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Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédéraux

Public Summary of the Classified Interview of: Michael Duheme (RCMP Commissioner)

Michael Duheme was interviewed by Commission Counsel on February 5, 2024. The interview was held in a secure environment and referenced classified information. This is the public version of the classified interview summary that was entered into evidence in the course of the Commission's in camera hearings held in February and March 2024.

Notes to Reader

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.
- This summary has been produced in reliance on subclause (a)(iii)(C)(II) of the Commission's Terms of Reference. It discloses the evidence pertinent to clauses (a)(i)(A) and (B) of the Commission's Terms of Reference that, in the opinion of the Commissioner, would not be injurious to the critical interests of Canada or its allies, national defence or national security.
- This summary contains information that relates to the Commission's mandate under clauses (a)(i)(A) and (B) of its Terms of Reference. Any information provided during the interview that relates to other aspects of the Commission's Terms of Reference has been omitted from this summary, but may be adduced by the Commission at a later stage of its proceedings.
- This summary should be read in conjunction with the unclassified RCMP Institutional Report and the unclassified summary of the interview of Deputy Commissioner, Federal Policing Mark Flynn, which took place on February 15, 2024.

Background

Michael Duheme was appointed the Commissioner of the RCMP in March 2023. Before assuming his current role, he was Deputy Commissioner, Federal Policing (June 2019–March 2023), and Commanding Officer, National Division (September 2016–June 2019). Commissioner Duheme's FI-related work started when he became Deputy Commissioner because the National Security and National Intelligence programs fell within the Federal Police portfolio.

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Mandate with Respect to Foreign Interference (“FI”)

The RCMP’s mandate is to investigate criminal offences under the *Criminal Code* and other federal legislation, including the *Security Offences Act* and the *Security of Information Act*. There is a distinction between intelligence and policing in Canada, unlike the FBI, which performs both functions. Although the RCMP receives considerable raw intelligence from CSIS, CSE, and international allies, most of that intelligence cannot be used as a basis to commence a criminal investigation. The RCMP requires express confirmation from the originating source to rely on intelligence. Unauthorized disclosure of raw intelligence could, for example, jeopardize a source or investigative tools.

The Commissioner was asked to provide the RCMP’s working definition of FI. In response, by letter dated February 19, 2024, Commissioner Duheme advised that the RCMP’s current working definition for Foreign Actor Interference is any overt or covert illegal activity conducted at the direction or for the benefit of a foreign entity which targets Canadian interests, or interferes in Canadian society and threatens Canadians or Canada’s security.

Internal Organization

National security-related investigations, including those relating to FI, are conducted through the RCMP’s **National Security** program. **Integrated National Security Enforcement Teams (“INSETs”)** exist in various divisions, primarily in cities (e.g., Montreal, Toronto, Vancouver, etc.) and include officers from both the RCMP and local law enforcement. INSETs run their own investigations. INSETs are an approach for the RCMP to respond to their national security mandate. By including local police forces, they have partners at the table when conducting investigations. National security investigative teams exist elsewhere in Canada, all of whom report to the Deputy Commissioner, Federal Policing.

Commissioner Duheme described the roles of groups at Headquarters which deal with FI:

1. **Federal Policing National Security (“FPNS”)**: a group that deals with national security investigations, has an intelligence component and receives information from INSETs.
2. **Federal Policing National Intelligence (“FPNI”)**: a unit that looks after policy and training, and also receives and reviews more generic intelligence and information, as it relates to the criminal landscape. This unit helps position the RCMP in relation to national security priorities.
3. **Security Intelligence Analysis (“SIA”)**: a unit within FPNI which reports into Strategic Human Resources and the RCMP’s strategic planning.

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4. **National Security Operational Analysis (“NSOA”)**: an all-source operational intelligence analysis section, within FPNS, that deals strictly with national security files and includes national security analysts.
5. **Sensitive Information Handling Unit (“SIHU”)**: responsible for processing and safeguarding information, and distributing it properly through the RCMP. This unit manages the RCMP’s access to intelligence.
6. **Operational Research (“OR”)**: predecessor to the SIA, a now-defunct dedicated national security unit that looked at raw intelligence with the goal of making it actionable. This branch was terminated in 2020 and replaced by the SIA.

Intelligence, shared by national security partners (foreign and domestic), is typically received by the RCMP through SIHU. SIHU then distributes that intelligence within the RCMP, to those who need to see the intelligence. Some intelligence can be regrouped into briefs intended for the Assistant Commissioner, who then decides what information to share with the Deputy Commissioner. The Deputy Commissioner then decides to share with the RCMP Commissioner. The information can be shared in its original form, in the form of a one-page summary, or as a verbal briefing. At every level, from the initial intake of the intelligence, up through to the Commissioner, there is an assessment to decide which intelligence needs to be briefed up, and the relative priority of that intelligence. These priorities are fluid and can change depending on the dynamic of the present environment.

