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2007-2008 Summative Evaluation Of the Measures to Combat Organized Crime Initiative Final Summary Report

Prepared for

Public Safety Canada
Department of Justice Canada
Royal Canadian Mounted Police
Correctional Service Canada

Prepared by

Government Consulting Services
Public Works and Government Services Canada
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Table of Contents

List of Acronyms 3

1 Introduction 4

1.1. Background 4

1.2. Evaluation Objectives 5

1.3. Overview of the RMAF 6

1.4. Methodology 7

1.5. Study Limitations 7

2 Conclusions and Recommendations 8

2.1. Relevance 8

2.2. Success 9

2.3. Cost-Effectiveness 14

2.4. Initiative Management 17

Appendix A: The MCOC Initiative Core Activities

Appendix B: List of RMAF and ERC Questions by Issue Area

Appendix C: The MCOC Initiative Logic Model

[*] - In accordance with the Privacy and Access to Information Acts, some information may have been severed from the original reports.

List of Acronyms

ACIIS	Automated Criminal Intelligence Information System
AMP	Akwesasne Mohawk Police Partnership
CenCis	Central Communication Intercept System
CFSEU	Combined Forces Special Enforcement Unit ¹
CISC	Criminal Intelligence Service Canada
CSC	Correctional Service Canada
DOJ	Department of Justice Canada ²
ERC	Expenditure Review Committee
FTE	Full-time equivalent
FPS	Federal Prosecution Service (see footnote 2)
FPT	Federal/Provincial/Territorial
HQ	Headquarters
IC	International Cooperation
IEWG	Interdepartmental Evaluation Working Group
IROC	Integrated Response to Organized Crime
MCOC	Measures to Combat Organized Crime
NCC	National Coordinating Committee
NCDB	National Crime Data Bank
ODPP	Office of the Director of Public Prosecutions (see footnote 2)
PCJ	Pipeline/Convoy/Jetway
PSI	Preventive Security and Intelligence
PS	Public Safety Canada
RCMP	Royal Canadian Mounted Police
RECOL	Reporting Economic Crime On-line
RMAF	Results-based Management and Accountability Framework
SIO	Security Intelligence Officer
SWP	Source Witness Protection
TBS	Treasury Board Secretariat
UC	Undercover Operations

Note: Naming conventions have also been used in this report to reference core activities funded under the MCOC Initiative. These can be found in Appendix A.

¹ During the writing of this report, the term CFSEU was changed to Integrated Organized Crime Investigative Unit; however, for clarity purposes, the term CFSEU has been used throughout this report.

² The Federal Prosecution Service was, during the period under review, the prosecution arm of the Department of Justice. During the finalization of this report, the FPS was reconstituted as the Office of the Director of Public Prosecutions, and continues the federal prosecution function, but as an independent department no longer part of the Department of Justice. Because this organizational change may impact on the implementation of a number of the recommendations contained in the Summary Report, and because it affects the understanding of a number of the resource issues addressed in both the Summary and the Technical Reports, references to the "FPS" should be understood as referring in the current environment to the ODPP. In cases where references to the "DOJ" refer to the prosecution function, efforts have been made to denote this by indicating "DOJ (now ODPP)". The ODPP is referred to as such in the recommendations as these are future oriented.

1 Introduction

Starting in April 2001, the Measures to Combat Organized Crime (MCOC) Initiative (hereafter referred to as the Initiative) received \$150 million in funding, spread over a five-year period, to implement or supplement a number of activities within four federal partner departments and agencies, as follows:

- Public Safety Canada (PS) (formerly the Department of the Solicitor General Canada),
- Royal Canadian Mounted Police (RCMP),
- Department of Justice Canada, and
- Correctional Service Canada (CSC).

Government Consulting Services (formerly part of Consulting and Audit Canada) conducted the Summative Evaluation on behalf of the Initiative partners and in conjunction with the Interdepartmental Evaluation Working Group (IEWG), chaired by PS, which included members from each partner department or agency.

The report is organized into two sections:

- Section 1 provides a brief: a) general background leading up to the Initiative; b) overview of the Initiative; c) description of the objectives; and d) the methodology for the evaluation.
- Section 2 provides the conclusions and recommendations organized by the issue areas of relevance, success, cost effectiveness and management of the Initiative (i.e., design and delivery).

It should be noted that this summary report is based on the full technical report, *Summative Evaluation of the Measures to Combat Organized Crime Initiative*, February 2007.

1.1. Background

Organized crime can encompass a range of criminal activities including trafficking and smuggling of drugs, people, contraband and counterfeit material; various kinds of economic, market and high-tech fraud; money laundering; corruption; and intimidation. Organized crime includes traditional groups, outlaw motorcycle gangs and various emerging groups such as Asian organized crime groups and East European organized crime groups. No single organized crime group is dominant in Canada. There are, however, three major criminal hubs in the cities of Vancouver, Toronto and Montreal. There are approximately 600 organized crime groups that have been profiled in Canada, 400 of which are 'independent' groups.

