

Relationship with the RCMP

Details on relationship with RCMP

A memorandum of understanding exists between the OCCE and the RCMP to govern their relationship, whether it be for the conduct of a joint investigation or for the provision of specialized services to the Commissioner's investigators during the course of their investigations.

The CCE may request that the RCMP participate in a joint investigation in relation to an alleged offence under the Act or under the *Referendum Act*. The CCE may also call upon the RCMP in situations where the use of peace officers is necessary to maintain the peace, prevent the commission of criminal acts, execute judicial authorizations (search warrants, production orders, etc.), or to obtain any other service that may facilitate compliance or enforcement of the Act or of the *Referendum Act*.

Further, the CCE may also request information technology support from the RCMP with respect to an investigation, to assist in compiling and viewing electronic documentation or presenting such documentation to a court of competent jurisdiction.

As part of an investigative file, the CCE may request the RCMP to provide, to the extent permitted by law, information from the *Canadian Police Information Centre* (CPIC) system, such as information on outstanding warrants, criminal history, or information to ensure the safety of CCE investigators when executing a search warrant, court order or investigative technique. The OCCE may also request that the RCMP serve a notice or document on an individual in accordance with the Act.

Finally, the RCMP is responsible for recording the data of individuals in CPIC relating to release conditions, convictions and other court matters related to offences under the Act.

Joint investigations with the RCMP

In practice, within the past 15 years two (2) joint investigations have been pursued between the RCMP and the OCCE.

The RCMP has been called on a number of times by the OCCE for technical assistance with computer searches and a related prosecution, as well as providing other assistance at the search location (security and identification) and for the service of documents where service is required to be done by a peace officer.

In the past two (2) GEs the RCMP has also agreed to provide access to technical resources in anticipation of possible novel digital issues arising.

OCCE investigators regularly initiate CPIC queries (88 times in 2022) and, when asked, the RCMP has assisted with CPIC entries.

On occasion the RCMP, acting as the police of local jurisdiction, call upon OCCE for assistance or referral regarding GE complaints, and increasingly over the past few years, several RCMP federal policing units have sought OCCE input concerning potential Election Act issues arising from more complex RCMP investigations.

De-confliction of investigations with the RCMP

The provisions in the *Canada Elections Act* related to foreign interference target specific contraventions that may be committed as part of a criminal offence of fraud or threats to the security of Canada. In situations, where separate investigations maybe running in parallel, and where the subject of the investigation may be the same person or entity, it is essential to ensure that the other investigating organization (in this case the RCMP) are aware so as not to inadvertently put into jeopardy either investigation.

Referrals from the RCMP

3 referrals from the RCMP in 2021

3 referrals from the RCMP in 2019

None of these involved allegations of FI.

These are referrals and exclude any request for assistance by us, or the RCMP, and exclude any joint investigation.

Relationship with partners**OCCE relationship with GAC**

Since 2019, our office has engaged with the Rapid Response Mechanism Team at Global Affairs Canada. The OCCE has met with RRM representatives on various occasions whether in preparation for a general election or after an election to discuss their findings.

Our office receives regular reports from the RRM group including on issues taking place during the election and related analysis.

An analyst at RRM has also delivered an information session to our office on certain platforms, including on current trends, observations, challenges and state actors.

While the OCCE does not have an MOU with RRM, should they come across potential contraventions to the CEA, these could be referred to our office in the form of a complaint through a designated channel.

Our office is subject to confidentiality. Accordingly, should there be specific circumstances that could warrant the disclosure of information to RRM, specific authority to disclosure would be required by the CCE based on the exceptions in the Act. To date, only one such instance comes to mind.

OCCE relationship with CSE

Since 2019, our office has engaged with CSE in preparation for both the 2019 and 2021 federal general elections on the topic of cyber threats to Canada's democratic process. Although our communication with CSE has been more limited than perhaps other SITE members, I would nonetheless say that communication channels are open.

OCCE relationship with CSIS

The first bilateral meeting between CSIS and the OCCE took place in June 2018. Since that time, on various occasions, whether in preparation for, during or after an election, our office received classified security briefings providing an overview of the threat environment and observations related to events.

Throughout the years, CSIS has been helpful in setting up briefings. They appeared attentive to OCCE needs in an effort to determine how their organization could provide assistance.

Process for receiving intelligence from CSIS

The OCCE relies on CSIS to engage with us if it becomes aware of any information that should be brought to our attention.

Over the years, the OCCE has received classified security briefings providing an overview of the threat environment and observations related to events.

It has also received invitations from CSIS to review intelligence assessments. In those instances, a small team from the OCCE, accompanied by legal counsel, reviews the intelligence assessment at the CSIS office. No notes are taken, no copies are provided. The review is followed by clarification questions or Q&As to allow the OCCE to further assess the material presented. In some instances, the OCCE inquires as to the expected content of a user letter should one be requested pursuant to a one vision framework. Based on the response, the OCCE makes a determination as to whether to request a user letter pursuant to the one vision framework.

How many intelligence assessments have the OCCE reviewed since 2018?

The OCCE does not have notes or copies of the intelligence assessments it has reviewed. Therefore, the number is difficult to quantify.

However, based on the creation post event of a timeline, the OCCE has likely participated in at least X meetings at CSIS, including for reviewing one or more intelligence assessments, and including overview of threat environment.

What happens at the OCCE if a use letter is issued by CSIS

The content of the user letter would be reviewed to determine whether it provides sufficient information to initiate a review or investigation.