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**CSIS RELATIONSHIPS WITH SELECTIVE
FRONT LINE DOMESTIC PARTNERS**

(SIRC STUDY 2009-04)

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1 INTRODUCTION

CSIS is emerging from the post-9/11 era with a renewed understanding of the inter-connectivity of security intelligence and law enforcement; a video created by the Service for the Canadian Association of Chiefs of Police introduces the current realities of national security in Canada by stressing that "threats such as terrorism are beyond the capacity of any one organization to address alone." Such interdependence between security intelligence and police-led criminal intelligence has been a widespread theme among government security planning both in Canada¹ and abroad² for several years now, and has underpinned a shared approach by the Service and several of its security partners. This study examines CSIS's relationships with its "Front Line" domestic partners, agencies that constitute the first line of defence in guarding against threats to national security. It also considers these relationships within the framework of increased cooperation and integration within Canada's security and intelligence community, a trend informed by Canada's National Security Policy of 2004.

Given the very different thresholds of its domestic partners, and given the different emphasis (long-term, intelligence/information-driven) that CSIS has, compared to its partners, this study asks how exactly those relationships are managed. The study finds that the larger the jurisdiction of the domestic agency, the higher the level of coordination and interaction which the Service assigns to it: national partners such as the Canadian Border Services Agency and Correctional Services Canada, get Headquarter (i.e. national-level) liaisons, as well as very detailed tools to manage, maintain and analyse the relationship over time. Moving down to the provincial (e.g. Ontario Provincial Police) or municipal (e.g. Vancouver Police Department) ranks, interaction becomes a regional-level responsibility, most notably through dedicated Liaison officers. This study examines whether or not such different thresholds and mandates as exist between the Service and its domestic partners can be adequately bridged and managed, and the capacity for both sides to cope with change, emergencies and de-confliction.

¹ For a discussion relating to the RCMP's adoption of this model, see John Edward Deukmedjian and Willem de Lint, "Community into Intelligence: Resolving Information Uptake in the RCMP," *Policing & Society*, 17/4, 2007, pp.239-256.

² One American study noted that the shift towards what many have called "Homeland Security Policing" constitutes a paradigm shift in the understanding of the role and methods of policing itself, a shift police forces in North America have only undergone twice before since the late 18th century. Christopher W. Ortiz, Nicole J. Hendricks, and Naomi F. Sugie, "Policing Terrorism: The Response of Local Police Agencies to Homeland Security Concerns," *Criminal Justice Studies*, Vol. 20, No.2 June 2007, pp.91-109.

2 METHODOLOGY AND SCOPE

This study examines the relationship between CSIS and its domestic Front Line partners, focusing on the nature of the exchanges, the reasoning behind individual instances of cooperation, and the implications of such partnerships on the Service and its operations. Given the prominence of recent SIRC studies concentrating on collaboration between CSIS and the RCMP, the study did not directly examine that particular relationship, except where it dovetailed to include the involvement of other partners.

For this review, SIRC examined the full range of Service documentation concerning the management of those domestic relationships; this included operational reporting, briefing notes, human source files, and senior level memoranda and decision-making documentation. SIRC also examined headquarters and regional material related to the Service's Domestic Liaison Program and the National Security Policy of 2004, and submitted written questions to several regions on those subjects. In addition, SIRC attended several briefings at CSIS national headquarters, two with Ottawa Region, and three with Toronto Region, all of which addressed a range of Service relationships, partnership policies, and liaison programs.

The review period extended from March 1, 2007 to March 1, 2009, although SIRC looked at information which fell outside this scope to fully explore certain issues and to understand the relevant context.

3 NATIONAL-LEVEL FRONT LINE PARTNERS

Since its inception, CSIS has worked with a broad range of partners in the federal government. Most of these partners – including, to name some of the most prominent, the Department of National Defence (DND), the Department of Foreign Affairs and International Trade (DFAIT), and the Citizenship and Immigration Canada (CIC) – do not have significant corps of trained officers who work on the front lines of security. Those that do – police forces, correctional personnel, border security agents, and others – constitute the first line of defence, awareness, and contact when guarding against threats to national security. This study examined a range of these front line agencies, all of whom – especially police agencies – have had a long-standing and beneficial relationship with the Service regarding information exchange.

