



NATIONAL SECURITY CRIMINAL INVESTIGATIONS

RCMP ACTIONS IN RESPONSE TO RECOMMENDATIONS¹
STEMMING FROM THE REPORT OF THE EVENTS RELATING
TO MAHER ARAR (O'CONNOR INQUIRY)

¹Note: Not all of the 23 recommendations were directed specifically at the RCMP





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RECOMMENDATION 1A

The RCMP should ensure that its activities in matters relating to national security are properly within its mandate as a law enforcement agency.

(a) The RCMP should take active steps to ensure that it stays within its mandate as a police force to perform the duties of peace officers in preventing and prosecuting crime. It should ensure that it respects the distinct role of CSIS in collecting and analyzing information and intelligence relating to threats to the security of Canada.

RCMP Response:

- > The RCMP and CSIS have adopted a Joint National Counter Terrorism Strategy, the goal of which is to promote a thorough understanding of the RCMP/CSIS mandates by those involved in national security activities, and advance mutual assistance and cooperation.
- > The RCMP has strengthened central control of the National Security (NS) Program, resulting in more diligent oversight of all NS criminal investigations, including monitoring of each investigation to ensure that the RCMP stays within its law enforcement mandate.
- > The RCMP and CSIS entered into a revised Memorandum of Understanding (MoU) in September 2006, outlining the respective roles of each organization in support of counter terrorism investigations and promoting joint training initiatives and other means of providing mutual support consistent with respective mandates.
- > The RCMP has redesigned its National Security (NS) Criminal Investigators Course, placing increased emphasis on the differences between RCMP/CSIS mandates.
- > A Common Framework for National Security has been adopted by the Canadian Association of Chiefs of Police (CACF) to better outline the complementary, but distinct roles of all members of the law enforcement and security and intelligence community.

RECOMMENDATION 1B

(b) The RCMP should continue to develop its capacity for intelligence led policing while ensuring that it remains within its law enforcement mandate.

RCMP Response:

- > On October 1st, 2006, National Security Investigations (which later became known as National Security Criminal Investigations) separated from the Criminal Intelligence Directorate (CID) and became a stand alone program headed by an Assistant Commissioner. This separation recognizes the distinct nature of NS criminal investigations and the need for careful monitoring and oversight, including ensuring that the RCMP remains within its law enforcement mandate.
- > CSIS National Strategic Priorities on terrorism now inform the RCMP National Tactical NS Priorities, thereby ensuring that NS criminal investigations are aligned with intelligence developed by CSIS.

RECOMMENDATION 1C

(c) The RCMP should establish internal controls for all national security investigations to ensure that, when commencing and carrying out investigations and collecting information, it is properly within its law enforcement mandate to prevent, investigate and prosecute crimes.

RCMP Response:

- > The RCMP has strengthened central control of the National Security (NS) Program, resulting in more diligent oversight of all NS criminal investigations, including monitoring of each investigation to ensure that the RCMP stays within its law enforcement mandate. This new governance framework outlines the way in which central control of NS criminal investigations is exercised.
- > National Security Criminal Investigations (NSCI) developed a National Quality Assurance (QA) Review guide to be used by NS investigative units in its annual Unit Level QA processes, ensuring a structured monitoring process and providing assurances that all NS criminal investigations are conducted in compliance with RCMP policy and mandate.
- > In order to improve centralized oversight of all NS criminal investigations and major projects, the RCMP adopted a new secure records management system (SPROS), allowing centralized real time access of ongoing investigations, and is implementing a national secure electronic major case management (SeMCM) system in support of major projects.
- > NSCI employs Major Case Management (MCM) principles, the consistent application of which has proven to enhance the likelihood of success in criminal investigations. In early 2008, NSCI established the Office of Investigative Standards and Practices (OISP), an oversight section committed to propagating the consistent application of MCM principles in NS criminal investigations and which serves as an additional safeguard. The OISP conducts reviews of ongoing files in a fashion that complements ongoing day to day oversight by National Headquarters. In performing its oversight duties, OISP ensures that NS criminal investigations stay within the RCMP's law enforcement mandate. OISP communicates the results, including recommendations, of its assessments directly to the Assistant Commissioner of NSCI.

