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**BUILDING A SAFE AND RESILIENT CANADA**



**Public Safety Canada  
2012-2013 Evaluation of the  
Akwesasne Partnership Initiative**

Final Report

2012-12-10

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## EXECUTIVE SUMMARY

This is the 2012-2013 Evaluation of the Akwesasne Partnership Initiative. Evaluation supports accountability to Parliament and Canadians by helping the Government of Canada to credibly report on the results achieved with resources invested in programs. Evaluation supports deputy heads in managing for results by informing them about whether their programs are producing the outcomes that they were designed to achieve, at an affordable cost. Evaluation also supports policy and program improvements by helping to identify lessons learned and best practices.

### What we examined

The Akwesasne Partnership Initiative was created in 2001 through funding from several sources. Public Safety Canada allocates approximately \$950,000<sup>1</sup> per year in contribution funding to this Initiative.

The scope of the evaluation covered the time period beginning on April 1, 2006. The administration and oversight of the contribution agreement by Public Safety Canada were included in the scope of the evaluation. Contribution funding under the Initiative is used mainly to support membership by the Akwesasne Mohawk Police in a Joint Investigative Team with the Royal Canadian Mounted Police.

The contribution agreement is administered by the Law Enforcement and Policing Branch of Public Safety Canada. Authority for the contribution funding for the Initiative is derived through the terms and conditions of the First Nations Policing Program, which is administered by the Aboriginal Policing Directorate in the Community Safety and Partnerships Branch.

### Why it's important

The Akwesasne Mohawk Territory is located near Cornwall, Ontario. The territory includes land in Ontario, Quebec and the State of New York on both sides of the St. Lawrence River, and straddles the Ontario-Quebec interprovincial boundary and the Canada-United States international border. Criminal organizations operating in and around Akwesasne have historically sought to exploit the Territory's geographic location. As a result, the impacts of smuggling operations have been significant and far reaching. Since Akwesasne straddles multiple jurisdictions, it requires law enforcement agencies to work together. The Territory has been identified by law enforcement agencies as a transit point for many commodities, including contraband tobacco.

### What we found

The Initiative remains relevant given evidence of the level of illegal activity in and around Akwesasne. Illegal activities combined with geographical and jurisdictional complexities support the need for inter-jurisdictional cooperation among law enforcement agencies. The area is considered a focal point for the smuggling and trade of illicit drugs, prescription medication, tobacco and, more recently, humans. The absence of the Initiative and its support to the

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<sup>1</sup> The two main sources of funds for this initiative are: the Federal Tobacco Control Strategy (\$450,000 per year), led by Health Canada, and the Measures to Combat Organized Crime (\$500,000 per year), led by Public Safety Canada

Akwesasne Mohawk Police Service's Joint Investigative Team would create, according to stakeholders, a major gap in intelligence, knowledge and investigative ability.

The Initiative aligns with federal and departmental priorities. The safety and security of Canadians have been central to the federal strategic priorities for several years. The Initiative also supports the federal government's commitment made through other initiatives related to border management, organized crime and contraband tobacco.

The Initiative aligns with the federal role. There exist complexities regarding the roles and responsibilities of the federal and provincial/territorial governments and First Nations in policing First Nations communities; however, the federal government has a role in criminal matters and First Nation lands, and a clear fiduciary relationship with First Nations. Initiatives such as the Akwesasne Partnership Initiative align with and help advance policy objectives of the federal government, and demonstrate federal leadership. The overall safety and security of Canadians and addressing cross-border criminal activities align well with a federal role.

The Akwesasne Partnership Initiatives does not duplicate other initiatives; however, there exists a strong relationship with other Public Safety Canada initiatives. The overall objectives and intended outcomes of the Akwesasne Partnership Initiative are identical to those of the First Nations Organized Crime initiative, which is delivered through a different funding mechanism and operates in different communities. In addition, the Akwesasne Partnership Initiative operates under the terms and conditions of the First Nations Policing Program, which is currently under a renewal exercise. This situation presents possible opportunities for synergy and alignment among the activities/intended outcomes and delivery mechanisms of these initiatives.

In terms of performance, the Initiative's funding increased the capacity of the Akwesasne Mohawk Police Service to participate in the Joint Investigative Team for the purposes of intelligence-gathering and sharing, support to other law enforcement agencies on investigations and operations, and participation in combined intelligence teams with partnering agencies. It also increased the Akwesasne Mohawk Police Service's expertise and ability to conduct major crime work, and created opportunities for joint training.

The Initiative enhanced cooperation between the Joint Investigative Team and other law enforcement agencies. This was evidenced, in recent years, by the participation of the Joint Investigative Team in numerous operations with Canadian and American law enforcement partners. Law enforcement agencies recognize the support provided by the Joint Investigative Team, which was seen as a key contributor to their investigations and operations. The Initiative also enhanced intelligence-sharing and communication with surrounding law enforcement partners.

This cooperation provided both the Akwesasne Mohawk Police Service and other law enforcement agencies operating in and around Akwesasne with a better knowledge of the nature and scope of organized crime activities. The Joint Investigative Team's knowledge of what occurs on the Territory, combined with information from surrounding agencies, helps all partners get a complete picture of illegal activities taking place. The Initiative also helped Public Safety Canada and Finance Canada make more informed policy decisions.

The evaluation found that the Initiative was certainly seen as contributing to the disruption of organized crime activities. The impact of the Initiative on the disruption of organized crime activities is difficult to measure and attribute solely to the Initiative given the number of law

enforcement agencies that operate in and around Akwesasne. No single agency can claim sole responsibility for disrupting organized crime activities, networks and organizations in the area.

The Initiative did not appear to have a significant impact on the Joint Investigative Team's capacity to conduct outreach activities as the majority of members' time was dedicated to operational tasks, i.e. intelligence-gathering, investigations, joint operations. Nonetheless, JIT members did perform awareness and outreach activities in recent years, mostly to educate the community on the impact of organized criminal involvement in the trade of prescription drugs such as oxycodone. Despite these activities being well-received, their impact in terms of actual behaviour change is unknown.

In terms of efficiency, the Initiative's program administration ratio<sup>2</sup> (1.4%) compares favorably to other Public Safety Canada initiatives. In terms of administration and reporting, performance measurement and the collection of performance data remains an issue. Recommendations related to the development of a performance measurement strategy from the previous evaluation (2006-2007) have not yet been implemented. Without further outcome-based performance information, it cannot be determined if the Initiative has been economical (i.e. achieve expected outcomes at the lowest cost).

## **Recommendations**

The Evaluation Directorate recommends that the Assistant Deputy Minister, Law Enforcement and Policing Branch:

1. Going forward, examine the positioning of the Akwesasne Partnership Initiative in relation to other related Public Safety Canada initiatives in terms of its policy objectives, delivery mechanisms, funding sources and intended outcomes. This examination should determine whether the Initiative is more closely aligned with the policy objectives of organized crime (e.g. First Nations Organized Crime Initiative) or a renewed First Nations Policing Program. This should be done with a view to producing a global picture of achievement of policy objectives; and to streamlining initiatives and their delivery.
2. Develop and implement a performance measurement strategy in accordance with the Treasury Board of Canada Secretariat's *Guideline on Performance Measurement Strategy under the Policy on Transfer Payments*, in order to improve attribution of the Akwesasne Partnership Initiative's performance. The Initiative should collect performance information on a regular basis from the funding recipient based on the performance measurement strategy and as specified in the contribution agreement.

## **Management Response and Action Plan**

The Law Enforcement and Policing Branch accepts and supports the evaluation and its recommendations. As part of its ongoing commitment to provide specialized First Nations policing to target organized crime on reserve, the Law Enforcement and Policing Branch will continue to work with its partners to strengthen the Akwesasne Partnership Initiative.

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<sup>2</sup> The program administration ratio refers to the total program administration cost as a percentage of the contribution paid in a given year.

Action Plan:

1. Starting in fiscal year 2012-2013, the Law Enforcement and Policing Branch has begun to work with departmental partners, including the Community Safety and Partnerships Branch and the Royal Canadian Mounted Police, to review the design, terms and conditions and objectives of the Initiative to ensure its alignment with other First Nations policing programs and its ability to advance specialized measures to combat serious and organized crime on reserve. Target date: End of fiscal year 2013-2014.
2. The Law Enforcement and Policing Branch will develop a performance measurement strategy by June 2013. The Law Enforcement and Policing Branch will also work with the recipient to ensure that performance-related data is collected on a regular basis and clearly specified in the contribution agreement.

## 1. INTRODUCTION

This is the Public Safety Canada (PS) 2012-2013 Evaluation of the Akwesasne Partnership Initiative (referred to herein as the Initiative). This evaluation provides Canadians, parliamentarians, Ministers, central agencies, and the Deputy Minister of Public Safety with an evidence-based, neutral assessment of the relevance and performance (effectiveness, efficiency and economy) of this federal government initiative.