During his time as Deputy Commissioner, Federal Policing, some of the factors that Commissioner Duheme considered in determining what intelligence needed to be briefed up included: (1) national security matters; (2) matters which might attract media attention; (3) matters which might be of interest to the ADMs or DMs in other departments or agencies; (4) matters related to officer safety; and (5) key RCMP files with which CSIS might be involved. He also ensured the Commissioner had situational awareness on issues that she may need to brief on, such as threats to the Prime Minister. The decision about what to “brief up” is a discretionary judgment call informed by contextual factors. There are no strict parameters on what to brief up. The Commissioner trusted his direct reports to triage the information and brief him on significant issues.

Relationship with Other Agencies

Office of the Commissioner of Canada Election (“OCCE”)

The RCMP does not investigate offences under the *Canada Elections Act* (“CEA”), because those offences fall within the OCCE’s jurisdiction. The RCMP has a Memorandum of Understanding (“MOU”) with the OCCE, which provides that the OCCE may request the RCMP’s assistance, analysis, advice, and recommendations in relation to OCCE investigations. The RCMP shares with the OCCE intelligence it receives on

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possible offences under the *CEA*. For example, the RCMP offered the OCCE assistance in investigating the allegations raised by Erin O’Toole and Jenny Kwan about being targets of FI during GE44.

Canadian Security Intelligence Service (“CSIS”)

Commissioner Duheme confirmed that documents titled “Questions on RCMP and its relationship with CSIS Intelligence”¹ correctly describe the mechanisms for intelligence sharing between CSIS and the RCMP.

CSIS provides both actionable and non-actionable raw intelligence to the RCMP. When CSIS believes that it has intelligence that can be shared for the purposes of a criminal investigation, it sends the RCMP a “use letter” allowing the RCMP to rely on the information to start an investigation. In other instances, CSIS may share non-actionable raw intelligence with the RCMP for situational awareness. CSIS is mindful of the fact that the RCMP has broad disclosure obligations.

CSIS and the RCMP have established a framework called “One Vision” to coordinate work and de-conflict cases.

Communications Security Establishment (“CSE”)

The RCMP’s relationship with CSE is similar to its relationship with CSIS.

Security and Intelligence Threats to Elections Task Force (“SITE TF”)

[CSE, CSIS, RCMP and GAC together form the SITE TF. These agencies work to improve situational awareness of foreign threats to Canada’s electoral processes]

The RCMP is both a producer and a consumer of intelligence. While the RCMP is a contributor to the SITE TF, it is more often a consumer. The RCMP had no election-related investigation during GE43 or GE44. In GE44, the RCMP provided SITE TF with information regarding **Ideologically Motivated Violent Extremism (“IMVE”)**, primarily in relation to threats to Prime Minister Trudeau. None of the information related to IMVEs were related to FI.

RCMP Investigations

The RCMP did not open any FI-related criminal investigations during GE43 or GE44, and none of the RCMP’s partners referred intelligence warranting such criminal investigations.

After GE44, the RCMP has opened FI criminal investigation(s) involving elections and/or democratic institutions. Commissioner Duheme advised that the RCMP opened a FI-related criminal investigation after Member of Parliament Michael Chong made a public statement about being a target of FI. This was after GE44.

¹ These documents were prepared by the RCMP in response to a NSIRA request for information.

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Commissioner Duheme reviewed an RCMP Strategic Intelligence Brief dated August 27, 2021 about security threats to Canada, prepared during GE44. The document states that the RCMP:

[...] [did] not possess any information to indicate that foreign states or foreign actors have engaged in any criminal acts with the intention of interfering in, or impacting the results of, the 44th general elections.

While Commissioner Duheme would not have received this document, he opined that FPNI would have reached the conclusion stated in the document based on information holdings, open-source verifications and discussions with partners. The RCMP also reaches out nationally to feed into products such as this, as FPNI is a hub which coordinates with all RCMP divisions.

The international dimension associated with investigating FI-related offences poses a number of challenges. For instance, the RCMP does not have jurisdiction to investigate individuals in other countries without recourse to diplomatic channels.

Specific Alleged Instances of FI

Don Valley North

Commission Counsel introduced a document that had been disseminated to the RCMP. Commissioner Duheme could not remember if he had seen a document relating to a former MP of Don Valley North. He noted that this type of report is not for the RCMP to action.

Alleged FI Network in Greater Toronto Area

Commissioner Duheme did not remember seeing a document related to an alleged FI network in the Greater Toronto Area. He believed that FPNS would have received it and that it would likely have been shared by CSIS with the RCMP for situational awareness.

Alleged Vote Buying in British Columbia

Commissioner Duheme had not seen an RCMP document relating to allegations of reported “vote buying” in Richmond, BC. Ultimately, the RCMP concluded that those allegations were unfounded. When the RCMP finds that the “allegations are unfounded”, it means that the allegations have not been substantiated. As a result, this information would not have moved “up the chain” within the RCMP.

Other Matters

1. **Han Dong and alleged People’s Republic of China (“PRC”) FI in Don Valley North:** The Commissioner did not recall receiving anything on Mr. Dong at the time.

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2. **Alleged PRC FI in the 2021 election:** The Commissioner did not recall being aware of the issue in the referenced report , but noted that the RCMP was not on the distribution list of this particular report.
3. **Chinese state-media and other online disinformation activities:** Commissioner Duheme stated that he was probably verbally briefed on this issue, although he was not certain.