RECOMMENDATION 2A

The RCMP should continue to engage in integrated and co operative operations in national security investigations, but agreements or arrangements in this respect should be reduced to writing.

(a) The RCMP's integrated policing initiatives with other Canadian police forces are necessary and beneficial and should continue.

RCMP Response:

- > Integrated National Security Enforcement Teams (INSETs) are established in four major Canadian cities.
- > In August 2007, the Canadian Association of Chiefs of Police (CACP) adopted the Common Framework for National Security in recognition of the role and value added by Canadian police forces in investigating threats to national security.

RECOMMENDATION 2B

(b) While respecting their different mandates, the RCMP and CSIS should continue to co operate with one another and expand upon the ways in which they do so.

RCMP Response:

- > The RCMP and CSIS entered into a revised Memorandum of Understanding (MoU) in September 2006, outlining the respective roles of each organization in support of counter terrorism investigations and promoting joint training initiatives and other means of providing mutual support consistent with respective mandates.
- > RCMP National Tactical National Security Criminal Investigations (NSCI) Priorities are now informed by the CSIS National Strategic Priorities.
- > The RCMP (Division INSETs & NSESs) and CSIS (Regions) attend joint monthly meetings to engage in a de confliction process and identify investigations of mutual interest. INSETs & NSESs then forward their case inventories to HQ for review, including review of mandate.
- > The RCMP and CSIS developed two joint workshops allowing employees of each organization to share ideas, learn about each other's mandates, and expand upon ways in which they could work in a more cooperative and effective manner.
- > In addition to existing CSIS RCMP secondment agreements, an additional CSIS secondment has been identified to join the National Security Criminal Operations Branch (NSCOB) located at RCMP HQ, thereby expanding cooperation between the two organizations.
- > While respecting their different mandates, the RCMP and CSIS have expanded their cooperation in support of recent international investigations.

RECOMMENDATION 2C

(c) The RCMP should continue to adhere to and refine its policy of cooperating with other federal agencies or departments involved in national security investigations.

RCMP Response:

- > The INSETs include representatives of other federal departments and agencies (e.g. CSIS, CBSA, DOJ), as well as provincial and municipal police forces, for optimal management of NS criminal investigative activities and inter agency cooperation.
- > The RCMP and Communications Security Establishment Canada (CSEC) continue to work cooperatively and are expanding upon their existing relationship by way of a revised MoU.
- > The RCMP and CSIS entered into a revised MoU in September 2006, outlining the respective roles of each organization in support of counter terrorism investigations and expanding on the ways in which they cooperate, including joint training initiatives and other means of providing mutual support consistent with respective mandates.

RECOMMENDATION 2D

(d) The RCMP should continue to work co operatively with foreign agencies in pursuing its law enforcement mandate in national security investigations.

RCMP Response:

- > Cooperation with foreign partners is essential to investigating threats to national security. In pursuit of its law enforcement mandate, the RCMP continues to cooperate with both law enforcement agencies and security and intelligence agencies from other countries.
- > This cooperation is wide ranging. A few recent examples include: Winter 2008/09 visits to the US, UK, France, Germany, Switzerland and Austria by RCMP NS program leaders; the Spring 2009 assumption of the Chairmanship of the multi lateral Leadership in Counter Terrorism training program, and deepening operational cooperation in Southwest Asia and Africa.
- > Cooperation and information sharing with foreign law enforcement and security/ intelligence agencies is subject to central control and conducted by National Security Criminal Operations Branch (NSCOB) at national headquarters.
- > Information received from foreign security and intelligence agencies is received, reviewed and centrally controlled and disseminated by the Sensitive Information Handling Unit (SIHU) located at national headquarters.