## 2. PROFILE

### 2.1 Background

The Akwesasne Mohawk Territory (referred to herein as Akwesasne or the Territory) is located near Cornwall, Ontario. The Territory includes land in Ontario, Quebec and the State of New York on both sides of the St. Lawrence River, and straddles the Ontario-Quebec interprovincial boundary and the Canada-United States international border. Criminal organizations operating in and around Akwesasne have historically sought to exploit the Territory's geographic location. As a result, the impacts of smuggling operations involving illegal migrants, drugs, tobacco, alcohol, firearms and other commodities have been significant and far-reaching. Since Akwesasne straddles multiple jurisdictions, it requires law enforcement agencies to work together. The Territory has been identified by law enforcement agencies as a transit point for many commodities, including contraband tobacco.

### 2.2 Funding and Objectives of the Initiative

The Akwesasne Partnership Initiative was created in 2001 through funding from several sources. Public Safety Canada allocates approximately \$950,000 per year in contribution funding to this Initiative through two other federal initiatives, as follows:

1. The Federal Tobacco Control Strategy (\$450,000 per year), led by Health Canada
  - To conduct monitoring, surveillance and intelligence-gathering activities to assess the level of contraband
2. The Measures to Combat Organized Crime (\$500,000 per year), led by Public Safety Canada
  - To participate, as a key law enforcement partner, in joint forces operations with a focus on the illegal activities of criminal organizations

For the period under evaluation, i.e. since April 1, 2006, time-limited funding was also provided by the National Anti-Drug Strategy, to participate in the advancement of joint drug enforcement operations; and, from the Human Trafficking Pilot Project, to determine the extent of human trafficking activities in and around Akwesasne.

The Serious and Organized Crime Division, within the Law Enforcement and Policing Branch of PS, administers the specific contribution agreement for the Initiative. Authority to administer the contribution funding for the Initiative is derived through the terms and conditions of the First Nations Policing Program, which is administered by the Aboriginal Policing Directorate in the

Community Safety and Partnerships Branch of PS. At the time of this evaluation, the First Nations Policing Program was going through a renewal exercise.

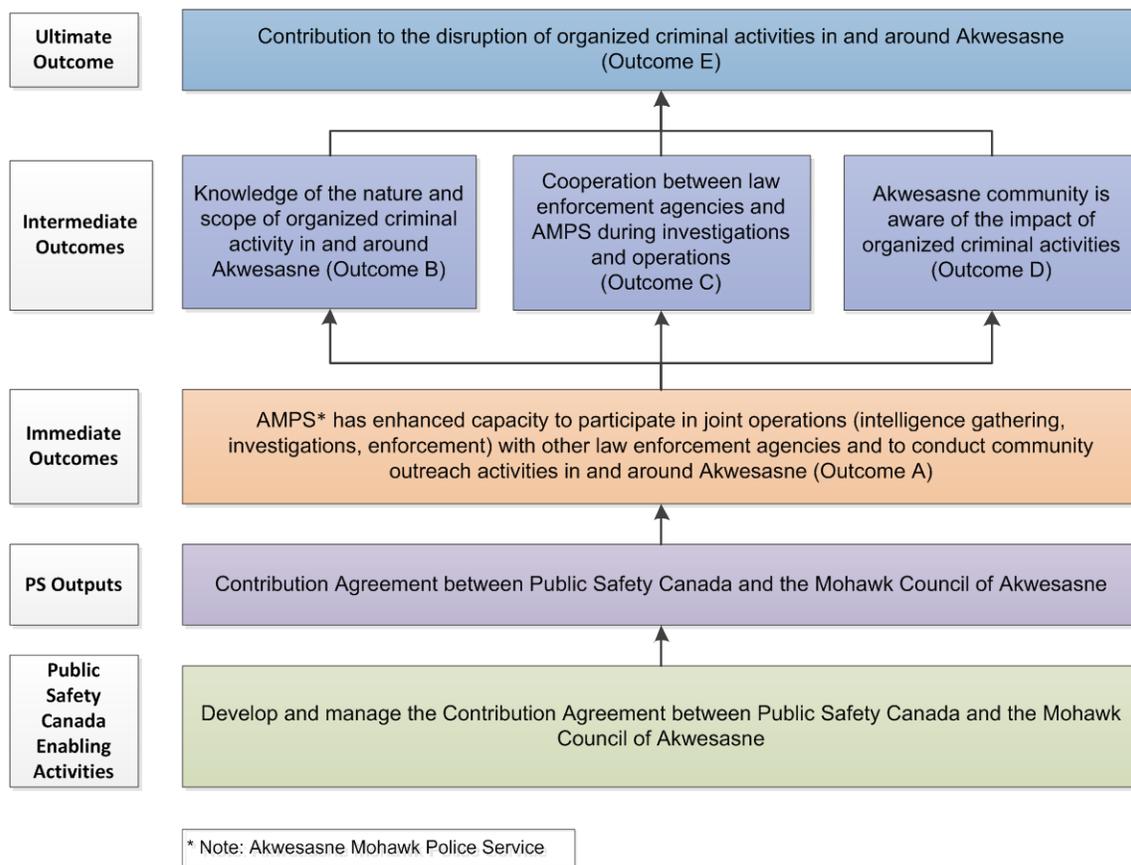
One of the key objectives of the Initiative is to enable the Akwesasne Mohawk Police Service to dedicate resources to a Joint Investigative Team (JIT) with the Royal Canadian Mounted Police (RCMP) in order to undertake the activities noted above. Over the years, the JIT has included a minimum of three and up to six officers from the Akwesasne Mohawk Police Service and two officers from the RCMP.

Through the JIT, the Initiative is expected to enhance the knowledge of law enforcement agencies on the nature and scope of organized criminal activities, enhance the cooperation between law enforcement agencies operating in the area, and contribute to the disruption of organized crime activities in and around Akwesasne.

## 2.3 Logic Model

The logic model presented at Figure 1 is a visual representation that links what the Initiative is funded to do (activities) with what the Initiative produces (outputs) and what the Initiative intends to achieve (outcomes). It also provides the basis for developing the evaluation matrix, which gave the evaluation team a roadmap for conducting this evaluation.

**Figure 1 – Logic Model of the Akwesasne Partnership Initiative**



## 3. ABOUT THE EVALUATION

### 3.1 Objective

This evaluation supports:

- accountability to Parliament and Canadians by helping the Government to credibly report on the results achieved with resources invested in this program;
- the Deputy Minister of Public Safety in managing for results by informing him about whether this program is producing the outcomes that it was designed to produce, at an affordable cost; and,
- policy and program improvements.

### 3.2 Scope

The scope of the evaluation covered the time period starting on April 1, 2006. The administration and oversight of the contribution agreement by PS were included in the scope of the evaluation.

As required by the Treasury Board *Policy on Evaluation*, the evaluation determined the relevance of the Initiative: continued need; alignment with government priorities; and, consistency with federal roles and responsibilities. The evaluation also examined the performance of the Initiative: the achievement of expected outcomes; and, a demonstration of efficiency and economy.

### 3.3 Methodology

This evaluation was conducted in accordance with the Treasury Board *Policy on Evaluation*, the Treasury Board Secretariat's *Directive on the Evaluation Function and Standard on Evaluation for the Government of Canada*, as well as the *PS Evaluation Policy*.

#### 3.3.1 Evaluation Core Issues and Questions

As required by the *Directive on the Evaluation Function*, the following issue areas and evaluation questions were addressed in the evaluation:

##### **Relevance**

1. What need was the Initiative intended to address? Does the need persist?
2. To what extent is the Initiative aligned with government-wide priorities and supportive of departmental strategic outcomes?
  - 3a) What is the nature of the federal government's mandate to deliver the Initiative?
  - b) To what extent does the Initiative duplicate or complement other similar programs?

## Performance—Effectiveness

4. To what extent has the Initiative provided the Akwesasne Mohawk Police Service with enhanced capacity to participate in joint operations and conduct community outreach activities?

5a) To what extent has the Initiative provided knowledge of the nature and scope of organized criminal activity in and around Akwesasne?

b) To what extent has the Initiative enabled cooperation between Akwesasne Mohawk Police Service and other law enforcement agencies during investigations and operations?

c) To what extent have the Initiative outreach activities increased community awareness of the impact of organized criminal activities?

6. To what extent has the Initiative contributed to the disruption of organized criminal activities in and around Akwesasne?

## Performance—Program Administration/Efficiency and Economy

7. Has the efficiency of the Initiative improved over time?

### 3.3.2 Lines of Evidence

The evaluation team used the following lines of evidence to assess the Initiative: document review, interviews, and a review of performance and financial data. Each of these methods is described in more detail below.

#### Document Review

The document review included the following types of documents: corporate documents, accountability and policy documents, Initiative inception documents, reports on plans and priorities, Speeches from the Throne, legislative documents, previous evaluations reports, and program-specific documents. A list of documents reviewed is presented at Annex A.

#### Interviews

In total, 10 interviews were conducted for the evaluation with representatives from PS, the Department of Finance and law enforcement organizations. Table 1 presents a breakdown of the interviews.

<b>Interview Group</b>	<b># of Interviews</b>
PS Program Managers	1
RCMP	4
Canada Border Services Agency (CBSA)	1
Department of Finance	1
Akwesasne Mohawk Police Service	2
Other law enforcement organizations	2
<b>TOTAL</b>	<b>11</b>

## Review of Financial and Performance Information

In terms of the financial review, the evaluation team analyzed the program administration ratio<sup>3</sup> in comparison to other PS contribution programs. Data sources included PS financial system reports and estimates by PS program staff of the level of effort expended to administer the Initiative.