Bill C-24, *An Act to amend the Criminal Code (organized crime and law enforcement)*, S.C. 2001, c.32, received Royal Assent on December 18, 2001 and came into force in 2002. Bill C-24 simplified the definition of "criminal organization." The amended definition (as contained in Bill

C-24) reduced the number of people required to constitute a criminal organization from five to three. This brought Canadian legislation into line with the prevailing international definition contained in the United Nations *Convention against Transnational Organized Crime*, to which Canada is a party.

Bill C-24 also amended the offence of participation in a criminal organization and created two additional offences targeted specifically at criminal organizations. In addition, Bill C-24 created a new offence of intimidation of a justice system participant; extended the application of the proceeds of crime and offence-related property provisions; created a limited Law Enforcement Justification³ scheme; and allowed for extended wiretap provisions.

In April 2001, the Minister of Justice and Attorney General of Canada and the Solicitor General of Canada announced new funding and new measures to combat organized crime, reinforcing the government's commitment to address this problem. This resulted in the Measures to Combat Organized Crime Initiative which comprises activities related to implementing provisions of Bill C-24, as well as several activities related to investigation, enforcement and prosecution. A total of \$150M was designated for the Initiative over five years beginning in 2001, and \$30M annually thereafter. The table below shows the allocation of Initiative funding and proposed new full-time equivalents (FTEs) by department or agency.⁴

Department or Agency	Amount of Funding¹	New FTEs
RCMP	\$82.75M	42
DOJ	\$52.15M	105.5
PS	\$7.34M	5
CSC	\$2.50M	4

In reference to Table 1, it should be noted that the amount of funding shown represents both salary and operating and maintenance (O+M) funding. For the RCMP, this amount included funding for a number of core activities related to training/training support and infrastructure/equipment (as outlined in Appendix A of this report).

1.2. Evaluation Objectives

As this is a Summative Evaluation, the focus of this report is on the success of the Initiative related to its desired outcomes identified in the Results-based Management and Accountability Framework (RMAF). It also seeks answer to the seven Treasury Board Secretariat (TBS) Expenditure Review Committee (ERC) questions, as shown in Appendix B.

³ New Law Enforcement Justifications were provided under sections 25.1-25.4 of the *Criminal Code*. These provisions provide enforcement officers and other persons acting at their direction with circumscribed protection from criminal liability for certain otherwise illegal acts committed in the course of an investigation or enforcement of an Act of Parliament.

⁴ The actual amount transferred to departments is 87% of the identified funds since 13% is retained centrally for accommodation costs for new salary resources.

In essence, the objective of the Summative Evaluation is to assess (based on the scope of the Initiative) what impact the Initiative has had since its inception in April 2001. Specifically, the objective of this study was to evaluate the Initiative in terms of the following issues:

- continued relevance of the Initiative
- success that has been achieved against the key desired outcomes which are as follows:
 - Enhanced ability to investigate/prosecute organized crime offences/groups
 - Increased knowledge and understanding of organized crime issues/tools
 - Improved detection/targeting of organized crime offences/groups
 - Enhanced partnerships (desired outcome not illustrated on the logic model)
 - Effective investigations (national/international)
 - Improved case preparation
 - Effective prosecutions
 - Disrupt, dismantle, deter and incapacitate criminal organizations
 - Enhance public safety and security from organized crime
- cost effectiveness and alternatives
- design and delivery (or management of the Initiative)

1.3. Overview of the RMAF

An RMAF has been in place for the Initiative since its inception. In September 2005, the RMAF was updated through consultation with the four partner departments and agencies, and the updated version was submitted to TBS in late 2005.

There are three overarching components of the RMAF, which are: (1) Legislation/Policy/Research; (2) Investigation/Enforcement; and (3) Prosecution. Each of the four partner departments or agencies has been funded to undertake specific core activities that contribute to the RMAF components. PS was funded for activities related to Initiative oversight, research, information sessions and the establishment of the Akwesasne Partnership Initiative, that involved enhancing the capacity of the Akwesasne Mohawk Police (AMP) to partner with other law enforcement agencies to combat organized crime and cross border criminality. DOJ (now ODPP) was funded to provide more FTEs related to prosecution activities, and DOJ was funded to provide international assistance and research. RCMP received funding in the areas of training, infrastructure and intelligence. In many cases, particularly within the RCMP, these activities were enhancements to existing activities or infrastructure. In CSC, new funding was provided for training and to create a central intelligence unit.

A summary of the relationships between the RMAF components and the core activities is found in Appendix A. The MCOC Initiative logic model, connecting activities to the desired outcomes, can be found at Appendix C.

1.4. Methodology

This evaluation was conducted between the third quarter of fiscal year 2005/06 and the first quarter of 2006/07. The methodology was guided by the RMAF and the indicators, methodologies and data sources prescribed therein. The evaluation addresses the 15 evaluation questions set out in the RMAF and the seven TBS ERC questions. In several cases, since the RMAF questions and the ERC questions were very similar, they were combined. Appendix B summarizes and combines these questions by issue area.

The evaluation methodology consisted of four lines of inquiry as follows:

- document review,
- analysis of quantitative and financial information,
- case studies including a total of 10 cases, five of which were pre-MCOC Initiative cases and five which were post-MCOC cases, and
- interviews with a total 106 personnel from both headquarters and the field

1.5. Study Limitations

Several limitations are noteworthy with respect to this study and should be kept in mind when reading this report. These limitations are listed below with further detail contained in the full technical report.