RECOMMENDATION 2E

(e) The RCMP's agreements or arrangements with other entities in regard to integrated national security operations should be reduced to writing.

RCMP Response:

- > Agreements/arrangements, where appropriate, are reduced to writing and are approved by the Assistant Commissioner NSCI.
- > The MoU template is regularly reassessed to ensure compliance with NS policy and Ministerial Direction, such as the Ministerial Direction on National Security Related Arrangements and Cooperation issued in November of 2003.

RECOMMENDATION 3A

The RCMP should ensure that those involved in national security investigations are properly trained in the particular features of such investigations.

(a) Investigators in the national security field require all of the skills and expertise of investigators in other criminal investigations, but they should also be given training relating specifically to national security aspects.

RCMP Response:

- > The **NS Criminal Investigators Course** has been reviewed and redesigned and includes training in areas such as the Anti Terrorism Act, information sharing with domestic and foreign partners and within the RCMP, policy and procedure, anti terrorist financing, cultural diversity, privacy and human rights, and NS criminal investigative techniques.
 - > 07/08: 5 courses were delivered (132 candidates in total)
 - > 08/09: 6 courses were delivered (142 candidates in total)
 - > Total number of employees successfully completing the training during the 11 courses is: 274
- > The RCMP and CSIS developed the **Joint Operational Workshop**, allowing employees of each organization to share ideas, learn about each other's mandates, and expand upon ways in which they could work in a more cooperative and effective manner.
 - > 07/08 — 2 workshops were delivered (24 candidates in total)
 - > 08/09 — 2 workshops were delivered (22 candidates in total).
- > The **Cultural Awareness Orientation Workshop**
 - > 07/08 — 5 workshops were delivered (approx. 100 candidates in total)
 - > 08/09 — 1 workshop was delivered (approx. 20 candidates)
- > The RCMP and CSIS developed the Joint Strategic Workshop for Senior Management, the first of which was held in February 2009.
- > Pre incident Indicators (online) course is currently being developed by Learning & Development with the involvement of NSCI Subject Matter Experts.
- > Additional courses specific to NS criminal investigators: Tactical Use of the Internet Workshop and Terrorist Financing Investigator's Course.

RECOMMENDATION 3B

(b) The RCMP should ensure that the specific types of information at the basis of national security investigations are analysed with accuracy, precision and a sophisticated understanding of the context from which the information originates, with a view to developing intelligence that can lead to successful prevention and prosecution of a crime.

RCMP Response:

- > National Security Criminal Investigations (NSCI) has revised its policy to ensure that all information is accurate and precise when sharing information that describes persons or events.
- > Prior to dissemination, all information must be assessed for reliability, relevance and accuracy by:
 - > assessing the reliability of the information including an assessment of the information source;
 - > considering why another department/agency is requesting the information (need to know), the nature of the investigation and how the information might be used; and,
 - > making all best efforts to ensure that the information is accurate and precise when sharing information that describes facts or events.
- > Any doubt concerning the reliability or accuracy of the source or the information must be clearly communicated to the recipient.
- > A new governance framework has been implemented, outlining the way in which central control of NS criminal investigations is exercised. This involves a higher level of accountability when information is shared with foreign and domestic agencies.
- > The NSCI Office of Investigative Standards and Practices (OISP), established in early 2008, is an oversight section that reviews major case investigations and ensures that major case management principles are applied to NS criminal investigations. OISP, through its training initiatives (e.g. Critical Thinking Workshop) and oversight duties, promotes and reinforces critical thinking at all stages of an investigation.

RECOMMENDATION 3C

(c) The RCMP's National Security Enforcement Course curriculum should be reviewed in the light of the findings and recommendations of the Inquiry. In future, training curricula should be reviewed periodically by the RCMP and by the proposed independent review body.