In terms of the review of performance information, the evaluation team analyzed activity reports submitted by the Akwesasne Mohawk Police Service. The reports were consistent with reporting requirements of the contribution agreements. Seven reports were submitted between April 2009 and September 2011.

### 3.4 Limitations

The following section describes data limitations and how evaluation team addressed these limitations.

Activity reports were only available for two fiscal years, i.e. 2009-2010 and 2010-2011. Thus the reports did not provide coverage for the entire evaluation period starting on April 1, 2006. The evaluation team addressed this limitation by collecting interviewee perceptions, where possible, for the entire period under evaluation. Close to half of interviewees had been involved with the Initiative since 2006 or earlier.

With the exception of the activity reports, no other quantitative information was available (e.g. number of joint force operations led or assisted by the JIT, seizures conducted or assisted by the JIT, charges laid or assisted by the JIT, number of organized crime organizations disrupted in and around the Akwesasne area as a result of the Initiative). This limited the evaluation team's ability to conclude on the achievement of the Initiative's outcomes. The evaluation team addressed this limitation by quantifying the data from the activity reports. However, activity reports were limited in certain cases, and data was not captured consistently throughout the reports. The collection of more specific information (e.g. on the above-noted indicators) would provide better evidence to complement the activity reports. The evaluation team also addressed this limitation by using quantitative data collected for the Evaluation of the Federal Tobacco Control Strategy (2001-2011).

The Initiative did not collect information on the impact of outreach activities on the awareness and behaviour change among Akwesasne community members towards organized crime activity. Thus, the evaluation team included the subject of community awareness in interview discussions. This was done rather than undertake a wider community survey since JIT members stated that a low portion of their time was dedicated to outreach activities.

### 3.5 Protocols

During the conduct of the evaluation, PS program representatives assisted in the identification of key stakeholders, submitted data requests to the RCMP and the Akwesasne Mohawk Police Service and provided documentation to support the evaluation. Collaborative participation greatly enriched the evaluation process.

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<sup>3</sup> The program administration ratio refers to the total cost of program administration as a percentage of the total contribution payments.

This report was submitted to program management and to the responsible Assistant Deputy Minister for review and acceptance. A management response and action plan was prepared in response to the evaluation recommendations. These documents were presented to the PS Departmental Evaluation Committee for consideration and for final approval by the Deputy Minister of Public Safety.

## 4. FINDINGS

### 4.1 Relevance

#### 4.1.1 Need for the Akwesasne Partnership Initiative

In order to assess the need for the Initiative, the evaluation examined the extent to which there is an ongoing incidence of criminal activity in and around the Akwesasne area. To this end, the evaluation team reviewed a series of documents and conducted interviews with key stakeholders.

Akwesasne has unique jurisdictional complexities due to its location. The physical layout of the Territory, which includes many small channels and waterways, provides criminals with an opportunity to remain hidden and avoid law enforcement vessels. During the winter, the frozen waters of the St. Lawrence River create “ice bridges” that allow automobiles and snowmobiles to cross the international border in many places while avoiding detection. In addition, the relatively close proximity of the Territory to major urban Canadian centres, such as Ottawa, Montreal, Toronto, and Syracuse, New York, makes it attractive to organized crime groups for expediting the movement of contraband commodities further inland.

In August 2011, the RCMP reported that the Cornwall/Valleyfield region, which was the centre of tobacco smuggling operations in Canada in the late 1980s and early 1990s, remained a focal point for illegal tobacco activity.<sup>4</sup> Combining its geographical challenges with high tobacco excise taxes in the early 1990s, the smuggling of contraband tobacco started to increase in and around Akwesasne and subsequently extended into other types of commodities<sup>5</sup>. Since 2001, the largest quantity of contraband tobacco found in Canada has flowed from manufacturing operations based on Aboriginal reserves and territories located on both sides of the Canada-U.S. border, including the U.S. side of Akwesasne.<sup>6</sup> In 2009, the Task Force on Illicit Tobacco Products reported that approximately 40% to 50% of tobacco purchased in Quebec and Ontario, respectively, was bought illegally, compared to 30% in Canada<sup>7</sup>. RCMP and CBSA contraband cigarette seizures in the Cornwall and Valleyfield area represent a significant portion of total national seizures. Although it varied from year to year, cartons and unmarked bags of cigarette seizures in this area represented 26% to 53% of the national total between 2004 and 2010.<sup>8</sup> In

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<sup>4</sup> Royal Canadian Mounted Police, *Contraband Tobacco Enforcement Strategy*, progress report August 2011.

<sup>5</sup> Public Safety Canada, *2006-2007 Formative Evaluation of the Akwesasne Partnership Initiative*, February 2007 and Inception documentation related to the Federal Tobacco Control Strategy.

<sup>6</sup> Other illicit manufacturing operations can be found mostly in Kahnawake in Quebec, and Tyendinaga and Six Nations in Ontario.

<sup>7</sup> These percentages were based on a study conducted for cigarette manufacturers.

<sup>8</sup> Health Canada, *Evaluation of Federal Tobacco Control Strategy (2001-2011)*, February 2012.

addition, seizures of fine-cut tobacco varied from approximately 40% to 85% of the national total between 2006 and 2010.<sup>9</sup>

Most recently, evidence shows an increasing link between the illicit tobacco market and organized crime and the financing of other criminal activities from the profits of tobacco trafficking.<sup>10</sup> “Local crime groups on First Nation reserves that are near or span the Canada/United States border continue to be a concern. [...] Many of the crime groups identified in the Akwesasne region have ties with other groups from Toronto, Ottawa or Montreal and major cities in the United States”<sup>11</sup>

In the realm of illicit drug trade, the United States federal government recently declared the four upper counties of New York state that border the St. Lawrence and southwest Quebec as high-crime zones eligible for increased police funding and counter-narcotics measures.<sup>12</sup> The United States Drug Enforcement Administration estimated that 13 metric tonnes of high-grade Canadian hydroponic marijuana was funnelled through Akwesasne weekly in 2009.<sup>13</sup> In all, more than \$1 billion worth of the drug was believed to have moved through Akwesasne between 1999 and 2009.<sup>14</sup>

All interviewees stated that the main illicit commodities in and around Akwesasne are marijuana cocaine, weapons and contraband tobacco. The majority of interviewees observed a new trend in smuggling of prescription drugs, i.e. Oxycodone and Fentanyl patches, as well as illegal drugs such as ecstasy. Recently, they have also observed an increase in human smuggling.

Given the above-noted extent of criminal activity in the Akwesasne area, the evaluation team sought to explore more specific impacts and possible gaps if the Initiative itself were not in place. Most law enforcement interviewees stated that the absence of the Initiative would result in a major lack of intelligence and information, thereby affecting investigations and enforcement operations. They further stated that the presence of the Akwesasne Mohawk Police Service members on the JIT provides law enforcement agencies with knowledge they could not easily obtain otherwise. The JIT and especially its Akwesasne Mohawk Police Service members are familiar with the Territory and the community unlike any other surrounding law enforcement organization. As the Territory is central to smuggling routes, JIT helps surrounding agencies get a complete picture of illegal activities occurring in the area. Akwesasne Mohawk Police Service and PS program management interviewees indicated that absence of funding would significantly affect the JIT’s ability to sustain assistance to other agencies in terms of information-sharing and support to investigations, including surveillance of the Territory.

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<sup>9</sup> Idem

<sup>10</sup> Public Safety Canada, *Contraband Tobacco: Recent Federal Measures to Address Contraband Tobacco in Canada*, February 2011; and Royal Canadian Mounted Police, *Contraband Tobacco Enforcement Strategy*, 2008.

<sup>11</sup> Royal Canadian Mounted Police. *Canada-United States Integrated Border Enforcement Team Threat Assessment* (Reporting on year 2009), 2010.

<sup>12</sup> Ottawa Citizen. *Living in smugglers’ paradise*. Aug.20, 2011.

<sup>13</sup> Department of Justice. *Oversight Hearing to Examine Drug Smuggling and Gang Activity in Indian Country*, 2007 and Statement for the Record, Thomas Harrigan, Chief of Operations, Drug Enforcement Administration before the Committee on Indian Affairs, United States Senate, November, 2009, p.2

<sup>14</sup> Ottawa Citizen. *Living in smugglers’ paradise*. Aug.20, 2011.

## 4.1.2 Alignment with Government Priorities

This evaluation assessed the degree of alignment between the Initiative and federal government and departmental priorities.