1. Attribution was difficult because of other anti-organized crime initiatives and the dispersed nature of the MCOC Initiative, and because many of the core activities that comprise the Initiative actually support enhancements to existing activities and infrastructure.
2. Support from quantitative data is weak. Of the approximately 20 indicators outlined in the RMAF, matching data was received on only five of these.
3. The MCOC Initiative partners use a different operational definition of criminal organization (sometimes referred to as gangs) and/or organized crime groups. This may lead to inaccuracies in both qualitative and quantitative data since data may not be collected based on the same operational definition.
4. There are methodological limitations in the case studies because an equal comparison between pre-MCOC Initiative cases and post-MCOC Initiative cases proved to be rather difficult.

Although not specifically a limitation of this study, it should be noted that funding levels for the MCOC Initiative were reduced to less than 25% of the funding that was originally envisioned/requested, but the expected results from the Initiative remained unchanged. As such, the ability of the Initiative to demonstrate impacts down the results chain may have been

hampered, and this is an important consideration when managing expectations for the results of the MCOC Initiative.

Also, although the evaluators have made a concerted effort to distinguish between the ODPP and DOJ in this report, the report may include instances where the two could not be clearly delineated. In these instances, the management response will provide further clarification.

2 Conclusions and Recommendations

The conclusions drawn in this report are based on the evidence gathered during the study from the four lines of inquiry. Since quantitative data was limited, the conclusions are weighted heavily on interviewee perceptions. Conclusions were drawn where there was strong consensus among most interviewees; where there was a strong agreement between interviewee groups (e.g., HQ and Field, or DOJ and RCMP) and/or where interviewees cited examples of evidence to support their responses. In addition, to the fullest extent possible, interviewee perceptions were corroborated through additional support from other lines of inquiry.

Recommendations provided herein are related to the conclusions presented. After each recommendation, a bracketed reference is included indicating to which partner the recommendations are directed.

2.1. Relevance

The issue area of Relevance explored questions related to whether or not an anti-organized crime initiative, such as the MCOC Initiative, continues to serve the public interest and remains a government priority; what threat organized crime poses to Canadian society; and what the appropriate role of government is, at all levels, in addressing the issue.

Conclusions

In general, the MCOC Initiative continues to serve the public interest since organized crime is a serious public safety threat and persistent problem in Canada. Fighting organized crime remains a federal priority, and the need for Government of Canada support in this area remains high.

In terms of an appropriate role for government, a federally-led initiative, to conduct anti-organized crime activities such as those funded under the MCOC Initiative, remains as relevant today as it was in 2001. Furthermore, there are important partnership roles to be played by provincial/territorial as well as municipal levels of government. Finally, the private sector does have a role to play in combating organized crime as some private sector organizations have been engaged through awareness training provided by the Pipeline/ Convoy/ Jetway (PCJ)⁵ core activity.

⁵ Operation Pipeline/ Convoy/ Jetway enhances police officers' and other training recipients' observational, conversational, and investigative skills, heightening their ability to detect the abnormal activity of travellers, and take action. It targets the apprehension of contraband and travelling criminals from passenger vehicles, commercial

2.2. Success

The issue area of Success explored the degree to which the desired outcomes of the MCOI Initiative have been achieved. Unintended impacts of the MCOI Initiative were also explored in this section.

ENHANCED ABILITY (TO INVESTIGATE AND PROSECUTE)

Conclusions

Changes made to Canada's criminal laws through Bill C-24 are providing an improved ability to investigate and prosecute organized criminal activity as: a) prosecutors are using the organized crime provisions in plea bargain negotiations; and b) investigators are using the new provisions to structure their investigations and to lay the foundation for their wiretap orders. The Law Enforcement Justification scheme is one the most useful tools.

There are areas where the new legislation is not working as intended. Fear of Charter challenges remains a potential deterrent to actually laying criminal organization charges related to section 467.11 to section 467.13 of the *Criminal Code*; therefore, many prosecutors are still laying charges under more traditional sections of the *Criminal Code* and of the *Controlled Drugs and Substances Act*. On this point, prosecutors believe that the sentence lengths criminals receive, using the more traditional charges, are comparable to those that would be given to criminals if they were prosecuted using the new criminal organization charges. The extended wiretap provision is not serving its intended purpose due to issues relating to the need to expand the orders so as to include new targets during an investigation, and with timing the coordination for the renewal of the wiretap applications.

Recommendations

- 1. The new criminal organization offences may require time to work their way through the Canadian justice system in order to fully understand their use and any actual Charter risks. However, sharing success stories around the use of the new in both schedules A and B, offences related to criminal organizations may reduce the intimidating nature of the provisions. Thus, DOJ and ODPP should seek ways to improve communication around the use of the criminal organization provisions, keep open lines of communication, and remain observant regarding successes and challenges related specifically to the definition of criminal organization provision. (DOJ and ODPP)*
- 2. Since the extended wiretap provisions have not had the intended effect, DOJ should review this provision and consider potential revisions in order to alleviate identified problems. (DOJ)*

vehicles, as well as air travellers, bus, train, mail and freight forwarding companies. This core activity provided increased training capacity and improved national co-ordination.