RCMP Response:

- > In light of the recommendations of Justice O'Connor's inquiry, the NS Enforcement Course was reviewed and revised and is now the NS Criminal Investigators Course. It includes training in areas such as the Anti Terrorism Act, information sharing with domestic and foreign partners and within the RCMP, policy and procedure, anti terrorist financing, cultural diversity, privacy and human rights and NS criminal investigative techniques.
- > The RCMP regularly evaluates its training and continues to develop its curriculum on social contexts, information sharing, training, and cultural sensitivity, ensuring that training in matters related to NS is relevant, timely and current.

RECOMMENDATION 3D

(d) Training for national security investigators should include a specific focus on practices for information sharing with the wide range of agencies and countries that may become involved in national security investigations.

RCMP Response:

- > The NS Criminal Investigators Course has been reviewed and redesigned and includes training in areas such as information sharing with domestic and foreign partners and within the RCMP, policy and procedure, privacy and human rights and cultural diversity.
- > The RCMP and CSIS have developed a Joint Operational Workshop for senior investigators and intelligence officers. Topics discussed include the differences between the organizations' respective mandates, differences between security intelligence and evidence, information sharing between organizations, and lawful authorities.

RECOMMENDATION 3E

(e) The RCMP should continue and expand upon its social context training, which is necessary to be able to conduct efficient investigations while ensuring fairness to individuals and communities.

RCMP Response:

- > The NS Criminal Investigators Course has been reviewed and redesigned and includes training in areas such as the Anti Terrorism Act, information sharing with domestic and foreign partners and within the RCMP, policy and procedure, anti terrorist financing, cultural diversity, privacy and human rights and NS criminal investigative techniques
- > RCMP analysts involved in NS criminal investigations also receive this training and contribute to the understanding of the context, nature and origin of national security related information.
- > The Cultural Awareness Orientation Workshop continues to be core training for NS employees.
 - > 07/08 — 5 workshops were delivered (approx. 100 candidates in total)
 - > 08/09 — 1 workshop was delivered (approx. 20 candidates)
- > The Canadian Muslim community was consulted in the development of the RCMP's cultural sensitivity training program. For example, since its creation in 2005, the National Capital Region (NCR) NS Community Advisory Committee has participated in several initiatives including: developing cultural awareness training modules on Islam, Muslims and Arab culture; presenting a Muslim/Arab cultural awareness course to approximately 300 RCMP members; providing input on the Bias Free Policing Strategy; supporting recruitment initiatives; providing feedback on issues such as grooming exemptions for Muslim cadets; and developing guidelines for NS investigators.

RECOMMENDATION 4

The RCMP should maintain its current approach to centralized oversight of national security investigations.

RCMP Response:

- > A Ministerial Direction, issued in November of 2003, requires that all NS investigations be centrally monitored by national headquarters. Since the release of Justice O'Connor's Part I report, the role of national headquarters has expanded. National Security Criminal Operations Branch (HQ) monitors and provides oversight to every NS file; provides guidance, tasking, and direction to the NS investigative units, particularly with respect to information sharing, sensitive sectors, NS related foreign travel and relations with foreign agencies; administers domestic and international partnerships; and, controls foreign information sharing. NS policy was reviewed and re drafted to ensure compliance with Justice O'Connor's recommendations, with emphasis on the recommendation that central oversight continue.
- > Since the release of Justice O'Connor's Part I report, the RCMP has strengthened its approach to centralized oversight of NS criminal investigations by adopting a governance framework for central control of NS criminal investigations, whereby accountability and responsibility for all aspects of the NS program, including NS criminal investigations, ultimately rest with the Assistant Commissioner NSCI.
- > The adoption of a new secure records management system (SPROS) allows centralized real time access to ongoing investigations by National Security Criminal Operations Branch and Senior Management.
- > In addition to SPROS, Secure Electronic Major Case Management (SeMCM) software is being deployed throughout the NS Program, including national headquarters, thus allowing centralized real time access to major investigations.
- > Receipt, review and dissemination of information received from foreign security/intelligence agencies is the responsibility of the Sensitive Information Handling Unit (SIHU) at national headquarters, thereby providing central control and oversight of security intelligence.
- > The governance of NS criminal investigations — namely, central control — is a significant departure from the traditional decentralized operational culture of the RCMP. Like any change in an organization's culture, implementation of central control has been a challenge at times, particularly with regions far from Headquarters such as British Columbia. Effective implementation of central control is based on the need to increase vigilance at all levels on NS criminal investigations. Ensuring this increased vigilance strikes the right balance between promoting investigative initiative in the field and strong real time oversight at Headquarters will continue to be a challenge for the RCMP.