The Government of Canada has reiterated its commitment to ensuring the safety and security of Canadians, through successive declarations in Speeches from the Throne from 2006 to 2010. In the Conservative Party of Canada's 2011 Election Platform, Prime Minister Harper pledged to Tackle Contraband Tobacco by recognizing that "Contraband tobacco has become a massive black-market industry." He further stated that "To help reduce the problem of trafficking in contraband tobacco [...] we will establish a new RCMP Anti-Contraband Force of 50 officers".<sup>15</sup> In the 2011 Budget, one of the key governmental priorities highlighted is the promotion of the safety and security of all Canadians, regardless of where they live. The Government further recognized the policing challenges faced by Aboriginal communities by stating that "...First Nations communities present a number of unique policing challenges owing to their remoteness, large but sparsely populated geographical area, and unique culture and traditions."<sup>16</sup>

In addition, the Initiative, as it relates to tackling cross-border organized criminal activities, supports the advancement of the government's border management initiatives with the United States. On February 4, 2011, the Prime Minister of Canada and the President of the United States issued a Declaration on a Shared Vision for Perimeter Security and Economic Competitiveness, resulting in the Beyond the Border Action Plan. The Action Plan focuses on four areas of cooperation, including the integration of cross-border law enforcement. The Action Plan aims to build on successful cross-border law enforcement pilot programs<sup>17</sup> such as the Shiprider program<sup>18</sup>, which allowed Canadian and American law enforcement officials to operate on both sides of the border.

In recent years, the federal government has demonstrated its commitment to advancing efforts to address the issue of contraband tobacco and its link to organized crime. For example, in May 2008, the Government launched the RCMP Contraband Tobacco Enforcement Strategy with an aim to strengthen enforcement actions to reduce the availability of contraband tobacco and the involvement of organized crime. At the same time, in collaboration with provincial governments, First Nations communities and industry stakeholders, the federal government created the Task Force on Illicit Tobacco Products consisting of nine federal departments and agencies, with an objective to examine additional policy, program and/or legislative measures that will further disrupt and reduce the trade in contraband tobacco.<sup>19</sup> Based on the recommendations of the Task Force, the Government launched a series of time-limited measures in 2010 to further disrupt the supply and demand for contraband tobacco, including an enhanced enforcement presence in and around the Akwesasne region and a Canada Revenue Agency-led pan-Canadian awareness campaign.

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<sup>15</sup> Conservative Party of Canada, *Stephen Harper's Low-Tax Plan for Jobs and Economic Growth*, 2011, p.49-50 [http://www.conservative.ca/media/2012/06/ConservativePlatform2011\\_ENs.pdf](http://www.conservative.ca/media/2012/06/ConservativePlatform2011_ENs.pdf)

<sup>16</sup> Department of Finance Canada. *The next phase of Canada's Economic Action Plan*, 2011, p.139

<sup>17</sup> Canada's Economic Action Plan. *Perimeter Security and Economic Competitiveness Action Plan in Brief*.

<sup>18</sup> The Shiprider pilot program allows Canadian and American law enforcement officials to operate on both sides of the border, under the direction and laws of the host country. Measures undertaken in the Action Plan include the institution of Shiprider as a permanent program, as well as adopting the Shiprider model on land.

<sup>19</sup> Public Safety Canada. *Report on the Status of the Contraband Tobacco Situation in Canada*, Task Force on Illicit Tobacco Products, July 2009.

PS departmental strategic planning documents illustrate alignment of the Initiative with departmental priorities. In its Report on Plans and Priorities (2010-2011) and the departmental Integrated Human Resources and Business Plan (2010-2011 and 2011-2012), PS reiterated the importance of its “provision of national leadership in developing strategies and policies to support policing in Canada and to combat serious and organized crime”. The Department’s commitment to “ensure safe communities and effective policing by leading collaborative efforts with Portfolio agencies as well as federal, provincial, territorial and international partners in the law enforcement community” is again highlighted in the 2012-2013 Report on Plans and Priorities. The Department also demonstrates its commitment to strengthen efforts to combat contraband tobacco issues, for example by leading the Canadian delegation in global negotiation for a Protocol to Eliminate the Illicit Trade in Tobacco Products under the World Health Organization’s Framework Convention of Tobacco Control.<sup>20</sup>

Internally, the Initiative’s activities are a key component of the departmental Program Alignment Architecture and generally align with the Countering Crime, program activity (1.3), and contribute to the Law Enforcement Leadership, program sub-activity (1.3.2). This Initiative contributes directly to the departmental strategic outcome of *building a safe and resilient Canada*.

### 4.1.3 Alignment with a Federal Role

Research conducted for the evaluation revealed that no single piece of legislation gives full jurisdictional authority for policing on First Nations reserves to the federal government, provinces and territories or to First Nation communities. While policing is regulated concurrently by Parliament and provincial legislatures, policing is considered to be primarily the responsibility of provinces. Provincial legislative authority regarding policing is found in subsection 92(14) of the *Constitution Act, 1867*, which outlines provincial legislative jurisdiction with respect to the administration of justice. This section gives the provincial legislatures the authority to enact laws, establish police forces, and regulate the appointment, supervision and discipline of members of these forces. Such provincial police forces have the authority to enforce not only provincial laws but also federal criminal laws.

In contrast, subsection 91(27) of the *Constitution Act, 1867*, provides exclusive legislative authority to the federal government in all matters related to the criminal law, except the constitution of the courts of criminal jurisdiction, but including the procedure<sup>21</sup> in criminal matters. Subsection 91(24) provides federal jurisdiction in all matters related to “Indians and lands reserved for the Indians”. The federal legislative authority to establish police forces through law to enforce the *Criminal Code* and other federal statutes is an accessory of Parliament’s power to enact substantive laws. The *Royal Canadian Mounted Police Act* establishes the RCMP as the national police force.

Notwithstanding the above-noted federal statutory authority, in the 1960s, First Nations communities began to demand more involvement in policing their communities. By the 1970s,

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<sup>20</sup> Public Safety Canada. 2011-2012 *Report on Plans and Priorities*; and Public Safety Canada. 2012-2013 *Report on Plans and Priorities*.

<sup>21</sup> Criminal procedure is an integral but distinct part of criminal law in Canada. It is distinct from the substance of criminal law in that it does not define the type of conduct that constitutes a criminal offence or establishes punishment, but rather determines by whom and in what circumstances prosecutions against accused offenders may be initiated, conducted, terminated and appealed. Criminal procedure is a set of rules according to which the substantive law is administered. (The Canadian Encyclopedia)

policing of First Nations communities became a central issue to certain land claims<sup>22</sup> where autonomous police services were negotiated for and won. By the 1980s, more and more First Nation communities would take on policing roles as communities demanded more native staff, native control and more community-based policing. The Royal Commission of Aboriginal People in 1996 concluded that First Nations were recognized as self-governing nations: “The right to self-government is inherent in Aboriginal people and their nationhood [...] It is a right they never surrendered and now want to exercise once more.” Aboriginal peoples’ right of self-government within Canada is acknowledged and treaty rights protected by the *Constitution* under section 35(1).<sup>23</sup>

Given these complexities, policies and initiatives have been established by governments to bring clarity to federal, provincial/territorial and Aboriginal roles, to address jurisdictional issues and to advance policy objectives. For example, the First Nations Policing Program was established in the 1990s to allow all parties to work collaboratively on the policing of First Nation and Inuit communities. Federal involvement in initiatives such as the Akwesasne Partnership Initiative is not solely grounded in legislation. Such initiatives are mechanisms put in place to help advance policy objectives and priorities of the federal government. The federal government, and especially Public Safety Canada, has a broad role in the safety and security of Canadians. Public Safety Canada contributes to Canada’s resiliency through the development and implementation of innovative policies and programs, such as the Akwesasne Partnership Initiative, and the effective engagement of domestic and international partners. Under legislation, Public Safety Canada may enter into contribution agreements with provinces or other entities in order to exercise leadership in public safety matters. Finally, illegal interprovincial and cross-border activities align closely with a federal role. These activities often involve organized criminal organizations and have an impact on the entire Canadian population and economy; thereby also reinforcing the need for federal involvement.

#### 4.1.4 Duplication/Synergy with Other Federal Initiatives

Through interviews and document review, the evaluation team found that no other initiative provides contribution funding to the Akwesasne Mohawk Police Service for specialized policing activities, i.e. intelligence-gathering, participation on joint investigations and enforcement operations, particularly focusing on organized crime. However, two PS initiatives are very closely tied to the Akwesasne Partnership Initiative, suggesting potential opportunities for synergy.

The **First Nations Organized Crime (FNOC)** initiative assists First Nations police services in addressing organized crime and cross-border criminality. It enables sustained participation in multi-agency law enforcement activities. The intended results over time are to:

- Increase capacity in intelligence development and information-sharing through enhanced partnerships between First Nations police, the RCMP and other Canadian and American law enforcement agencies;
- Build capacity among participating First Nations police services through the acquisition of new skills and techniques used in complex organized crime investigations; and,
- Disrupt organized crime in First Nations communities and surrounding areas.

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<sup>22</sup> Most notably the James Bay Cree and Naskapi in Quebec.

<sup>23</sup> Indian and Northern Affairs Canada. *Report of the Royal Commission on Aboriginal peoples*, 1996.

PS is responsible for funding and coordinating the First Nations Organized Crime initiative. The RCMP administers it at the divisional level in Quebec and Ontario. The First Nations Organized Crime initiative differs from the Akwesasne Partnership Initiative in two main ways: funding mechanisms and communities served. The First Nations Organized Crime initiative is delivered through Vote 1 funding (salaries and operations and maintenance) and is operational in five First Nations Policing Services<sup>24</sup> in Ontario and Quebec, while the Akwesasne Partnership Initiative provides contribution funding (Vote 5) and is active in the Akwesasne/Cornwall/Valleyfield area. However, both initiatives have the same overall objectives, activities and intended results, i.e. combatting organized crime through enhanced capacity, cooperation and partnerships.