3.1 Domestic Liaison Program

The Domestic Liaison Program (DLP) was first established by the DDO Secretariat in October, 2007, and was intended “to inform the Executive and senior operational managers of the nature of the Service’s relationships with its principal domestic partners, in order to strategically manage these relationships.”³ Although the division is not absolute, CSIS’s DLP was not set up to manage “front line” partnerships *per se*, but relationships with federal agencies with which the Service has regular contact. These agencies include, for example, the Communications Security Establishment (CSE), the Department of National Defence (DND), the Department of Foreign Trade and International Affairs (DFAIT), the Canadian Border Services Agency (CBSA), and

³ “Domestic Liaison Programme,” Memo from DDO Secretariat to HQ and Regional DGs, 2007 10 18.

Transport Canada (TC) as well as the Royal Canadian Mounted Police (RCMP), Correctional Services Canada (CSC), and the Canadian Association of Chiefs of Police (CACP).

Several times a year (ranging from quarterly to bi-annually), each region completes a DLP report in which they relate to HQ the broad details of their relationship with each of their domestic partners. These reports detail specific items within the relationship, the manner in which the region suggests CSIS proceed in dealing with the item, the key players identified within the partner agency, and the level of priority they believe addressing that item should receive.⁴ Each relationship is also centrally managed, at least in part, by a senior executive member who acts as that agency's "champion" within the Service.

Relationships between CSIS and its provincial and municipal front line partners is not regulated by the DLP; the main explanation offered for this, is that they are far more "operational" in nature (i.e. that they are better handled by CSIS officers and managers on the ground), and that they almost always implicate only a single region, and as such do not require a national level of coordination.

The DLP is coordinated by the DDO's office, which keeps abreast of the program's evolution. As a follow-up to the original October 2007 memo, the DDO issued an update/clarification memo on August 27, 2008. This memo reminded recipients that the program had two key objectives:

[A] "The basic principle was, and remains, the ability to take stock as to the status of the relationship with any given partner at any given time."

[B] "Further, the DLP seeks to assess the strengths and weaknesses of our domestic relationships with a view towards ameliorating shortcomings and / or anomalies from the working level, up to that of the executive."⁵

In addition, the DDO reminded the DGs of the origins of the DLP, namely that in the past, "the Service has relied too much on anecdotal information to assess these relationships. We continue to do so in the future at our own peril." The DDO added that "national coordination of these relationships is of the utmost importance in order to provide the Service with accurate and current status reports."⁶

⁴ The level of priority assigned to any item is sometimes described in terms of the state of problem resolution, such as "ongoing", or else in terms of the degree to which the issue is a pressing one, such as "low" or "very high".

⁵ "Domestic Liaison Programme," Memo from DDO Secretariat to HQ and Regional DGs, 2008 08 27.

⁶ Ibid.

However, SIRC discovered that, in the Regions, there was a dearth of understanding as to the goals, utility and function of the Domestic Liaison Program. While some – especially among the various Liaison Units – were aware of the stated goals of the Program, few could name any benefits which might emerge. In addition, several Regional officers suggested that the very nature of the DLP's approach to data collection – adding numbers of requests in columns and boiling down complex partner relationships into a line or two – stripped away the diverse and nuanced nature of those relationships.

Taking a look at the DLP from the HQ side also yielded mixed results. Significantly, when asked to provide SIRC with a few sample results of the DLP – whether new policies, policy shifts, or new initiatives which were created thanks to the feedback from the various DLP reports – the Service had none to offer. SIRC was told that the goals of the program served to orient the CSIS executive as to the nature and frequency of meetings with their federal domestic partners, but little additional insight or reflection on the utility, strengths or weaknesses of those domestic relationships could be provided so as to link these to the Program.