RECOMMENDATION 5

The minister responsible for the RCMP should continue to issue ministerial directives to provide policy guidance to the RCMP in national security investigations, given the potential implications of such investigations.

RCMP Response:

- > The RCMP is committed to implementing ministerial directives as policy guidance with respect to NS criminal investigations.

RECOMMENDATION 6

The RCMP should maintain its policy of sharing information obtained in the course of national security investigations with other agencies and police departments, both domestic and foreign, in accordance with the principles discussed in these recommendations.

RCMP Response:

- > The RCMP continues to share information obtained in the course of NS criminal investigations with domestic and foreign partners in accordance with the principles discussed in Justice O'Connor's Part I recommendations.
- > The RCMP reviewed and redrafted its NS related policy to ensure compliance with the recommendations and with Ministerial Directives in matters relating to information sharing with domestic and foreign law enforcement, with foreign security/intelligence agencies, and with other agencies involved in national security.
- > NS policy includes requirements such as:
 - > information sharing with foreign law enforcement and with foreign security/intelligence agencies is centrally controlled and disseminated by National Security Criminal Operations Branch (NSCOB) located at national headquarters and is reviewed for relevance, reliability and accuracy;
 - > consideration be given prior to sharing information with countries with questionable human rights records;
 - > caveats be applied to all information shared with foreign and domestic agencies and within the RCMP at all times.

RECOMMENDATION 6 (CONT'D)

- > The revised NS Criminal Investigators Course, provided to all NS criminal investigators and analysts, emphasizes not only the benefits and need to share information with partners, but also the need for safeguards and the process by which information is shared, as per policy and Ministerial Direction. The course also covers the rationale for the policy and procedures dictating the sharing of information (e.g. rationale for central control & caveats).
- > Caveats are an integral part of any information shared with domestic and foreign partners and within the RCMP.
- > The RCMP continues to receive information from foreign security/intelligence agencies but it is now centrally controlled and disseminated by the Sensitive Information Handling Unit at national headquarters. This process ensures that information is handled appropriately during the course of a criminal investigation.
- > One example of the RCMP's commitment to maintain and improve its practice of proper information sharing was the February 2008 National Security and Police Conference jointly hosted by CSIS, the RCMP, and the Canadian Association of Chiefs of Police (CACP) Counter Terrorism and National Security (CTNS) Committee. This conference aimed to increase linkages amongst law enforcement criminal intelligence officers at all levels of domestic policing (municipal, provincial, federal) and increase proper national security related information sharing practices.

RECOMMENDATION 7

The RCMP's Criminal Intelligence Directorate (CID) or another centralized unit with expertise in national security investigations should have responsibility for oversight of information sharing related to national security with other domestic and foreign departments and agencies.

RCMP Response:

- > National Security Criminal Investigations (NSCI), the successor to CID and centrally located at national headquarters, has the responsibility for oversight of information sharing related to national security.
- > An integral component of NSCI is the Sensitive Information Handling Unit at national headquarters. Its mandate is to receive, review, centrally control and disseminate information from foreign security and intelligence agencies.
- > The new secure records management system (SPROS) provides centralized real time access to ongoing investigations, thereby significantly improving the ability of National Security Criminal Operations Branch and senior management to provide oversight of information sharing with domestic and international partners and direction when appropriate.
- > In addition to SPROS, Secure Electronic Major Case Management (SeMCM) software is being deployed throughout the NS Program, including National Headquarters, thus allowing centralized real time access to major investigations.
- > The revised NS Criminal Investigators Course, provided to all NS criminal investigators and analysts, emphasizes not only the benefits and need to share information with partners but also the need for safeguards and the process by which information is shared, as per policy and Ministerial Direction, and the rationale for the policy and procedures dictating the sharing of information.
- > MoUs and information sharing agreements with partners are reviewed by NSCI for compliance with RCMP policy on agreements, with Ministerial Direction, and with NS policy.
- > All information sharing agreements related to NS criminal investigations are approved by the Assistant Commissioner NSCI.

RECOMMENDATIONS 8A-C

The RCMP should ensure that, whenever it provides information to other departments and agencies, whether foreign and domestic, it does so in accordance with clearly established policies respecting screening for relevance, reliability and accuracy and with relevant laws respecting personal information and human rights.

(a) The RCMP should maintain its policy of screening information for relevance before sharing it.

RCMP Response:

- > The RCMP ensures that, whenever it provides information to other departments and agencies, whether foreign or domestic, it does so in accordance with clearly established policies respecting screening for relevance, reliability and accuracy. (OM 12.3.1)

(b) The RCMP should ensure that information provided to other countries is reliable and accurate and should amend its operational manual accordingly.

RCMP Response:

- > The revised NS policy stipulates that all information must be assessed for reliability, relevance and accuracy prior to dissemination and that before it is shared, the “need to know” and “right to know” principles must also be assessed.
- > Any doubt concerning the reliability or accuracy of the source or the information must be clearly communicated to the recipient.

(c) Information should also be screened by the RCMP for compliance with the applicable law concerning personal information before it is shared.

RCMP Response:

- > Information sharing conforms to all relevant laws respecting personal information and human rights (e.g. *Privacy Act*)

RECOMMENDATION 9A

The RCMP should never share information in a national security investigation without attaching written caveats in accordance with existing policy. The RCMP should review existing caveats to ensure that each precisely states which institutions are entitled to have access to the information subject to the caveat and what use the institution may make of that information. Caveats should also generally set out an efficient procedure for recipients to seek any changes to the permitted distribution and use of the information.

(a) The RCMP's current policy of requiring caveats on all documents being provided to other agencies is sound and should be strictly followed.

RCMP Response:

- > RCMP NS policy requires that all information relative to a NS criminal investigation is shared with appropriate caveats. This requirement and its rationale form part of the NSCI course.
- > Information sharing with foreign agencies is reviewed by National Security Criminal Operations Branch (NSCOB) located at national headquarters and approved by the Director National Security Criminal Operations Branch. Information sharing with provincial and municipal agencies is reviewed by the field investigator and approved by the Division CROPS Officer.

RECOMMENDATION 9B

(b) The RCMP should review the language of its existing caveats to ensure that it clearly communicates the desired restrictions on the use of information being shared. Caveats should clearly state who may use the information, what restrictions apply to that use, and whom to contact should the recipient party wish to modify those terms.

RCMP Response:

- > Existing caveats have been reviewed and rewritten to precisely state what use the institution may make of that information and what procedure to follow should the recipient seek changes to the permitted distribution and use of the information. (See pages 21-22)
- > Caveats were rewritten with consideration given to the category of the recipient (i.e. foreign agency; domestic agency; RCMP program other than NS Program). The use of caveats, rationale and policy are addressed during the NS Criminal Investigators Course.

Caveats:

All outgoing classified or national security related information that is shared with a **foreign department/agency** must include the following caveat:

This document is the property of the Royal Canadian Mounted Police (RCMP), National Security Program. It is loaned specifically to your department/agency in confidence and for internal use only. This document is not to be reclassified, copied, reproduced, used or further disseminated, in whole or part, without the consent of the originator. It is not to be used in affidavits, court proceedings or subpoenas or for any other legal or judicial purpose without the consent of the originator. If you are subject to freedom of information or other domestic laws which do not allow you to protect this information from disclosure, notify the RCMP National Security Program immediately and return the document. This caveat is an integral part of this document and must accompany any extracted information. Should the recipient wish to modify these terms, contact the OIC National Security Criminal Operations Branch, RCMP.