INCREASED KNOWLEDGE AND UNDERSTANDING

Conclusions

Knowledge and understanding of organized crime issues and tools have increased across all departments and agencies at the Field and HQ level. This can be considered one of the highest areas of success of the MCOC Initiative. Participation in working groups, networking and training (such as Undercover training, Bill C-24 training, and intelligence training for SIOs) has contributed to improved knowledge and understanding. Close to 90% of those interviewed responded that there has been an improvement in their knowledge and understanding of organized crime issues and tools. Having stated this, there are some gaps in the area of increased knowledge and understanding related to the research function. Specific areas of research that require strengthening include: conducting research on the impacts of organized crime, building data and analytical capacity to serve both the research and evaluation function, and communication of research results to stakeholders.

- 3. There is a need for continued improvement in knowledge and understanding through a strengthened research function. As such, PS and DOJ should place a higher priority on the MCOC Initiative funded research activities. (PS/ DOJ)*

IMPROVED DETECTION AND TARGETING

Conclusions

As a result of the Initiative, there has been an improvement in detection and targeting of organized criminal offences and organizations. Initiative activities that have contributed to this improvement include: increased partnering activities (such as Field level DOJ (now ODPP)/RCMP partnerships); International Cooperation; and input from municipal police partners. CISC National and Provincial Threat Assessments (using the SLEIPNIR methodology) have also assisted in this area. As well, within CSC, detection and targeting of organized crime groups within the institutions have improved through intelligence training; however, further improvements could be made if the I2 software, or other means of sharing information over a secure network, was fully operational.

Recommendations

- 4. CSC's role in detecting and targeting should be enhanced through the implementation and use of a secure network in order to partner with departments and within its own organization, allowing intelligence to be better shared. This might be accomplished by making the I2 software operational or by other appropriate software that fulfills information sharing requirements. CSC will likely need to seek additional funding for this activity. (CSC)*

ENHANCED PARTNERSHIPS

Conclusions

The greatest partnership improvement among Initiative partners was between RCMP and DOJ (including what is now ODPP) at both the management level (as evidenced by coordinated strategic planning) and at the operational level (as exemplified by involvement in pre-charge advice and disclosure assistance). This can be attributed to the overall spirit of the MCOC Initiative and the increased visibility that the Initiative has brought to the issue of organized crime. However, it should be noted that the level of sophistication of the partnerships varies across the regions due to resource variances at the DOJ (now ODPP) Field level.

Partnering with CSC is in the formative stages, but is regarded as being valuable and in need of enhancement. For example, although MCOC Initiative funding has been used to deliver information sessions to various law enforcement agencies throughout Canada, it is still not within the operational reflex of investigators to consider CSC as part of the investigative solution.

There is also more partnering with stakeholders at the federal, provincial and municipal levels. In addition, relationships have formed with relevant international stakeholders and stakeholders in the private sector.

It should be noted that, although partnerships with external partners have been enhanced over the last five years, the degree to which this is attributable to the MCOC Initiative is somewhat difficult to ascertain. Private sector partnerships have been realized through training provided by PCJ; however, potential to increase relationships with the private sector has not been fully realized due to resource constraints and the focus on enforcement priorities.

Recommendations

5. *It is recommended that partnerships with CSC be improved to take greater advantage of the information and intelligence that can be provided by CSC. Enhanced partnering between CSC and the RCMP could be accomplished through the establishment of linkages between CSC and Combined Forces Special Enforcement Units (CFSEU), as is operationally appropriate. (CSC/RCMP)*
6. *Further partnering between CSC and DOJ (now ODPP) must be assessed to understand what benefit can be realized by CSC involvement at the prosecution and sentencing phase. Discussions should be held between the CSC Preventative Security Intelligence Unit (PSI) and DOJ (now ODPP) in order to initiate this activity. (CSC/ ODPP)*
7. *The RCMP should assess the value of adding additional resources to PCJ activities in order to enhance the contribution to be made by the private sector through increased awareness of criminal activity. (RCMP)*

EFFECTIVE INVESTIGATIONS

Conclusions

Investigations have been made more effective by several MCOC enhancements, including learning activities, and the integration of intelligence sharing among many departments, agencies and international police agencies. The production of the CISC National and Provincial Threat Assessments and infrastructure improvements such as CenCis, RECOL and the related FTEs established to enhance the Phonebusters National Call Centre, have all assisted in improving organized crime investigations. In addition, due to changes in information sharing, CSC is sometimes able to contribute to investigations because of a two-way flow of intelligence between CSC and their police partners.

Furthermore, in those instances where DOJ (now ODPP) is able to provide an advisory role (particularly with dedicated Crown counsel), the MCOC Initiative has made investigations more effective. The impact on investigations of this new culture of partnership, brought about by the MCOC Initiative, has led to: better investigative decision-making; fewer investigative errors; more focused investigations; and DOJ (now ODPP) and RCMP working together to set investigative priorities. However, in many instances, DOJ (now ODPP) has not been able to provide the human resources to meet the demand.