Given the amount of work put into the collection of information for the DLP reports, the lack of outcomes or policies based on DLP data in its first three years of existence, and the absence of management feedback to the Regions concerning their DLP data, some critical questions concerning the program arise. While SIRC agrees that the Domestic Liaison Program exhibits potential, SIRC found that in general, the regional offices were unaware of the utility or benefit of the information collected for the DLP program, despite the DDO's insistence that this data be gathered. Therefore, **SIRC recommends that CSIS undertake an evaluation of the DLP, to establish clear measures to evaluate the utility of the DLP on partner relationships; to increase the level of awareness in the Regions actions taken based on the information they provided in their DLP reporting; and to convert the findings of the DLP into deliverables.** In the interim, the Service could adopt a strategy of including 'updates' sent to the regions, showing concrete results of their DLP work.

3.2 CSIS Relationship with Correctional Services Canada (CSC)

Because the DLP includes a broad range of federal partners, SIRC decided to examine the workings and evolution of a single case so as to understand better the scale and scope of the Service's management of federal-level relationships. In recent years, the Service has intensified its relationship with a relatively new federal partner, Correctional Services Canada (CSC). This partnership – ultimately resulting in its initial Memorandum of Understanding on October 8, 2008

4 PROVINCIAL PARTNERS

The Service's domestic front line partners are not found only at the federal level; across North America, policing at all levels has undergone a series of changes to cope with the post-9/11 demands of counter-terrorism and the criminalization of terrorist offences. For close to ten years now, the goals have included the "shifting of the police mindset to include the notion of fighting terrorism and educating police officers about terrorist practices, methods, and activities."¹³ In order to do so, police departments have created or enhanced existing intelligence bureaus that can make anti-terrorism their top priority. In Canada, this has been evident at all levels of police work, including the provincial: while in most of the country, the RCMP are responsible for provincial-level policing, in the country's two largest provinces – Ontario and Quebec – there are large-scale, provincial police and task forces. In this section, SIRC examines those provincial forces through the examples of the Ontario Provincial Police and its intelligence sub-unit, the Provincial Anti-Terrorism Section.¹⁴

4.1 The Ontario Provincial Police (OPP) and the Provincial Anti-Terrorism Section (PATS)

The OPP and CSIS have had an official relationship since 1986, when the first MOU was signed between the Service and Ontario Police forces to enable information disclosures, support and assistance.

CSIS's past relationships with the OPP constitute a mixed record;

¹³ Henry, V.E., "The need for a consolidated strategic local police approach to terrorism: A practitioner's perspective," *Police Practice and Research*, 3 (4), p.325.

¹⁴ SIRC researchers also examined documentation on the Quebec provincial police (the Sûreté du Québec), and the Criminal Intelligence Service of Ontario (CISO).

Looming large in the cooperative work between CSIS and the OPP are the files on though more are also fairly common points of exchange. De-confliction is worked out at Joint Management teams (JMTs); the most common issue in need of work is JMTs meet regularly,

or whether Management is not aware of items that should be brought up. More often than not, it is CSIS who initiates the request to CSIS has also proven to be of assistance to the OPP

¹⁸ By and large, however, much of the Service's work with the OPP – as is the case with so many of its other domestic front line partners – is to consistently clarify and reinforce the Service's mandate, priorities, and the types of evidence and activities which are of interest to Service investigations.

The Service has also, of its partnership with the OPP's Provincial Anti-Terrorism Section (PATS). Created in 2002, the Section is "mandated to conduct multi-jurisdictional strategic intelligence operations to pro-actively address terrorism and extremism in Ontario."¹⁹ (OPP website). While also supporting efforts to investigate propaganda and hate crimes, the Section was established to deal with all manners of criminal extremism, with a special emphasis on terrorism.²⁰

¹⁵ SIRC meeting with TR Liaison, January 19, 2010.

¹⁶ SIRC meeting with TR, January 19, 2010.

¹⁷ SIRC meeting with TR, January 19, 2010.

¹⁸

¹⁹ PATS website – www.opp.ca/ecms/index.php?id=243.

