

2015/11/10

CSIS-RCMP Framework for Cooperation

One Vision 2.0

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KEY TERMS

Strategic Case Management Meeting: A consultative process whereby the RCMP and CSIS will meet to discuss the nature of the threat(s) and determine, collectively, the best approach moving forward. Disclosure may or may not flow from these meetings. These meetings are also used to discuss the possible use of threat reduction measures by CSIS and any potential impact on the RCMP's ongoing and future activities.

Four Pillars Strategic Case Management Meeting: A Four Pillars meeting is a Strategic Case Management meeting that includes officials at the management level from both Headquarters and the CSIS Regions/RCMP Divisions.

Personnel for the four pillars should include:

CSIS Headquarters:

- CSIS HQ: Deputy Director General Operations (or delegate);
- Director General,
- Chief,

CSIS Regional Office:

- Deputy Director General Operations (or delegate);
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- Other regional representatives (at the management level as appropriate).

RCMP HQ:

- Director, Federal Policing Criminal Operations – National Security (or delegate);
- Other Headquarters representatives (at the management level as appropriate).

RCMP Divisional HQ:

- Assistant Criminal Operations Officer (or delegate);
- Other divisional representatives (at the management level as appropriate).

A **disclosure** is defined as the provision of information and intelligence to persons or organizations outside CSIS, pursuant to section 19 of the *CSIS Act*. Disclosures may take the form of Disclosure or Advisory Letters.

A **Disclosure Letter** contains information designed to provide an investigative lead that the RCMP may use to initiate its own investigation. The information contained in the disclosure letter is not to be used as evidence by the RCMP without prior consultation with CSIS.

An **Advisory Letter** contains information that may be used by the RCMP to obtain search warrants, authorizations for electronic surveillance or otherwise used in court. In the case of Advisory letters, CSIS requires the opportunity to review any applications for judicial authorizations prior to filing.

CSIS Threat Reduction Measures: An operational measure undertaken by CSIS pursuant to section 12.1 of the *CSIS Act* whose principal purpose is to reduce a threat as defined in section 2 of the *CSIS Act*.

Headquarters level refers to the employees, and the activities of, the RCMP and CSIS at their respective Headquarters in Ottawa. Headquarters personnel are responsible for providing necessary guidance and strategic case management to activities undertaken at the field level.

Field level refers to the representatives of, and the activities of, the RCMP at the Divisional level and liaison officers deployed abroad, and CSIS at the Regional level. Field personnel are responsible for the day-to-day operations and investigative activities.

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INTRODUCTION

Both the Canadian Security Intelligence Service (CSIS) and the Royal Canadian Mounted Police (RCMP) share the goal of ensuring the safety and security of Canadians and protecting Canadian interests at home and abroad. This is most effectively accomplished through a sound and collaborative approach to threat management.

To date, the management of national security threats by the RCMP and CSIS has demonstrated the need and importance of a clear framework for cooperation. Cooperation at the earliest possible stage allows for a collaborative assessment of the threat, including how best to respond to the threat. Notwithstanding this collaborative approach, it neither replaces nor impedes either agency's prerogative to make independent operational decisions consistent with their respective mandates and applicable laws.

The *One Vision* initiative, launched in 2012, reflected a culmination of efforts to enhance the RCMP and CSIS relationship given the challenges inherent in the utilization of intelligence as evidence in prosecutions. To date, *One Vision* has been an effective framework, underlining the importance of continued collaboration and information sharing in support of the RCMP's and CSIS's mandates. It also serves to maintain an appropriate degree of separation between respective investigations while ensuring a functional operational relationship; a perspective recognized by the courts in the application of this framework and the benefits incurred as a result of maintaining an appropriate degree of separation between parallel investigations. *One Vision* was informed by recommendations stemming from Commissions of Inquiry, supported by decisions of the courts and strengthened by case management experience.

Since *One Vision* was implemented, there have been significant changes in the national security landscape in Canada as it pertains to the threat environment and legislative amendments to the *Criminal Code of Canada* and the *CSIS Act*, which has changed the nature of the CSIS/RCMP relationship. For instance, CSIS's new mandate to reduce threats has introduced new requirements as to how both agencies cooperate in the same sphere of operations without adversely affecting each other.

Given the scope of these new powers and the challenging operating environment, the parties recognize that *One Vision* requires updating in order to provide clear guidance for collaborative actions. This updated framework builds on existing mechanisms and creates a solid basis for cooperation with respect to strategic case management, deconfliction, and disclosure.

OBJECTIVE OF *ONE VISION* 2.0

One Vision 2.0 enhances the existing framework for cooperation that 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.

The parties recognize that this framework continues to reinforce the importance of collaboration and information sharing, while respecting legislative mandates, in order to facilitate separate and distinct investigations in parallel.