IMPROVED CASE PREPARATION AND EFFECTIVE PROSECUTIONS

Conclusions

Case preparation and prosecution are somewhat more effective as a result of the MCOC Initiative. There has been a significant improvement in cases where there is early and continuing DOJ (now ODPP) involvement. In these instances, cases are better organized and managed, and disclosure can be ready when the charges are laid. It is important to note that this is partially attributable to factors not funded by the MCOC Initiative, such as electronic disclosure and major case-management techniques.

DOJ (now ODPP) does not have the resources to prosecute all of the organized crime cases that have been identified by both RCMP and non-RCMP investigators. As such, there is a need to balance the resource demands of the investigative side with the resources available on the prosecutorial side. In addition, the continuing huge burden of disclosure, and the opportunity cost of removing investigators from investigation activities while disclosure is being prepared negatively hampers anti-organized crime efforts.

In terms of other MCOC Initiative core activities, CenCis has provided advantages to case preparation by reducing the time required to provide wiretap information because the information is digital and easily searchable. In addition, there is now general acceptance by DOJ (now ODPP) and the courts that PCJ techniques are valid; because case law related to PCJ has developed sufficiently, 95% of the accused from PCJ detections are pleading guilty.

Recommendations

8. *A review of DOJ (now ODPP) Field resource levels should be undertaken in order to determine an appropriate level that will adequately maintain organized crime prosecution capacity. This should be done bearing in mind the increased investment (through Federal, Provincial and Municipal investments) and investigative targets being set by the integrated investigation teams. Depending on the results of this review, DOJ (now ODPP) may need to seek additional funding to maintain adequate capacity. (ODPP)*
9. *DOJ (now ODPP) and RCMP should work together to explore potential options for making the process of disclosure more efficient and less time consuming for both parties. (ODPP/RCMP)*

DISRUPTION OF ORGANIZED CRIME AND ENHANCEMENT OF PUBLIC SAFETY

Conclusions

In terms of achieving ultimate outcomes, the RCMP disrupted more organized crime groups in 2004-05, than it did in 2003-04, and DOJ (now ODPP) handled four times as many organized crime cases in 2004 as they did in 2000. Some overall examples of the level of disruption that has taken place related to organized crime are provided in the RCMP Departmental Performance Report from 2004-05 which states that 46 “other” organized crime groups were disrupted; 570 Marijuana Grow Operations were dismantled; 36 clandestine labs were shut down; an increase of 514% was seen in the seizure of cartons of smuggled cigarettes; and \$3.4M in counterfeit Canadian currency was seized.⁶

In addition, the PCJ statistics provided in the following table are partially attributable to the MCOC Initiative because: a) funding for the PCJ coordinators and training packages were provided under this core activity; but b) not every seizure necessarily involves organized crime.

PCJ Seizure Statistics: 2001 to 2004 ⁷					
Seizures	Time Period			Totals	
	2001 and 2002	2003	2004		
Marijuana	2328.6	7807.5	6591.1	16,727.2	kgs
Cash Seized	\$3,839,665	\$5,954,307	\$15,733,237	\$25,527,209	\$CDN
Cocaine	693.1	760.8	1529.14	2,983.0	kgs
Ecstasy	266327	598652	462807	1,327,786	pills

⁶ These results were reported against the RCMP BSC key performance measure: “number of other OC groups disrupted” (other: this refers to all other OC groups which are not included in the National Enforcement and Intelligence priorities).

⁷ PCJ Global Total report (2001 to present): Note: Many seizures below the reportable threshold are never reported, and therefore are not contained in these seizure statistics. Many reportable seizures are still not reported to the national program coordinators office. If all seizures were reported, the accurate value to seizures would be even higher than the values reflected in this report.

PCJ Seizure Statistics: 2001 to 2004 ⁷					
Seizures	Time Period			Totals	
	2001 and 2002	2003	2004		
Psilocybin	48.9	5.94	33.61	88.45	kgs
Hashish	31.3	142.8	23.3	197.4	kgs
Liquid Cannabis	11.1	97.6	41.09	149.79	kgs
Heroin	0	0	61.39	61.39	kgs
Methamphetamine	0	0	35.81	35.81	kgs
Tobacco	0	0	7091.9	7091.9	kgs

Also, for 2002 and 2003, the AMP core activity provided a summary of charges laid and seizures undertaken. Between January 2002 and April 2003, 85 charges were laid, \$380,000 in cash was seized, and 148 kgs of marijuana was seized. ⁸ These are partially attributable to the MCOC Initiative since the AMP works in partnership with local JFOs.

From the information provided, it is clear that disruption of organized crime activity is occurring among MCOC Initiative partner organizations, and in some cases, has increased since 2001 when the MCOC Initiative was implemented. In all instances, the information is only partially attributable to the MCOC Initiative; however, some of the examples are more closely associated with the MCOC Initiative because the disruption is associated with the funded activities. Thus the MCOC Initiative overall has likely been a contributor to the trend in increased disruption activity.

2.3. Cost-Effectiveness

Cost-effectiveness explores issues regarding the effectiveness and efficiency of the Initiative and how these aspects could be improved; whether Canadians are receiving value for their tax dollars; and whether the MCOC Initiative activities are affordable.