RECOMMENDATION 9B (CONT'D)

All classified and national security related information that is shared with a **domestic department/agency** must include the following caveat:

This document is the property of the Royal Canadian Mounted Police (RCMP), National Security Program. It is loaned specifically to your department/agency in confidence and for internal use only, and it is not to be reclassified, copied, reproduced, used or further disseminated, in whole or in part, without the consent of the originator. It is not to be used in affidavits, court proceedings, subpoenas or any other legal or judicial purpose without the consent of the originator. The handling and storing of this document must comply with handling and storage guidelines established by the Government of Canada for classified information. If your department/agency cannot apply these guidelines, please read and destroy this document. This caveat is an integral part of this document and must accompany any extracted information. For any enquiries concerning the information or the caveat, please contact the OIC National Security Criminal Operations Branch, RCMP.

All **internal correspondence** that contains national security related information must include the following caveat:

This document is the property of the Royal Canadian Mounted Police (RCMP), National Security Program. It is provided to your section/unit and should not be disseminated, in whole or in part, without the prior consent of the originator. This document will not be declassified without the written consent of the originator. This document may constitute "special operational information" as defined in the Security of Information Act. The handling and storing of this document must comply with handling and storage guidelines established by the Government of Canada for classified information. If you cannot apply these guidelines, please read and destroy this document. Failure to comply with this caveat will constitute a breach of RCMP policy and federal legislation. For any enquiries concerning the information, please contact the originator of the document.

RECOMMENDATION 10

The RCMP's information-sharing practices and arrangements should be subject to review by an independent, arms-length review body.

RCMP Response:

- > The RCMP's information sharing practices and arrangements are subject to review by the Commission for Public Complaints and by the Auditor General in accordance with their mandates.
- > The RCMP supports the concept of review of our national security activities and will work within whatever framework the Government adopts.

RECOMMENDATION 14

The RCMP and CSIS should review their policies governing the circumstances in which they supply information to foreign governments with questionable human rights records. Information should never be provided to a foreign country where there is a credible risk that it will cause or contribute to the use of torture.

Policies should include specific directions aimed at eliminating any possible Canadian complicity in torture, avoiding the risk of other human rights abuses and ensuring accountability.

RCMP Response:

- > The RCMP has reviewed and revised its policy governing the circumstances in which it supplies information to foreign governments with questionable human rights records.
- > Information sharing with foreign agencies is reviewed and approved by the Director of National Security Criminal Operations Branch (NSCOB). Information sharing with provincial and municipal agencies is reviewed and approved by the Division CROPS Officer, thereby ensuring increased vigilance at every level of the process.
- > The RCMP conducts analysis of the human rights record of a country with which it intends to share information. Analysis is based on DFAIT annual reports assessing the human rights record of that country. Reports from other human rights organizations may also be consulted.
- > The RCMP does not condone or support torture or other abuse of human rights. In assessing the implications of sharing information with a country with a questionable human rights record, every effort is made to ensure there is no appearance of support or condonation of torture or other abuse of human rights.
- > DFAIT is consulted regarding decisions to interact with a country with a questionable human rights record.
- > All decisions to interact with a country with a questionable human rights record will be documented, including the importance of supplying/receiving such information and the implications of doing so for Canada's human rights obligations.
- > When it is determined that a Canadian is being detained abroad in connection with a national security related investigation, National Security Criminal Operations Branch will immediately notify DFAIT.
- > The A/Commr NSCI must approve all sharing of information with a country for which credible information has been received about the possibility of torture.
- > Awareness and policy surrounding the sharing of information with countries with questionable human rights records forms an integral part of the NS Criminal Investigators Course.