PS is also responsible for the **First Nations Policing Program**. The main distinction between the Akwesasne Partnership Initiative and the First Nations Policing Program lies in the nature of policing activities that are funded. The Akwesasne Partnership Initiative funds specialized investigative policing focused on organized criminal activity. The First Nations Policing Program provides contribution funding for general duty policing (similar to municipal police forces) in First Nation and Inuit communities. The program is delivered through tripartite agreements among the Government of Canada, the province/territory and the First Nation or Inuit community. Costs are shared between the federal (52%) and provincial/territorial (48%) governments. This program also covers general duty policing in the Akwesasne Mohawk Territory through a quadripartite agreement (as opposed to tripartite) between the federal government, Ontario, Quebec and the Mohawk Council of Akwesasne.

The Akwesasne Partnership Initiative operates under the terms and conditions of the above-noted First Nations Policing Program. Under this program, it is possible for the federal government to enter into bilateral agreements with a First Nation community for specific initiatives (such as research and development activities, or recruitment activities) entirely funded by the federal government that advance the mandate of the First Nations Policing Program. The Akwesasne Partnership Initiative uses the “specific initiatives” provisions related to “career development for police officers”. The evaluation found that these provisions were appropriate when the Initiative was created in 2001. However, over time, activities seem to have deviated from this objective as funding originally intended to provide JIT officers with career development opportunities now simply enhances JIT’s operational and tactical support capability.

A number of other federal government initiatives are aimed at combatting organized crime, contraband tobacco or drugs and are active in and around the Akwesasne area. These initiatives do not duplicate the Akwesasne Partnership Initiative, but are presented below to illustrate federal efforts dedicated to address these issues that operate in the same geographic location as the Initiative.

- Public Safety Canada’s Measures to Address Contraband Tobacco (2010) provided three years of time-limited funding in the amount of approximately \$17 million to five federal departments and agencies. The RCMP was funded for the creation of a Contraband Tobacco Team<sup>25</sup> in Cornwall. One of the objectives was to disrupt, dismantle and deter organized criminals involved in contraband tobacco. The program recognizes that much of this type of organized criminal activity takes place in the Cornwall/Akwesasne area and

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<sup>24</sup> Kanasatake Mohawk Police in Quebec; and Walpole Island Police, Anishnabek Regional Police, Treaty Three Police Service and Six Nations of the Grand River Police in Ontario.

<sup>25</sup> As part of the RCMP Combined Forces Special Enforcement Unit (CFSEU)

dedicates enforcement resources there. The Contraband Tobacco Team cooperates with the JIT.

- The Integrated Border Enforcement Teams (IBETs) initiative is aimed at combating transnational crime and ensuring border integrity through collaboration between Canada and the United States. These teams include representatives from the RCMP and CBSA. Canada and the United States acknowledge that organized criminal activities such as cross-border trafficking/smuggling of contraband tobacco and counterfeit goods are a threat to the economic integrity and national security of both countries. Integrated Border Enforcement Teams recognize that crime groups on First Nation reserves that span the Canada/United States border continue to be a concern. Two teams are located in the St. Lawrence Valley and Valleyfield regions near Akwesasne and cooperate with the JIT.
- The RCMP Contraband Tobacco Enforcement Strategy (2008) is an initiative designed to reduce the availability of and decrease the demand for contraband tobacco nation-wide. This initiative recognizes the linkages between the illicit tobacco market and organized crime, especially the aspect of how organized crime groups are financed through income from tobacco trafficking. It identifies Akwesasne as the hub of smuggling activities. Thus, the aim of the Strategy is to disrupt organized crime groups involved in illicit tobacco activities and to enhance intelligence-gathering/sharing while leveraging investigative capacity.

## 4.2 Performance—Effectiveness

In order to determine to what extent the Initiative is achieving expected outcomes, the evaluation team reviewed the activity reports provided to PS by the Akwesasne Mohawk Police Service. The evaluation team also analyzed qualitative evidence gathered through interviews and analyzed documents including the *Evaluation of the Federal Tobacco Control Strategy (2001-2011)*, led by Health Canada, and the *2007-2008 Evaluation of the Measures to Combat Organized Crime*.

### 4.2.1 Capacity to Participate in Joint Operations

The immediate outcome of the Initiative's funding is to increase the Akwesasne Mohawk Police Service's capacity to dedicate resources to a JIT with the RCMP. The evaluation team assessed this outcome by reviewing resourcing information contained in audited financial reports and collecting interviewee perceptions on how the Initiative's contribution funding has affected Akwesasne Mohawk Police Service capacity to participate in the JIT.

Akwesasne Mohawk Police Service interviewees stated that Initiative funding allowed them to dedicate several officers to the JIT, increasing their presence and participative capacity for intelligence-gathering and sharing, and support to partners. Prior to the Initiative, a single investigator was in place. In 2006, six officers from the Akwesasne Mohawk Police Service were assigned to the JIT. As of July 2012, this number was down to three as a result of promotions and vacated positions that had not yet been filled. Audited financial reports, between 2006 and 2010, show that approximately 80% of the Initiative's contribution funding is directed towards JIT officer salaries.

Akwesasne Mohawk Police Service interviewees noted that the Initiative was key in increasing their credibility and expertise to a level comparable to that of surrounding agencies, and in strengthening their ability to conduct their own major crime investigation work (e.g. crime scene analysis, source handling, undercover work, wiretaps, etc.). In this regard, more than half of all interviewees also stated that the Initiative created opportunities for training. For example, the JIT participated in training/courses offered by other organizations (e.g. the RCMP, CBSA and the Ontario Provincial Police) on undercover work, surveillance, human smuggling, source handling, proceeds of crime investigations, human trafficking, the *Immigration and Refugee Protection Act* and the United States Title 19 designations<sup>26</sup>. Other organizations benefited from courses delivered by the Akwesasne Mohawk Police Service's JIT members on rural surveillance, domestic violence, search warrants and operational planning.

As a result of the Initiative's funding, JIT officers have also been assigned to other combined intelligence teams established in the area, further increasing their skills and expertise, e.g. the RCMP's Combined Forces Special Enforcement Unit. As noted by the Akwesasne Mohawk Police Service, several initiatives have been put in place since 2006, e.g. the Ontario Provincial Police's Organized Crime Enforcement Bureau (in 2008) and the RCMP's Cornwall Regional Task Force<sup>27</sup> (in 2010). Based on available resources, JIT members participate on these teams, but this has proven to be challenging. Akwesasne Mohawk Police Service interviewees noted a capacity gap between the JIT and other federal initiatives in the area, stating that, with the growth of these other law enforcement units, the JIT is not able to participate to the same degree. An example was that the lack of a dedicated marine unit patrolling waterways—where most smuggling takes place—would further contribute to capacity.

In terms of actual participation by JIT members in joint operations, law enforcement agencies interviewed during this evaluation stated that JIT members actively participated in their investigations and operations. Activity reports from April 2009 to September 2011 show that the JIT has been working closely with surrounding law enforcement agencies. Investigations and operations were initiated or conducted in connection with criminal activities during that time period. The actual number of joint force operations led or assisted by JIT was not available for the evaluation; however from the activity reports, the evaluation team approximated the number of investigations to be between 20 and 25. Nearly all of these investigations and operations were the combined work of two or more agencies. Evidence collected from these reports and from the interviews show that JIT cooperated with the RCMP (including its Integrated Border Enforcement Teams and Regional Task Force); CBSA; the Ontario Provincial Police (including its Organized Crime Enforcement Bureau and Proceeds of Crime Unit); the Sûreté du Québec; the Cornwall Community Police Service; the Saint Regis Tribal Police; the United States Department of Homeland Security; the United States Border Patrol; the United States Drug Enforcement Agency; and the United States Federal Bureau of Investigation.

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<sup>26</sup> Various provisions of Titles 18 and Title 19 of the United States Code grant U.S. Customs and Border Protection seizure authority related to smuggling (Title 19) and general law enforcement (Title 18) (<http://www.publicsafety.gc.ca/prg/le/fl/CombatingIllicitFirearms-en.pdf>).

<sup>27</sup> Members of the Cornwall Regional Task Force (RCMP, Ontario Provincial Police, Cornwall Community Police Service and Ontario Ministry of Revenue) regularly work alongside law enforcement partners in the region. Some of these partners include, CBSA, Revenue Canada, Akwesasne Mohawk Police Service, United States Homeland Security, United States Customs, United States Border Patrol, Tribal Police and New York State Police. (<http://www.rcmp-grc.gc.ca/on/detach/cornwall-eng.htm>)

## 4.2.2 Cooperation with Law Enforcement Agencies

As organized crime activities and networks transcend borders, there is recognition from law enforcement organizations present in and around Akwesasne that cooperation is essential in disrupting organized crime in the area. Given Akwesasne's unique geographic location, no single organization can address this issue in isolation. The need for this type of cooperation was reiterated in the March 2012 Standing Committee on Justice and Human Rights report: "In countering the growth of organized crime groups and dismantling their structures and sub-groups, a critical component is the improved coordination, sharing and use of criminal intelligence and resources. This sharing of information and resources is used in support of integrated policing, law enforcement plans and strategies, and assists the police in communicating the impact and scope of organized crime."<sup>28</sup> In alignment with this program theory, the intermediate outcome of the Initiative is dependent on the foundation laid by the "improved capacity of the JIT" (immediate outcome). The evaluation focused on three aspects of cooperation: support provided by JIT on investigations and operations; intelligence-sharing; and communication.