It should be noted that, in order to answer cost-effectiveness questions related to this Initiative, several challenges were presented. One difficulty was presented by attempting to isolate the effectiveness of the MCOC Initiative itself from the effectiveness of other anti-organized crime initiatives at both the federal and provincial levels. Therefore, the costs related to the MCOC Initiative of achieving any successes could not be separated from the costs associated with these other initiatives. Furthermore, although the costs of the MCOC Initiative can be quantified, many core activities were implemented at the HQ level, with desired impacts at the Field level; therefore, the cost attribution of a particular activity to particular effects in the Field was not possible.

⁸ It should be noted that although this seizure data is not specifically “flagged” as organized crime data, given the geographic location of the AMP in the Cornwall area and the amount of organized criminal activity in the area, it is likely that much of the data is attributable to organized criminal activity.

EFFECTIVENESS AND ALTERNATIVE APPROACHES

Conclusions

In order to make the MCOI Initiative more effective, it appears that an appropriate balance needs to be struck among the “three lifecycle phases” (investigation, prosecution, corrections) of the Initiative. Currently, the lifecycle is rather weighted on the investigational phase, which poses resource and operational challenges to the remaining components.

From a whole-of-government perspective, a federally-led anti-organized crime initiative remains as appropriate today as it was in 2001, when the MCOI Initiative was implemented. In terms of roles, involvement of provincial and municipal partners in investigations has already been undertaken, and as large a role as possible has been provided to the private sector. Therefore, opportunities for alternatives lie within the Initiative itself or through a combination of other anti-organized crime initiatives.

Recommendations

[*]

EFFICIENCY

Conclusions

In terms of overall efficiency, on the prosecutorial side, the average time spent by prosecutors per case appears to be decreasing. However, in the absence of comparable data from other comparable jurisdictions or countries, and data on completed cases, it cannot fully determined if these cases are being conducted as efficiently as they might be.

Early and continued involvement of the same prosecutor during the life of an investigation is key to the case’s efficiency; that is, because of the complexity of the files, repeated changes in prosecutors negatively affects efficiency.

VALUE FOR MONEY

Conclusions

Without valid comparables or benchmarks, it cannot be fully determined if value for money is being provided by the MCOI Initiative overall. It can be stated, however, that within some core activities, value for money seems to be increasing over the past five years. For example, from the seizure statistics on cash, one can determine that for every dollar spent on PCJ in 2001-2002, approximately \$10 in cash was seized; in 2004, for every dollar spent on PCJ, \$40 cash was

taken out of the hands of criminals. For every dollar spent on the AMP core activity during a single year, \$0.76 in cash was seized. It should be noted that a full assessment was not possible because no data was provided on the value of other contraband that was seized through these core activities. If these values were provided, the value amounts of seizures would increase substantially, also increasing the value per dollar spent.

Case study participants believe that value for money is being provided. In the post-MCOC Initiative cases, participants indicated that the costs of the investigation were appropriate for the results achieved, and, in terms of the prosecution, there were early guilty pleas due to well prepared disclosure which lowered overall costs. One group of participants indicated that an estimated one million dollars in court costs was saved; while another said that the prosecution period was reduced to six months rather than two to three years because of the early guilty pleas. Thus, the MCOC Initiative has likely been a contributor to better value for the money in some areas. For example, better value for money is achieved when DOJ (now ODPP) is involved early (following the MCOC Initiative model); however, because case study participants could not accurately quantify the total costs of the case, this conclusion cannot be fully substantiated in numeric terms.

Recommendations

- 10. As part of its research activities, PS, DOJ, and ODPP should explore means of identifying benchmarks that can be used to assess value for money. (PS/DOJ/ODPP)*

AFFORDABILITY

Conclusions

In terms of affordability, given the fact that only about 30% of known criminal groups are being actively investigated, combined with comments from interviewees that they are overwhelmed, it appears that the fight against organized crime is almost unending. Given the magnitude of the problem, one could argue that the \$30M per year provided by the MCOC Initiative is entirely affordable, though quite inadequate.

Within the MCOC Initiative, action taken to manage spending pressures has included the SLEIPNIR methodology, which is a tool that prioritizes known organized crime targets. In addition, investigators are now working with prosecutors in order to charge a manageable number of targets for each organized crime case. However, as mentioned previously, the number of cases is often too high for DOJ (now ODPP) to process.

There are limited opportunities to shift funding allocations within the Initiative itself. For example, money provided to PS's Legislative Consultation core activity could be shifted to provide NCC secretariat and research functions within PS. DOJ training activities could potentially be shifted to field resources (at the ODPP) if training activities related to Bill C-24 are now complete. If RCMP infrastructure improvements have been completed, or training packages delivered and there is no ongoing need, these funds could be shifted to areas of need

such as Diamond Profiling, CISC, or continuing support for activities related to wiretap such as CenCis. Within CSC, funding has been inadequate and there is no room to shift resources.