²⁰ It should be noted that PATS is not the same as the OPP's Provincial Operations Intelligence Bureau (POIB), a separate unit which acts as the intelligence arm of other OPP investigations, notably multi-issue extremism and domestic extremism (such a

PATS management has suggested to the Service that it is essentially designed to assist two primary clients: the RCMP and CSIS. As the intelligence wing of the OPP, their investigations yield either criminal information or intelligence; the former is passed to the RCMP, the latter to the Service.

Indeed, according to Toronto Region, PATS represents a model partner. Typical of the type of information exchanged between the two groups would be

Some differences in emphasis and technique nonetheless remain, as would be expected given their differing mandates and thresholds. PATS, being intelligence-centered, approaches problems somewhat differently than "traditional" police forces; for example,

4.1.1

4.2 CSIS Liaison

A third level of domestic partner exists for the Service, that of the Municipal or Regional (in more rural areas) police forces, and these have also been integrated into some of the Service's areas of concern: since 2002, local police departments across the continent have been integrating intelligence-based, anti-terrorism capacity into their forces and daily routines.²³ As is the case for many of the Service's dealings its partners, the links between CSIS and its police allies are largely managed by a CSIS liaison unit.

Although SIRC examined this dynamic in several contexts,²⁴ the experience of Ottawa Region is instructive:

It was also emphasized by the Service that continuity is key to maintaining the Region's relationships; for this reason,

That being said, Liaison personnel – because they are focused on outside relationships

²³ In theory, departments were meant to build upon the earlier community-oriented models of the 1970s and 1980s by expanding their officers' awareness of counter-terrorism and addressing a fundamental gap in a force's ability to help prevent, respond to, and identify terrorists. For an exploration of these ideas, see Christopher W. Ortiz, Nicole J. Hendricks and Naomi Fr. Sugie, "Policing Terrorism: The Response of Local Police Agencies to Homeland Security Concerns," *Criminal Justice Studies*, Vol. 20 No.2, June 2007, pp.91-109. In addition, see Deukmedjian and deLint for the RCMP example in the Canadian context.

²⁴ Via documentation, questionnaires and briefings, SIRC discussed liaison with TR, QR, and BCR.

²⁵ Briefing with Toronto Region Liaison, January 19, 2010.

The main goal is to have the relationship open and established so that if the Service needs information from a particular sector (whether from the security personnel working the road to get information is a short one. the intelligence garnered from these groups but the investment of Service resources in all the liaison groups is minimal versus the information potentially available.

OR suggests that given the relatively low cost of liaison efforts, a single return would more than justify all of the current endeavours.

This being said, the primary deliverable which CSIS currently offers several of its partners is information on the mandate and goals of CSIS itself.

5 CLIENT OR PARTNER? THE NATIONAL SECURITY POLICY OF 2004

Since 2004, a new dynamic has been introduced into CSIS's relationship with many of its security, intelligence, and law enforcement partners in Canada. The Government of Canada's National Security Policy (NSP) - also entitled *Securing an Open Society* - called for a renewed approach to national security: the NSP called not only for effective threat assessment, but stressed that such assessment "must be connected to an effective, tactical capability to deploy resources in proportionate responses to specific situations, and communicate the relevant information to the first line responders such as the law enforcement community."²⁶ In other words, the NSP called for at least two broad measures to be taken within its various security and intelligence agencies: improved assessment and sharing of information, and better operational integration.

Whether or not CSIS has adjusted to the challenges raised by the 2004 National Security Policy is not easy to decide. While, as noted below, CSIS has taken broad steps to improve the assessment and sharing of information, the challenge of 'better integration' has produced different results. In its 2004 Report to Parliament, the Office of the Auditor General of Canada evaluated the performance of Canada's security and intelligence community since the introduction of the Anti-Terrorism Act of 2001. In this Report, the OAG highlighted the need to respond to the threat of terrorism with both cooperation and with integration among the various government agencies. To accomplish cooperation, the benchmark was the need to "encourage the exchange of information among analysts." To accomplish integration, there was a need to "co-ordinate the collection of intelligence information."²⁷

This dual nature of post-9/11 coordination between intelligence agencies has not been only the Service's issue to deal with: around the same time the National Security Policy was written in 2004, an American-based report on the functioning of the intelligence community also wrestled with the difference between "cooperation" and "integration" or joint action. "When agencies cooperate, one defines the problem and seeks help with it. When they act jointly, the problem and options for action are defined differently from the start. Individuals from different backgrounds come together in analysing a case and planning how to manage it."²⁸

²⁶ Privy Council Office, *Securing An Open Society: Canada's National Security Policy*, April 2004, p.11.