### *Support for Investigations and Operations*

Law enforcement interviewees noted the high level of cooperation and coordination between JIT and the other law enforcement agencies, stating many examples as evidence. Cooperation between the JIT and other law enforcement agencies was evident through mutual assistance on investigations and operations. Assistance included intelligence-probing, surveillance, search warrants, wiretaps, identification of organized crime targets, joint planning for investigations and operations (e.g. development of operations plans), and joint take-downs. JIT members also provided support on investigations by doing undercover work, locating commodities, identifying suppliers, creating intelligence reports and source briefing reports. JIT was also a vehicle for the referral of cases to other partners, and vice versa. Interviewees noted JIT's involvement in many of these activities, particularly highlighting surveillance and human source development. Some of them also stated that the Initiative helped JIT and other agencies leverage resources. Cooperation between the JIT and the Ontario Provincial Police was also evidenced by a signed letter of agreement, whereby the two parties agreed to mutual information sharing and support. The type of investigations and operations led or assisted by JIT included the smuggling and/or trafficking of illicit drugs (e.g. Oxycodone, cocaine, marijuana), firearms, contraband tobacco and humans.

### *Intelligence-Sharing*

The *2006 Evaluation of the Akwesasne Partnership Initiative* stated that the Initiative improved the detection, targeting and investigations of organized crime offences and organizations, through the leveraging of resources from the various organizations, and through improved, timely sharing of information and intelligence. Throughout the activity reports, intelligence development and especially sharing was clearly evident, as many investigations and operations (approximately half) were either initiated by intelligence or facilitated by the sharing of intelligence and information between law enforcement partners. Intelligence development and sharing was evident from JIT to other law enforcement organizations, and vice versa. Interviewees also stated that the Initiative contributed to the sharing of tools (e.g. equipment) and provided access to additional sources of information (e.g. databases).

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<sup>28</sup> Parliament of Canada. *Report of the Standing Committee on Justice and Human Rights*, 2012, p.3.

Law enforcement agencies echoed these results, stating that the presence of Akwesasne Mohawk Police Service members on the JIT had helped build relationships and trust between partners. This was seen as critical to intelligence-sharing due to the highly sensitive nature of the information. In addition to facilitating information-sharing with other law enforcement agencies, JIT's September 2011 activity report stated that "there has been an increase in the intelligence development throughout the entire [police] service as many uniformed patrol officers have recognized the importance of gathering intelligence". This demonstrates the further, unexpected impact of the Initiative on intelligence-development and -sharing.

### *Communication*

Interviewees stated that communication and information-sharing between the JIT and law enforcement agencies had improved as a result of the Initiative and over time. Regular meetings, either weekly management or intelligence meetings, or project-specific meetings, were also a theme in the activity reports and the interviews. These meetings were viewed as a vehicle to share intelligence and information, such as potential targets; coordinate investigations and joint operations; and to share and leverage resources. In doing so, the joint team has avoided miscommunication that can compromise investigations. Representation at these meetings included the Akwesasne Mohawk Police Service, RCMP, CBSA, the Ontario Provincial Police, the Sûreté du Québec, the Cornwall Community Police Service, United States Customs and Border Protection, United States Border Patrol, New York State Police, and the Saint Regis Tribal Police (representation varied based on the nature of the meetings).

## 4.2.3 Knowledge of Organized Criminal Activity in Akwesasne

Akwesasne Mohawk Police Service activity reports describe how JIT activities provided members with knowledge on the nature and scope of organized crime activities. A review of these activity reports demonstrates that, through intelligence gathering and sharing, the Initiative has helped JIT identify individuals involved in illegal activities, trends in illegal activities, as well as changes in conveyance routes and patterns. For example, the reports note an increase in the illicit sales and use of prescription drugs and identify the transportation methods and the target population. They also illustrate an increase in the smuggling or trafficking of certain types of commodities, such as marijuana, in relation to others, such as tobacco.

All interviewees, both from the Akwesasne Mohawk Police Service and other from law enforcement agencies, agreed that participation in or interaction with the JIT through the Initiative enhanced their knowledge of organized crime activities in and around Akwesasne. Akwesasne Mohawk Police Service representatives stated that they benefited from the knowledge of neighboring law enforcement agencies on organized crime issues and that these agencies have helped them increase the reach of their investigations and operations. They have noted a significant increase in their intelligence gathering since 2006.

The Evaluation of Federal Tobacco Control Strategy (2001-2011) found that the training delivered to JIT members related to organized crime and cross-border criminal activities in the Akwesasne region contributed to enhancing JIT members' knowledge and understanding of organized crime issues and law enforcement tools. The training was partially funded through the Initiative.

In turn, law enforcement agencies benefited from JIT's knowledge of organized crime issues, particularly related to the Territory, such as the type and location of illegal activities occurring in Akwesasne; smuggling locations for tobacco, drugs, humans, weapons; and, the individuals suspected to be involved in illegal activities. The main benefit of JIT members was their knowledge of and experience in the local community, and their understanding of the complexities and dynamics of the Territory. Interviewees noted that JIT has unique knowledge and understanding of community members, their relationships and their culture. Given their presence in the Territory, JIT also has the ability to develop unique intelligence, through human sources, thereby extending the reach of other law enforcement investigations and operations.

PS interviewees echoed the views of law enforcement agencies by saying that information from the Initiative, combined with information RCMP and CBSA, provides them with a better understanding of the type of organized crime activities occurring in the Territory. PS interviewees noted that this information provides a more accurate picture of the situation in the Territory. They also stated that this knowledge enhances their ability to provide advice, informs policy development and targets policy decisions.

The Department of Finance receives assessments of contraband activities, including seizure information, from the RCMP and CBSA to help them understand the impact of tobacco taxation levels on contraband tobacco. The Initiative informs RCMP and CBSA assessments in the Akwesasne area. Finance Canada indicated that national seizure information helps them assess and understand where contraband is most prevalent and compare rates across Canada, whether there is interprovincial smuggling (smuggling from low-tax jurisdictions to high-tax jurisdictions), if a significant reduction in the availability of contraband products leads to an increase in legal sales (and, in turn, in tax revenues) and informs discussions in the context of budget deliberations.

#### 4.2.4 Awareness of the Impact of Organized Criminal Activities

Through a review of activity reports and interviews, the evaluation examined whether the Initiative has increased capacity to deliver outreach activities and whether these activities have had an impact on the awareness of community members towards organized criminal activities in and around Akwesasne, particularly on the criminality of contraband tobacco smuggling<sup>29</sup>.

Interviewees from the Akwesasne Mohawk Police Service noted that the funding helped increase JIT's capacity to conduct outreach activities; however, due to the volume of work, JIT members dedicated nearly all of their time to investigations and enforcement operations.

Activity reports show that JIT members conducted 10 awareness and outreach activities between December 2009 and September 2011. Nine presentations were delivered to community members (4), community-based groups (3) and the Akwesasne Mohawk Council (2) to educate them on the increasing trend related to the illicit use of prescription drugs, namely Oxycodone, and the impact of these drugs on community members. Activity reports state that most of these presentations were well received.

Interviewees added that they have noticed more respect towards the police service and that community members are more aware of what to look for in order to help the police. The Akwesasne Mohawk Police Service receives calls from community members providing

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<sup>29</sup> This outcome aligns with the objectives of the Federal Tobacco Control Strategy.

information. This is most likely a result of JIT outreach activities in combination with other Akwesasne Mohawk Police Service activities and communications.

The JIT was also involved in an event called “Kids for Fishing” in the summer of 2011. This one-day camp reached approximately 20 youth and was used as an education seminar on the effects of drug abuse. Akwesasne Mohawk Police Service interviewees also reported having participated in several community functions and events (e.g. sporting events); these allowed them to develop relationships with community members, educate participants on the impact of criminal activities, and develop further intelligence.

The total reach of all activities since 2006 is unknown and, other than what was obtained through the activity reports and the interviews, more detailed information on their impact was not available.

#### 4.2.5 Disruption of Organized Criminal Activities in Akwesasne

Activity reports show a number of police operations involving JIT in a lead or support role resulting in seizures or arrests. Reports show more than 25 seizures of contraband tobacco (more than 100 tobacco cases), illegal drugs (i.e. marijuana, Oxycodone and cocaine), firearms, equipment, and Canadian and American currency. As seizures and arrests result from joint investigations or operations, they cannot be solely and fully attributable to the JIT. However, in all cases, JIT either conducted the seizures and arrests on its territory or provided assistance to other partners in their investigation or operation, which ultimately led to seizures or arrests. In addition to these seizures, approximately 15 individuals were charged for a variety of offences, mostly possession of illegal drugs for the purpose of trafficking. It should be noted that, the evaluation team was unable to establish with certainty whether all seizures and arrests were linked to organized crime activities, or simply illegal/criminal activities.