Recommendations

- 11. It is recommended that, with respect to reallocation of funding within the partner departments, there be an exploration of the following limited opportunities:*
- a. funding provided to PS for the Legislative Consultation core activity could be shifted to support NCC secretariat and research functions. (PS)*
 - b. DOJ training activities could potentially be shifted to field resources (at the ODPP), if training activities related to Bill C-24 are now complete. (DOJ/ODPP)*
 - c. if RCMP infrastructure improvements have been completed or training packages delivered, and there is no ongoing need, these funds could be shifted to areas of need such as Diamond Profiling, CISC or continuing support for activities related to wiretap such as CenCis. (RCMP)*

2.4. Initiative Management

The issue of Initiative Management (or Design and Delivery) included exploration of whether or not all the core activities of the MCOC Initiative have been implemented; how well the Initiative has been managed and whether sufficient resources are available to meet the objectives.

IMPLEMENTATION AND MANAGEMENT

Conclusions

Of the 23 core activities of the Initiative, 19 have been fully implemented and the other four have been partially implemented. The list of partially implemented core activities and their status is as follows:

- **Source Witness Protection (RCMP):** SWP will be implemented in the near future. Training packages were expected by March 2006. This core activity was delayed because of shifts in training requirements due to the terrorist events of September 11, 2001.
- **Legislative Consultation (PS):** This core activity, which included the update of sentencing handbooks and education sessions, will not be implemented as planned. That is, there are no education sessions planned, therefore funding has been shifted to research activities within the Corrections Directorate at PS.
- **Diamond Profiling (RCMP):** This core activity continues to be implemented as planned. Diamond Profiling was expected to have a long implementation time frame as it is an emerging technology. Resourcing issues around the entry of samples into the database are hampering the speed of activities.

- **CISC Enhancements (RCMP):** Because of major shifts in this core activity, we have shown this activity as partially implemented.

Interviewees were generally positive regarding overall Initiative management, but offered some suggestions for improvement. These suggestions included: the requirement that the Initiative be better supported through the three lifecycle phases (investigation, prosecution and corrections); the need to increase CSC resources to enable full participation in their intelligence role for organized crime; and increased resources to support data bases and performance information.

Recommendations

12. In terms of measuring performance related to the Initiative, only 20% of the quantitative data was available for the Summative Evaluation, and the level of effort required by staff in each partner department/ agency to respond to evaluation requirements was extensive. Consideration should be given to providing an appropriate level of human resources to support the maintenance of databases for both intelligence activities and for the provision of performance information. (all partners)

13. In relation the provision of performance information, it is noteworthy that departments and agencies have different operational definitions of “organized crime”, which has been stated as a limitation of this study. Therefore, partners should explore the development of a common operational definition, to assist when providing performance information related to the Initiative in order to improve consistency of information. (all partners)

SUFFICIENCY OF RESOURCES

Conclusions

Generally, resources have been adequate to implement most of the Initiative components. However, there are some outlying issues. For example, the downstream effects of putting more police in place (even beyond federal government investment) have not been considered. Although there has been an increase in the number of provincial investigators, there has been no corresponding increase in the number of federal prosecutors.

Other exceptions to adequate funding levels were noted by CSC and CISC where funding shortfalls have been quantified; however, it is not clear of these activities are related to the MCOC Initiative or to combating organized crime in general. At CSC, HQ interviewees indicated that they have implemented as many activities as possible with the \$500,000 in annual funding, but they require additional funds to advance their intelligence activities. For example, SIOs do not have time to gather the information that would be beneficial to combat organized crime because they are responsible for organized crime and day-to-day inmate population management. CSC estimates that the funding requirements are in the magnitude of \$16M per

year (or \$80M over five years). Within CISC, there have been major shifts in the planned activities related to the MCOC Initiative, resulting in a funding shortfall of \$3.9M.

In terms of financial management, spending of the Initiative partners was within acceptable limits over the last four years (although the analysis for PS could only be conducted for the last three years⁹). However some issues should be noted. According to the financial information, DOJ (now ODPP) core activities received about 20% less funding than profiled in the approved MCOC Initiative design mainly due to budget cuts across the department.

Recommendations

- 14. Initiative partners should determine the level of additional funding that is required by the three areas of the Initiative that identified the greatest need. These areas were: DOJ (now ODPP) Field prosecutors; CISC, to continue overarching work on the National and Provincial Threat assessments; and CSC intelligence activities. (ODPP, RCMP, CSC)*
- 15. At PS, consideration should be given to providing each special initiative, such as the MCOC Initiative, with a separate financial identifier so that allocated budget and expenditures over a given fiscal year can be readily identified. (PS)*

⁹ As a result of the Formative Evaluation recommendations, improvements were made to financial tracking at PS by adding a separate financial identifier code for special initiatives; however, extracting financial information remained difficult because a separate code was not provided for individual special initiatives such as the MCOC Initiative. Thus, the information had to be extracted and separated manually.