²⁷ 2004 March Report of the Auditor General of Canada, 3.51-3.53.

²⁸ National Commission on Terrorist Acts in the United States, *Final Report of the National Commission on Terrorist Acts in the United States*, July 22, 2004, p.400.

When producing its follow-up report in 2009, the OAG maintained that the central principles of the National Security Policy "is improved coordination and integration of security efforts among government agencies." However, and while they praised CSIS and other agencies for significant advances in coordination and information sharing – not the least of which was the creation of the Integrated Threat Assessment Centre [ITAC] – the OAG concluded that there were "a number of cases where there was a failure to achieve integration".²⁹

CSIS and its partners currently cooperate according to this definition; however, their activities are not, as outlined in the NSP and the 2009 OAG report, integrated.³⁰ This difference is evidenced by the language underscored in CSIS documentation from the highest levels. For instance, the DLP Program, as explained by the DDO, states that CSIS "must rather see our partners as clients". This, suggests the same document, means that CSIS intelligence should enhance the goals and programs of those partner agencies, while recalling that "[i]n many instances, our partners are great sources of intelligence".³¹ Rather than promoting joint planning and integration, this vantage point instead favours mutually beneficial exchanges. Such language is also underscored in formal agreements; the recently signed Memorandum of Understanding between CSIS and Correctional Service of Canada (CSC) defines cooperation as "the provision of information and operational support."³² This suggests a relationship of service provider/ client, not of partnership. As a result, the interactions between the two groups often consist of explaining to each other their own organization's mandate and then exchanging information; the meetings are not about actively working together, towards a shared objective which is identified prior to information collection and then jointly managed moving forward. Each organization, in many instances, pursues its own goals unilaterally.

²⁹ Status Report of the Auditor General of Canada to the House of Commons (2009), Chapter 1 National Security: Intelligence and Information Sharing, paragraph 1.29.

³⁰ As stated above, it should be noted that this Review does not deal with CSIS's relationship with the RCMP.

³¹ Memorandum to HQ and Regional DG's, From DDO, 2008 08 27, "Business Ownership of the Domestic Liaison Program (DLP)".

³² Memorandum of Understanding between CSIS and CSC, signed by CSIS on September 26, 2008, p.3.

It is clear that although the NSP has received some attention in academic and journalistic circles,³³ the Policy has had little circulation and even less daily impact at CSIS; the document did not make its way into Service planning or policy, either in 2004 when it was released, or since. According to both the Service's Strategic Policy section and its Operational Policy section, the NSP was conceived of primarily as a Government of Canada strategic document, but has had little bearing on the Service as it did not pertain to any specific policy nor was it specifically mentioned in the relevant National Requirements.³⁴

The lack of impact of the NSP is even more obvious at the regional level; although one Branch suggested that the NSP had helped support a more cooperative environment between the Service and various other government partners, most of the personnel at the various regional offices consulted for this study had barely heard of the NSP, and had certainly not read it. Moreover, when asked whether they believed that the NSP had already exhibited an effect on their work, or was in step with their priorities, most CSIS personnel found the document to be outdated and unrepresentative of the typical challenges and priorities which guided their work.³⁵

This study has shown that CSIS and its front line domestic partners do well *cooperating*: they meet quite regularly, enjoy very productive relationships, and have sophisticated tools to track their exchanges. In contrast, after meeting with several different regions and Branches, **SIRC found that CSIS was no closer to promoting integration with its domestic front line partners, a strategy outlined in the 2004 NSP. Moreover, there was minimal penetration or awareness of the content or goals of the NSP at CSIS.**