Aside from the figures reported above, data on the number of charges laid by the JIT or assisted by the JIT since 2006 was not available for the evaluation. The previous evaluation in 2006-2007 had reported an increase in the number of charges laid by the JIT.

All interviewees agreed that JIT was contributing to disrupting organized crime activities in and around Akwesasne. This was also a finding of the previous evaluation. JIT's contribution was evidenced by their information-sharing and their participation in joint investigations and operations. Interviewees highlighted several examples:

- several seizures of Oxycodone, cocaine, ecstasy and weapons;
- human smuggling cases that resulted in arrests in partnership with Canadian and American law enforcement agencies; and,
- Project Cinderford.

Based on document review and interviews, the evaluation team identified two projects noteworthy in terms of cooperation and disruption: Project Cinderford and Project Connectivity.

##### *Project Cinderford*

Project Cinderford was a joint forces investigation led by the Ontario Provincial Police's Organized Crime Enforcement Bureau in partnership with the RCMP, the Cornwall Community Police Service, the Akwesasne Mohawk Police Service and CBSA. The project was launched in December 2009 and focused on the elimination, disruption and identification of individuals and

organized crime groups involved in the trafficking, importing and exporting of controlled substances, weapons and contraband in the Cornwall area.

The project targeted a large organization using Akwesasne as a funnel area for the exportation of marijuana. It resulted in multiple arrests and seizures of illicit drugs (marijuana, cocaine, Oxycodone), contraband tobacco, money, weapons and equipment. An overview report obtained from the Ontario Provincial Police indicates that the totality of the drugs and contraband seized had an estimated street value of more than \$4 million, and that 40 subjects were charged with approximately 350 *Criminal Code* and *Customs and Excise Acts* offences. The report also indicates that criminal organization charges are pending.

JIT was involved at different stages of project Cinderford, including on a full-time basis for a period of time. JIT was involved in planning the operation with all other partners, attended regular meetings and conducted surveillance in its unique geographic area. The JIT executed two search warrants in the District of Cornwall Island. Approximately 30 pounds (13,6 kilograms) of marijuana and several firearms were seized. Out of the subjects who were arrested, two of the main persons involved were residents of Akwesasne. These two residents were arrested on drug related charges and firearm offences.

#### *Project Connectivity*

Project Connectivity involved more than 500 officers from the RCMP, the Sûreté du Québec, the First Nations Police of Quebec and the Akwesasne Mohawk Police Service. The JIT assisted in a major organized crime investigation related to drug trafficking and smuggling (marijuana, cocaine and other drugs) involving three First Nation Territories, including Akwesasne. The JIT assisted in this investigation through surveillance and the identification of organized crime targets and provided information and intelligence for the last two months of the project, which resulted in 55 people being arrested (45 were released on bail).

In total, police raided 50 sites in 13 locations in Kanesatake, Akwesasne, Oka, Montreal and several North Shore municipalities. An individual from Kanesatake was identified as the leader of the organization and was charged with several counts of conspiracy to deal drugs. Police also seized drugs, firearms, cash and a hydroponic greenhouse.

#### *Overall Disruption*

RCMP data shows that between 2006 and 2011, 18 organized crime groups were disrupted by the RCMP in the area surrounding the Akwesasne territory. Given the presence and influence of many partners in the Akwesasne area, the extent to which the Akwesasne Partnership Initiative contributed the disruption of these groups is very difficult to quantify and ascertain in the absence of further information specific to the work of the JIT.

In the absence of seizure data directly related to JIT activities, the evaluation team examined the number of contraband tobacco seizures executed by the RCMP Cornwall and Valleyfield detachments and at CBSA ports of entry to illustrate the extent of disruption of organized crime activities in and around Akwesasne. RCMP and CBSA carton seizures in the Cornwall and Valleyfield area increased from 102,000 cartons in 2004 to 533,000 in 2010. Fine-cut tobacco seized also increased during that time period, going from 420 to 36,000 kilograms, and reaching a high of 58,000 kilograms in 2008.<sup>30</sup> The evaluation of the Federal Tobacco Control Strategy

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<sup>30</sup> Heath Canada. *Evaluation of the Federal Tobacco Control Strategy (2001-2011)*, February 2012

(2001-2011) concluded that these results, in conjunction with Akwesasne's jurisdictional and geographic particularities, suggested that increased monitoring and surveillance activities conducted on the Akwesasne Mohawk Territory may have contributed to the improvement of law enforcement partners' capacity to disrupt and/or control contraband activities, and reduced or mitigated the increase in the availability of contraband cigarettes in Canada.

## 4.3 Performance—Efficiency and Economy

The efficiency of the Initiative was assessed by determining how the average program administration ratio<sup>31</sup> compares to other grant and contribution programs administered by PS. Given that the Initiative is managed under a single contribution agreement with one recipient, it is expected that the level of departmental effort required to manage the agreement will be minimal. A review of financial information combined with estimates of program staff level of effort approximated that the average annual administration cost had been low, at \$14,000 between 2006-2007 and 2010-2011. The Initiative's program administration ratio compared very favorably to other departmental transfer payment programs with an average ratio of 1.4%. Details of the calculations are contained in Annex A.

Program interviewees commented that the level of effort expended to support the Initiative had been stable, which was also reflected in the annual estimates of the total program administration cost that varied from \$13,400 to \$14,900. Program interviewees noted that activities relating to contract negotiations, reporting, and administration have remained the same over the years. There had been minor revisions to the contribution agreements.

In terms of challenges related to the administration of the Initiative, program interviewees noted that because this initiative employs the same terms and conditions as the First Nations Policing Program and given that these terms and conditions are due to expire in March 2013,<sup>32</sup> this has prevented the Program from signing multi-year contribution agreements with the Mohawk Council of Akwesasne. Aside from being more administratively burdensome for the Department, this situation has also made it difficult for the recipient to conduct long-term planning.

Without further outcome-based performance information, it cannot be determined if the Initiative has been economical (i.e. lowest cost to achieve expected outcomes).

### 4.3.1 Program Administration and Reporting

The 2006 *Evaluation of the Akwesasne Partnership Initiative* recommended that the JIT re-institute its annual reporting to PS in order to comply with the requirements of the Canada/Akwesasne contribution agreement. In addition, it stated that PS and the Akwesasne Mohawk Police Service should jointly examine the reporting requirements, and identify the performance indicators necessary to measure the effectiveness of the Initiative in terms of detecting, targeting and investigating organized crime offences and organizations.

The evaluation team notes that annual reporting to PS improved since 2009 as the funding recipient has provided regular reports; however, timeliness of the reports remains an issue.

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<sup>31</sup> The program administration ratio refers to the total program administration cost as a percentage of the contribution paid in a given year.

<sup>32</sup> Program interviewee noted that pending the outcome of the renewal of the terms and conditions of the First Nations Policing Program, the Initiative may consider developing its own terms and conditions.

Furthermore, with the exception of the seven activity reports submitted since 2009, no other performance information has been systematically collected or readily available to measure the effectiveness of the Initiative, in particular in relation to the disruption of organized crime activities, offenses and organizations. This could include the number of seizures conducted or assisted by JIT, the quantity and value of seized commodities, the number of joint force operations led or assisted by JIT, the number of charges laid or assisted by JIT, the number of fines related to organized crime activities (e.g. tobacco smuggling and contraband, drug offences, etc.), or the number of organized crime organizations disrupted in and around the Akwesasne area as a result of the Initiative. Regular collection of performance information on the impact of outreach activities on the awareness and behaviour change among members of the Akwesasne community towards organized crime activity would also enable a more accurate assessment over time of this outcome.

## **5. CONCLUSIONS**

### **5.1 Relevance**

The Initiative remains relevant given evidence of the level of illegal activity in and around Akwesasne. Illegal activities combined with geographical and jurisdictional complexities support the need for inter-jurisdictional cooperation among law enforcement agencies. The area is considered a focal point for the smuggling and trade of illicit drugs, prescription medication, tobacco and, more recently, humans. The absence of the Initiative and its support to the Akwesasne Mohawk Police Service's JIT would create, according to stakeholders, a major gap in intelligence, knowledge and investigative ability.

The Initiative aligns with federal and departmental priorities. The safety and security of Canadians have been central to the federal strategic priorities for several years. The Initiative also supports the federal government's commitment made through other initiatives related to border management, organized crime and contraband tobacco.

The Initiative aligns with the federal role. There exist complexities regarding the roles and responsibilities of the federal and provincial/territorial governments and First Nations in policing First Nations communities; however, the federal government has a role in criminal matters and First Nation lands, and a clear fiduciary relationship with First Nations. Initiatives such as the Akwesasne Partnership Initiative align with and help advance policy objectives of the federal government, and demonstrate federal leadership. The overall safety and security of Canadians and addressing cross-border criminal activities align well with a federal role.