MANDATES

The RCMP is Canada's national police force with a broad mandate derived from legislation and legal precedent. The RCMP is mandated under the *Royal Canadian Mounted Police Act* to prevent and investigate crime in Canada and extraterritorially; maintain peace and order; enforce laws; contribute to national security; ensure the safety of state officials, visiting dignitaries and foreign missions; and provide vital operational support services to other police and law enforcement agencies within Canada and abroad. The RCMP also derives its authority from common law, which includes the preservation of the peace, the prevention of crime and the protection of life and property. As such, the RCMP has the primary responsibility to perform the duties assigned peace officers in relation to national security investigations and offenses in the *Security of Information Act* and the *Security Offences Act*.

CSIS is mandated to investigate, within Canada and abroad, activities suspected of constituting threats to the security of Canada, and to report on these to the Government of Canada. CSIS may also undertake measures, within Canada or abroad, to reduce threats to the security of Canada in accordance with well-defined legal requirements and Ministerial Direction. Specifically, CSIS collects, to the extent strictly necessary, and analyzes and retains information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada, and reports on these to the Government of Canada. If there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, CSIS may take measures to reduce the threat.

OVERARCHING PRINCIPLES

Five principles underpin the CSIS-RCMP *One Vision* Framework:

Public safety is paramount

Addressing national security threats to Canada and Canadians to ensure public safety is the number one priority for both the RCMP and CSIS. Both acknowledge that while investigations must be distinct, CSIS and the RCMP must carry out their respective mandates in a parallel yet collaborative fashion to ensure public safety.

Personnel must always consider the effect of their actions upon the other agency

Given the overlap between many of the RCMP and CSIS activities, and the potential negative repercussions to ongoing or future investigations and criminal prosecutions, both parties agree that they must continue to consider not just their own requirements, but those of the partner agency.

Earlier is better when discussing strategy, seeking legal advice, identifying problems and sharing information

Parties recognize that issues must be addressed at the earliest possible stage to maximize the number of options available. Adherence to this practice will demonstrate transparency and accountability in regards to our activities, to the government, the public and the courts.

Focusing the information to be disclosed by CSIS will assist both organizations and avoid future problems

Focusing the information to be disclosed on what is relevant ensures that the RCMP has the information it requires to pursue its activities while protecting CSIS's sources and methods.

Every investigation is different; it is critical to have a consistent process which will recognize and manage these differences

The parties recognize that every investigation is different and periodic consultations may be required for each case in order to account for the specific context and circumstances. A consistent process for cooperation is necessary and will remain sufficiently flexible so that it can manage differences presented by each case, as well as the ability to respond to evolving threats.

ONE VISION: PROCESS FOR COOPERATION

Triggers for CSIS Initiation of Discussions with RCMP

CSIS has discretion with respect to why and when it chooses to disclose information to the RCMP. An assessment is undertaken by CSIS to determine whether or not to initiate Strategic Case Management discussions with, and possibly disclose information to, the RCMP.

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CSIS may initiate Strategic Case Management discussions with the RCMP for the purpose of engaging in discussions with the RCMP when there is:

- Information and intelligence which may indicate a possible criminal activity and could assist the RCMP in fulfilling its mandate, including prevention;
- An element of an offence under the *Security Offences Act* or any other act of Parliament;
- A threat, risk to public safety or risk to the safety of a peace officer; and/or
- Consideration of the use of threat reduction measures.

Triggers for RCMP Disclosures to CSIS

The RCMP will disclose in a timely manner relevant operational information, including information on its national security investigations and any interventions by the RCMP to counter violent extremism through community engagement. This regular exchange of information by the RCMP ensures that CSIS is aware of the RCMP's activities to facilitate cooperation and strategic case management at Headquarters and via Four Pillars meetings.

In cases where an RCMP investigative target may have previously been subject to Strategic Case Management discussions on the possible use of CSIS threat reduction measures, the RCMP will initiate another Strategic Case Management discussion at HQ. In this context, the RCMP may seek additional information from CSIS about any potential TRA undertaken on a target to assess what, if any, impact it may have on the RCMP's investigative actions.

Procedures for Cooperation

The procedures for cooperation between the RCMP and CSIS will take the form of:

- Strategic Case Management meetings (HQ to HQ);
- Four Pillars Strategic Case Management meetings (HQ, Regions/Divisions);
- Tactical deconfliction (field level).

Strategic Case Management Discussions

Both agencies recognize the need to cooperate closely for the greater good—the safety and security of Canadians, Canadian civil society and its institutions. RCMP and CSIS Headquarters personnel provide strategic direction on operational, legal and policy issues. In keeping with this strategic direction and governance function, formal cooperation between our organizations is coordinated at this level.

All Strategic Case Management meetings will be held with management level participants and, as required, Four Pillars members. The purpose of these meetings is to discuss and assess the nature of the threat with the objective of determining, in a collaborative fashion, the most effective way to manage the threat. These meetings may be convened by either party.

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Threat Reduction Measures by CSIS

CSIS is responsible for ensuring that its threat reduction measures comply with all legal requirements and Ministerial Direction.

Where CSIS is considering the use of threat reduction measures, CSIS will initiate Strategic Case Management discussions with the RCMP on the target of the measure.