Therefore, an important question remains: To what extent does the Government of Canada wish to see the Service integrate its operations with their partners, but more importantly, has the Government communicated that directive to CSIS properly and effectively? The lack of awareness within CSIS of the 2004 NSP suggests that there is

³³ For example, Colleen Bell, "Surveillance Strategies and Populations at Risk: Biopolitical Governance in Canada's National Security Policy," *Security Dialogue*. Vol. 37, No. 2, 2006, 147-165, Edna Keeble, "Defining Canadian Security: Continuities and Discontinuities," *American Review of Canadian Studies*, 35/1 (Spring 2005), p.1-23, and Joel J. Sokolsky, "Realism Canadian Style: National Security Policy and the Chrétien Legacy," Vol. 5, no. 2, June 2004, 8-43.

³⁴ Email exchange between SIRC and External Relations and Liaison re: National Security Policy 2004, last dated 2010 01 25.

³⁵ SIRC meetings with Liaison OR (2009 12 17), and Liaison TR, TR ITB and TR AEA (2010 01 19).

a disconnect between the Government and CSIS on this subject. **SIRC believes that if the Government of Canada wishes to implement a new strategic policy on National Security which implicates the work of CSIS – and which emphasizes the need for increased integration – they must take additional steps to connect those plans to the Service's policies and activities. Moreover, the Government would have to make its goals clear and explicit through the normal channels, e.g. via Ministerial Direction and National Requirements.**

Simply put, the publication of a policy on National Security will not penetrate CSIS policies unless they are then incorporated into Government direction to the Service. Much of the interaction between CSIS and several of its domestic front line partners has involved better *informing* each other of each organizations' mandates, priorities, and roles. However, and while SIRC does not wish to minimize the positive role which this heightened level of information can foster,³⁶ regular efforts to inform, clarify mandates, and de-conflict does not equate to joint operations, management, and planning, and is a long way from the integration promoted in the NSP. In order to fulfill those expectations, much clearer and more specific direction is going to have to be formally given by the Government of Canada.

³⁶

Nor to nor to minimize the more robust steps that may have been taken in regards to the relationship with the RCMP.

6 THE FUTURE OF DOMESTIC FRONT LINE PARTNERSHIPS

This review suggests that from both CSIS's operational and its managerial vantage point, the Service's front line domestic partnerships run smoothly and are mutually productive. Moreover, these partnerships help constitute lines of information and communication which are essential in the present context of counter-terrorism, radicalization and extremism. However, this study also suggests that at the macro level of government policy, many domestic partnerships in which CSIS is involved are not yet at the level that government policy-makers anticipated in the post-9/11 era. Citing high-level management tools which have produced many statistics but no policy implications, when the information originates with domestic police forces, and a wholesale under-realization of some of the major goals of the government's 2004 National Security Policy, this study concludes that while CSIS's front line domestic partnerships work well when information exchange is the desired outcome, they have not resulted in palpable integration between Canada's security intelligence and Canada's criminal intelligence bodies.

SUMMARY OF FINDINGS

- SIRC found that CSIS was no closer to promoting *integration* or joint planning activity with its domestic front line partners, a strategy outlined in the 2004 NSP. Moreover, there was minimal penetration or awareness of the content or goals of the NSP at CSIS.

SUMMARY OF RECOMMENDATIONS

- SIRC recommends that CSIS undertake an evaluation of the DLP, to establish clear measures to evaluate the utility of the DLP on partner relationships; to increase the level of awareness in the Regions actions taken based on the information they provided in their DLP reporting; and to convert the findings of the DLP into deliverables.
- SIRC believes that CSIS reporting could offer addition detail; in the interest of increasing the awareness of the veracity of the information reported in BRS, which is then used to populate CSIS reporting to clients, SIRC recommends that CSIS add an additional category to that of "law enforcement personnel".
- SIRC believes that if the Government of Canada wishes to implement a new strategic policy on National Security which implicates the work of CSIS – and which emphasizes the need for increased integration – they must take additional steps to connect those plans to the Service's policies and activities. Moreover, the Government would have to make its goals clear and explicit through the normal channels, e.g. via Ministerial Direction and National Requirements.