The Akwesasne Partnership Initiatives does not duplicate other initiatives; however, there exists a strong relationship with other PS initiatives. The overall objectives and intended outcomes of the Akwesasne Partnership Initiative are identical to those of the First Nations Organized Crime initiative, which is delivered through a different funding mechanism and operates in different communities. In addition, the Akwesasne Partnership Initiative operates under the terms and conditions of the First Nations Policing Program, which is currently under a renewal exercise. This situation presents possible opportunities for synergy and alignment among the activities/intended outcomes and delivery mechanisms of these initiatives.

## 5.2 Performance—Effectiveness

The Initiative's funding increased the capacity of the Akwesasne Mohawk Police Service to participate in the JIT for the purposes of intelligence-gathering and sharing, support to other law enforcement agencies on investigations and operations, and participation in combined intelligence teams with partnering agencies. It also increased the Akwesasne Mohawk Police Service's expertise and ability to conduct major crime work, and created opportunities for joint training.

The Initiative enhanced cooperation between the JIT and other law enforcement agencies. This was evidenced, in recent years, by the participation of the JIT in numerous operations with Canadian and American law enforcement partners. Law enforcement agencies recognize the support provided by the JIT, which was seen as a key contributor to their investigations and operations. The Initiative also enhanced intelligence-sharing and communication with surrounding law enforcement partners.

This cooperation provided both the Akwesasne Mohawk Police Service and other law enforcement agencies operating in and around Akwesasne with a better knowledge of the nature and scope of organized crime activities. The JIT's knowledge of what occurs on the Territory, combined with information from surrounding agencies, helps all partners get a complete picture of illegal activities taking place. The Initiative also helped PS and Finance Canada make more informed policy decisions.

The evaluation found that the Initiative was certainly seen as contributing to the disruption of organized crime activities. The impact of the Initiative on the disruption of organized crime activities is difficult to measure and attribute solely to the Initiative given the number of law enforcement agencies that operate in and around Akwesasne. No single agency can claim sole responsibility for disrupting organized crime activities, networks and organizations in the area.

The Initiative did not appear to have a significant impact on the JIT's capacity to conduct outreach activities as the majority of members' time was dedicated to operational tasks, i.e. intelligence-gathering, investigations, joint operations. Nonetheless, JIT members did perform awareness and outreach activities in recent years, mostly to educate the community on the impact of organized criminal involvement in the trade of prescription drugs such as oxycodone. Despite these activities being well-received, their impact in terms of actual behaviour change is unknown.

## 5.3 Performance—Efficiency and Economy

The Initiative's program administration ratio (1.4%) compares favorably to other PS initiatives. In terms of administration and reporting, performance measurement and the collection of performance data remains an issue. Recommendations related to the development of a performance measurement strategy from the previous evaluation (2006-2007) have not yet been implemented. Without further outcome-based performance information, it cannot be determined if the Initiative has been economical (i.e. achieve expected outcomes at the lowest cost).

## 6. RECOMMENDATIONS

The Evaluation Directorate recommends that the Assistant Deputy Minister, Law Enforcement and Policing Branch:

1. Going forward, examine the positioning of the Akwesasne Partnership Initiative in relation to other related Public Safety Canada initiatives in terms of its policy objectives, delivery mechanisms, funding sources and intended outcomes. This examination should determine whether the Initiative is more closely aligned with the policy objectives of organized crime (e.g. First Nations Organized Crime Initiative) or a renewed First Nations Policing Program. This should be done with a view to producing a global picture of achievement of policy objectives; and to streamlining initiatives and their delivery.
2. Develop and implement a performance measurement strategy in accordance with the Treasury Board of Canada Secretariat's *Guideline on Performance Measurement Strategy under the Policy on Transfer Payments*, in order to improve attribution of the Akwesasne Partnership Initiative's performance. The Initiative should collect performance information on a regular basis from the funding recipient based on the performance measurement strategy and as specified in the contribution agreement.

## 7. MANAGEMENT RESPONSE AND ACTION PLAN

The Law Enforcement and Policing Branch accepts and supports the evaluation and its recommendations. As part of its ongoing commitment to provide specialized First Nations policing to target organized crime on reserve, the Law Enforcement and Policing Branch will continue to work with its partners to strengthen the Akwesasne Partnership Initiative.

### Action Plan:

1. Starting in fiscal year 2012-2013, the Law Enforcement and Policing Branch has begun to work with departmental partners, including the Community Safety and Partnerships Branch and the Royal Canadian Mounted Police, to review the design, terms and conditions and objectives of the Initiative to ensure its alignment with other First Nations policing programs and its ability to advance specialized measures to combat serious and organized crime on reserve. Target date: End of fiscal year 2013-2014.
2. The Law Enforcement and Policing Branch will develop a performance measurement strategy by June 2013. The Law Enforcement and Policing Branch will also work with the recipient to ensure that performance-related data is collected on a regular basis and clearly specified in the contribution agreement.

## ANNEX A: FINANCIAL INFORMATION

Values in the table are in dollars and have been rounded to the nearest hundred.

<b>PROGRAM ADMINISTRATION COSTS</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010</b>	<b>2010-2011</b>
<b>Public Safety Program Staff</b>					
Salaries <sup>1</sup>	4,700	4,800	4,900	4,900	5,000
Operations and Maintenance	0	0	0	0	0
<b>Subtotal</b>	<b>4,700</b>	<b>4,800</b>	<b>4,900</b>	<b>4,900</b>	<b>5,000</b>
<b>Director General's Office</b>					
Salaries <sup>1</sup>	2,500	2,500	2,500	3,100	2,700
Operations and Maintenance	0	0	0	0	0
<b>Subtotal</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>	<b>3,100</b>	<b>2,700</b>
<b>Internal Services</b>					
Salaries <sup>1</sup>	2,900	2,900	2,900	3,200	3,100
Operations and Maintenance	0	0	0	0	0
<b>Subtotal</b>	<b>2,900</b>	<b>2,900</b>	<b>2,900</b>	<b>3,200</b>	<b>3,100</b>
<b>Employee Benefits Plan (20% of Salary Expenditures)</b>	<b>2,000</b>	<b>2,100</b>	<b>2,100</b>	<b>2,200</b>	<b>2,200</b>
<b>PWGSC Accommodation Allowance (13% of Salary Expenditures)</b>	<b>1,300</b>	<b>1,300</b>	<b>1,300</b>	<b>1,500</b>	<b>1,400</b>
<b>TOTAL PROGRAM ADMINISTRATION COST</b>	<b>13,400</b>	<b>13,600</b>	<b>13,700</b>	<b>14,900</b>	<b>14,400</b>

<b>TRANSFER PAYMENTS</b>					
Budget	950,000	965,000	1,470,000	989,400	976,000
Contribution Paid	950,000	475,000	1,460,000	989,400	976,000
Budget minus Contribution Paid <sup>3</sup>	0	490,000	10,000	0	0
<b>PROGRAM ADMINISTRATION RATIO<sup>2</sup></b>					
Annual	1.4%	2.9%	0.9%	1.5%	1.5%
Five year Average					1.4%

Note 1: Salaries for Public Safety Canada program staff have been estimated based on one PM-04 employee working on the program full time for four weeks per year. For the Director General's office, salary estimates are based on the assumption that 1% of four employees' time is dedicated to supporting the program. Salaries for internal services are estimated to be 40% of the total estimated salaries for program staff and Director General's Office.

Note 2: The administration ratio refers to the total program administration cost as a percentage of the contribution paid in a given year.

Note 3: For 2007-2008, an amount of \$490,000 was not paid to Akwesasne because the Department did not receive all documentation that was required to release the payment. The outstanding payment for 2007-2008 was released during fiscal year 2008-2009. There was no change to the agreement itself, but in order to cover the additional contribution payments in 2008-2009, a budget transfer was approved between the First Nations Policing Program and the Akwesasne Partnership Initiative for \$500,000 thus increasing the total budget in 2008-2009 to \$1.47 million.

## ANNEX B: CONTRABAND TOBACCO SEIZURE DATA

Year	Cartons/Unmarked bags of cigarettes		Fine-cut tobacco (kg)	
	Cornwall/Valleyfield detachments <i>(% of national total)</i>	National Tobacco Seizures	Cornwall/Valleyfield detachments <i>(% of national total)</i>	National Tobacco Seizures
2004	102,000 <i>(47.6%)</i>	214,166	420 <i>(3.7%)</i>	11,241
2005	232,000 <i>(45.9%)</i>	504,895	460 <i>(2.9%)</i>	15,983
2006	240,000 <i>(28%)</i>	856,095	545 <i>(1.0%)</i>	53,747
2007	233,000 <i>(26.0%)</i>	894,754	38,000 <i>(84.7%)</i>	44,848
2008	465,000 <i>(41.0%)</i>	1,132,300	58,000 <i>(81.5%)</i>	71,140
2009	393,000 <i>(33.6%)</i>	1,170,195	17,700 <i>(39.5%)</i>	44,826
2010	533,000 <i>(53.0%)</i>	1,006,286	36,000 <i>(46.3%)</i>	77,773

Source: Data provided by the RCMP and CBSA as part of the Evaluation of the Federal Tobacco Control Strategy (2001-2011).

## ANNEX C: DOCUMENTS REVIEWED

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