Further to these discussions, the RCMP may advise CSIS that there are no objections to the use of threat reduction measures as there is no assessed conflict with RCMP activities given the information discussed at the time.

Alternatively, the RCMP may indicate that it needs time to review the information discussed to assess any potential conflict with the RCMP's ongoing activities. The RCMP will return to CSIS with its response in a timely manner.

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Where there is disagreement that is unresolved in the Strategic Case Management or Four Pillars meetings, the matter will be referred for a more senior level discussion.

Further to the information provided by CSIS, the RCMP will maintain the record of decision to protect the integrity of any ongoing criminal investigation as well as the RCMP's ability to pursue one at a later time.

CSIS agrees to make and preserve a precise, detailed record, contemporaneously with or soon after, any threat reduction activity it undertakes, and will preserve it in case it is necessary to later refer to the record in connection with a future judicial proceeding.

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Four Pillars Strategic Case Management Discussions

A Four Pillars Strategic Case Management meeting may or may not be convened by either party to discuss the threat or case including to solicit additional context from the Regions/Divisions to assist decision making.

This process will facilitate a common understanding of the approach to the threat or case to be undertaken and any next steps (e.g. disclosure). These meetings are highly relevant for complex or ongoing parallel investigations.

Tactical Deconfliction (Field Level Discussions)

DISCLOSURE UNDER SECTION 19 OF THE CSIS ACT

Further to the discussion at the Strategic Case Management or Four Pillars meetings, CSIS may initiate a disclosure to the RCMP, either by providing a Disclosure or Advisory Letter. In the case of an Advisory Letter, it will be provided once the RCMP has indicated how it intends to use the information. In turn, the RCMP will, upon receipt of the letter, disseminate as deemed appropriate. As soon as practical, the RCMP will confirm what investigational avenue the RCMP will pursue, if any, based on the information CSIS disclosed. In the case of Advisory Letters, the RCMP will provide CSIS an opportunity to review any applications for judicial authorizations prior to filing.

All disclosures of information occur at the Headquarters level to ensure formal documentation and record keeping.

Possible Further Disclosures Once a Criminal Investigation is Underway

Adherence to these guidelines will help ensure that the RCMP criminal investigation remains separate and distinct from ongoing CSIS investigations, which will help to facilitate disclosures to the Crown for prosecution. It is recognized that there will be a continuing need for coordination between both parties. In addition, it is acknowledged that CSIS may provide additional disclosures following subsequent Strategic Case Management or Four Pillars meetings; any disclosures will continue to be managed at the Headquarters level.

In accordance with respective internal policies and procedures, CSIS and the RCMP will ensure the retention of information, intelligence and evidence, as required.

Both parties agree that they may update each other concerning substantive changes related to previously shared information, including corrections during Strategic Case Management meetings. This will ensure that any subsequent activities taken by either organization are properly informed.

Post-Investigation/Pre-Trial Disclosure (*Stinchcombe*)

The responsibility for disclosure belongs to the Crown. Ongoing inter-agency consultation shall occur to ensure the appropriate use of sensitive national security information and the application of protections as required.

RECORDS OF ALL CSIS-RCMP DISCUSSIONS

at CSIS will be responsible for preparing the record of decision (RoD) on all Strategic Case Management or Four Pillars discussions in order to establish a common understanding and retention of such records for concurrence by both parties. This record will also reflect any decisions taken as well as the underlying rationale.

The RoD will contain the following elements:

- Attendees;
- Sufficient information about the threat, including basic identifying details (e.g., tombstone data), to determine collectively the best approach to address it.
- Sufficient information about the threat reduction measure to enable the RCMP to assess whether the proposed measures would interfere with RCMP activities;
- Indication of whether the RCMP views that CSIS' threat reduction measure will potentially conflict with RCMP operations based on information provided at the time of discussion;
- Where the RCMP has indicated a potential or actual conflict with RCMP operations, a brief explanation of the reason(s), as applicable;
- Action items (e.g., disclosure to follow, RCMP to assess and return);
- Concurrence from both parties that the RoD accurately reflects the discussion.

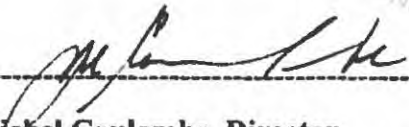
CSIS will coordinate the process by which concurrence from the RCMP on the RoD will be sought and recorded.

All records of decision will be documented to file at CSIS and a copy of the ROI will also be maintained by the RCMP.

The RCMP and CSIS will each develop guidelines regarding tactical deconfliction meetings in relation to record-keeping requirements.

It is recognized by the parties that criminal investigations may be pursued against individuals subjected to CSIS threat reduction measures in the future. As such, the parties agree to the importance of maintaining records in order to provide the ability to fully assess the impact on any potential future criminal investigation and judicial proceeding.

The terms of *One Vision 2.0* have been agreed upon by both parties.



**Michel Coulombe, Director
Canadian Security Intelligence Service**



**Bob Paulson, Commissioner
Royal Canadian Mounted Police**

Date: 2015.11.24-----

Date: -----

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