RECOMMENDATION 15

Canadian agencies should accept information from countries with questionable human rights records only after proper consideration of human rights implications. Information received from countries with questionable human rights records should be identified as such and proper steps should be taken to assess its reliability.

RCMP Response:

- > The RCMP may accept information from countries with questionable human rights records but only after proper consideration of human rights implications.
- > Information received from countries with questionable human rights records is identified as such and assessed accordingly.
- > In assessing the human rights record of a country from whom the RCMP has received information, DFAIT annual reports assessing the human rights record of that country are consulted. Reports from other human rights organizations may also be consulted.
- > All decisions to interact with a country with a questionable human rights record will be documented, including the importance of supplying/receiving such information and the implications of doing so for Canada's human rights obligations.
- > Awareness and policy surrounding the sharing of information with countries with questionable human rights records forms an integral part of the NS Criminal Investigators Course.

RECOMMENDATION 19

Canadian agencies conducting national security investigations, including CSIS, the RCMP and the CBSA (CBSA), should have clear written policies stating that such investigations must not be based on racial, religious or ethnic profiling.

RCMP Response:

- > RCMP NS Policy states that all national security criminal investigations will comply with the requirements of the RCMP bias-free policing directives.
- > RCMP bias free policing directives (OM 38.2) state, in part, that:
“Bias-free policing means equitable treatment of all persons by all RCMP employees in the performance of their duties, in accordance with the law and without abusing their authority regardless of an individual’s race, national or ethnic origin, colour, religion, gender, sexual orientation, marital status, age, mental or physical disability, citizenship, family status, socioeconomic status, or a conviction for which a pardon has been granted.”

RECOMMENDATION 20

Canadian agencies involved in anti terrorism investigations, particularly the RCMP, CSIS and the CBSA, should continue and expand on the training given to members and staff on issues of racial, religious and ethnic profiling and on interaction with Canada's Muslim and Arab communities.

RCMP Response:

- > The RCMP continues and has expanded on the training given to employees on issues of racial, religious and ethnic profiling, on interaction with Canada's Muslim and Arab communities, on human rights issues, and on social contexts and cultural sensitivity.
- > In addition to the cultural awareness training provided on the NSCI Course, the Cultural Awareness Orientation Workshop continues to provide core training to NS employees.
 - > 07/08 — 5 workshops were delivered (approx. 100 candidates in total)
 - > 08/09 — 1 workshop was delivered (approx. 20 candidates)
- > The RCMP Outreach Program, at both the HQ and Division levels, has shown great success at building mutual trust and understanding between the Force and members of communities most affected by NS criminal operations. It remains a best practice but is delivered on an ad hoc basis.
- > Furthermore, the Canadian Muslim community was consulted in the development of the RCMP's cultural sensitivity training program. For example, since its creation in 2005, the National Capital Region (NCR) NS Community Advisory Committee has participated in several initiatives including: developing cultural awareness training modules on Islam, Muslims and Arab culture; presenting a Muslim/Arab cultural awareness course to approximately 300 RCMP members; providing input on the Bias Free Policing Strategy; supporting recruitment initiatives; providing feedback on issues such as grooming exemptions for Muslim cadets; and developing guidelines for NS investigators.

RECOMMENDATION 21A

Canadian agencies should have clear policies about the use of border lookouts.

(a) The RCMP and CSIS should develop guidelines governing the circumstances in which border lookouts may be requested both in Canada and in other countries.

RCMP Response:

- > The RCMP has developed clear policy governing the circumstances under which border lookouts may be requested. (OM 12.2.6)
- > National Security Criminal Operations Branch at national headquarters must approve requests for border lookouts in foreign countries and must be advised of all border lookouts sent to CBSA by the investigating units.
- > The requesting unit will review its border lookout requests on a regular basis to determine their relevance and requirement for continued use.
- > The requesting unit must also promptly modify or remove a lookout request to reflect any change of status of the individual or circumstances of the investigation.

