applying for a Sensitive Sector request. Requests received on the previous form will no longer be accepted and returned to the originator.

Divisional personnel must complete the form, in consultation with an FPNS Reviewer, before submission through their chain of command. The form is designed to simplify understanding on whether the request must be approved by the CrOps officer, or by the A/Commr. National Security and Protective Policing.

The form is available in both official languages on the Infoweb in the Web Forms Catalogue. The form is also available on the Classified Environment (CE) in a shared folder titled "NS\_Information – Information\_SN" folder on the "P" drive. Please ensure your CE terminal has the latest version of Adobe, Adobe XI. Older versions will result in error messages while trying to populate the forms.

**Slide 21:**

Both CSIS and the RCMP share the goal of ensuring the safety and security of Canadians, which is most effectively accomplished through a sound and collaborative approach to threat management.

Collaboration supports the activities of both agencies while allowing for independent operational decisions consistent with their respective mandates and applicable laws, in order to facilitate separate and distinct investigations in parallel.

In response to the changing NS threat picture, CSIS was granted new powers to conduct threat reduction activity, adding new ways to address threats to the security of Canada, further reinforcing the need for close cooperation and clear lines of communication.

**Slide 22:**

Cooperation is governed by the One Vision 2.0 Framework, which reinforces the importance of collaboration and information sharing, while respecting legislative mandates, in order to facilitate separate investigations in parallel. Specifically, it:

Guides deconfliction efforts and the possible disclosure of CSIS information to the RCMP, as well as cooperation where CSIS is considering the use of threat reduction measures;

Reinforces that strategic case management and the process by which disclosure of information may occur which, except in cases of imminent threat, will be managed by NHQ;

Codifies expectations for tactical deconfliction (cooperation) by divisions/regions; and,

Enhances accountability and corporate memory through joint records of decisions by NHQ for Strategic Case Management discussions.

One Vision 3.0 is currently being drafted by RCMP & CSIS. It is expected to be implemented by end of Fall 2021.

**Slide 24:**

What are some of the challenges you have seen in NS investigations?

Many of our federal partners feel they are the lead on NS issues. Finance, GAC etc. In some cases, they are (extra territorial matters for instance)

Sharing information with the Service (intel to evidence; s.38) and other international partners is difficult.

Governance model, CENTRAL CONTROL is cumbersome. Adds a few steps and people do not like to be told what to do.

Cultural shift

#### Intelligence enabling evidence

Public Safety Canada is leading a policy working group on intelligence and evidence. WG members include representatives from the Department of Justice, CSIS, the RCMP, CSE, PCO and CIC

#### Operational Improvement Review

In 2018, CSIS and the RCMP sponsored two pro-active reviews to improve operational cooperation and enhance information sharing to identify and respond to national security threats. The two reviews were the Operational Improvement Review (OIR) and the [REDACTED] [REDACTED] which identified 76 recommendations and 55 recommendations, respectively. Both reviews call for systematic changes to the way that RCMP and CSIS conduct and collaborate on national security investigations, emphasizing greater collaboration, more robust information exchanges, with a focus on public safety. Both organizations are committed to change and efforts to implement the OIR report's findings have begun. CSIS and the RCMP have stood up implementation teams and executives have demonstrated their support for their approach.