Appendix A: The MCOC Initiative Core Activities

The MCOC Initiative Core Activities		Naming Convention Used in this Report	Lead Dept.	
RMAF Component I – Legislative/ Policy/ Research				
Oversight	<ul style="list-style-type: none"> Overarching Initiative oversight 	Oversight Mechanism	PS	
Legislation/ Policy	<ul style="list-style-type: none"> New legislation and policies (e.g. C-53 – Proceeds Reverse Onus) 	DOJ Legislation and Policy	DOJ	
Research	<ul style="list-style-type: none"> Targeted research, participation in research working groups 	PS Research DOJ Research	PS/ DOJ	
RMAF Component II – Investigation/ Enforcement				
Training/ Training Support	<ul style="list-style-type: none"> Update sentencing handbooks (C-24, 33, 40)/ education sessions) 	Legislative Consultation	PS	
	<ul style="list-style-type: none"> Training: C-24 legislative tools (Law Enforcement Justification etc.) 	C-24 training	DOJ	
	<ul style="list-style-type: none"> Pipeline/ Convoy/Jetway – increased number of instructors 	PCJ	RCMP	
	<ul style="list-style-type: none"> Source Witness Protection – increased training and FTEs 	SWP	RCMP	
	<ul style="list-style-type: none"> Undercover Operations – update and expand training material 	UC	RCMP	
	<ul style="list-style-type: none"> Diamond Awareness sessions – development and deliver 	Diamond Awareness	RCMP	
Infrastructure/ Equipment	<ul style="list-style-type: none"> Intelligence training for Security Intelligence Officers (SIOs) and I2 software training 	PSI	CSC	
	<ul style="list-style-type: none"> Central Communication Intercept System – upgrade, FTEs 	GenCis	RCMP	
	<ul style="list-style-type: none"> Diamond profiling database – development 	Diamond Profiling	RCMP	
	<ul style="list-style-type: none"> National Crime Data Base – updates/improved access 	NCDB	RCMP	
	<ul style="list-style-type: none"> Support Integrated Border Enforcement Team – equipment, vessel 	Integrated Border Enforcement Team	RCMP	
	<ul style="list-style-type: none"> Enhancements to ACIIS – data entry support, system audits 	CISC	RCMP	
	<ul style="list-style-type: none"> Improve capacity of Economic Crime systems (MICA and RECOL) 	Economic Crime	RCMP	
Intelligence	<ul style="list-style-type: none"> Preventive Security and Intelligence Unit – I2 Software, secure network 	PSI	CSC	
	<ul style="list-style-type: none"> Akwesasne Mohawk Police Partnership – joint teams, FTEs 	AMP	PS	
	<ul style="list-style-type: none"> Improved capacity to fight Economic Crime – increase FTEs 	Economic Crime	RCMP	
	<ul style="list-style-type: none"> International Cooperation – increase involvement in activities 	International Cooperation	RCMP	
	<ul style="list-style-type: none"> Increase number of liaison officers 	Liaison Contingent	RCMP	
	<ul style="list-style-type: none"> Criminal Intelligence Service of Canada – FTEs and secondments 	CISC	RCMP	
RMAF Component III – Prosecution	<ul style="list-style-type: none"> Establishment of Preventive Security and Intelligence Unit 	PSI	CSC	
	Prosecution	<ul style="list-style-type: none"> Provision of pre-charge advice and assistance 	Pre-charge Advice	DOJ (now ODPP)
		<ul style="list-style-type: none"> Designation of organized crime prosecutors and teams 	Dedicated organized crime prosecutors	DOJ (now ODPP)
		<ul style="list-style-type: none"> Disclosure management 	Disclosure Assistance	DOJ (now ODPP)
<ul style="list-style-type: none"> Provision of international assistance 		International Assistance	DOJ	

Appendix B: List of RMAF and ERC Questions by Issue Area

List of RMAF and ERC Questions by Issue Area	
Legend: R=Relevance, DD=Design and Delivery, S=Success, CE=Cost Effectiveness, ERC=Expenditure Review Committee Questions	
2.1 Relevance	
ERC1 R1	Does the program area or activity continue to serve the public interest? To what extent does organized crime continue to be a threat to Canadian society and the economy?
ERC2 R2	Is there a legitimate and necessary role for government in this program area or activity? To what extent do the objectives of the Initiative continue to be relevant and consistent with government-wide priorities?
ERC3	Is the current role of the federal government appropriate, or is the program a candidate for realignment with the provinces?
ERC4	What activities or programs should or could be transferred in whole or in part to the private/voluntary sector?
2.2 Success	
S5	How has the Initiative (tools and resources) improved partners' <u>ability</u> to investigate and prosecute organized crime offences?
S4	To what extent has stakeholder knowledge and understanding of organized crime issues and tools increased?
S3	How has the Initiative improved detection and targeting of organized crime offences and organizations?
S1	To what extent has a more integrated approach contributed to achieving objectives?
S6	To what extent has this Initiative enhanced partnerships across stakeholders?
S7	Are national and international investigations more effective as a function of the Initiative?
S8	Are prosecutions more effective? Is case preparation improved?
S9	To what extent has the Initiative contributed to the ultimate outcomes?
S10	Are there any unintended (positive or negative) impacts of the Initiative?
2.3 Cost Effectiveness	
CE1 ERC6	Are there more effective ways of achieving the objectives of the Initiative? If the program or activity continues, how could its efficiency be improved?
ERC5	Are Canadians getting value for their tax dollars?
ERC7	Is the resultant package of programs and activities affordable? If not, what programs or activities would be abandoned?
2.4 Initiative Management (Design and Delivery)	
DD2	Have all the Initiative components been implemented?
S2	How efficiently and effectively has the Initiative been managed?
DD1	Are sufficient and appropriate resources and tools available to meet the objectives?

Appendix C: The MCOC Initiative Logic Model

