Public Safety Canada | Sécurité publique Canada

ARCHIVED - Archiving Content

ARCHIVÉE - Contenu archivé

Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.

Canada

JL
103
S6
S41
1992

Secretariat role
-
Ministry of the
Solicitor General

June 25, 1992

SECRETARIAT ROLE

MINISTRY OF THE SOLICITOR GENERAL

Prepared by: Mona Browne
Executive Services

Copyright of this document does not belong to the Crown. Proper authorization must be obtained from the author for any intended use.

Les droits d'auteur du présent document n'appartiennent pas à l'État. Toute utilisation du contenu du présent document doit être approuvée préalablement par l'auteur.

Library
SOLICITOR GENERAL CANADA
JAN 10 1994
BIBLIOTHÈQUE
SOLLICITEUR GÉNÉRAL CANADA
OTTAWA (ONTARIO)
K1A 0P8

JL
103
.S6
S41
1992

AIDE MEMOIRE

SUBJECT: The Role of the Secretariat of the Ministry of the Solicitor General

A. Development of the Secretariat (1966-1992)

The Department of the Solicitor General was established by the Government Organization Act, 1966 effective October 1, 1966. The duties, powers and functions of the Solicitor General of Canada were defined as including all matters over which the Parliament of Canada had jurisdiction, not assigned to any other department, branch or agency of the Government of Canada, relating to:

(a) reformatories, prisons and penitentiaries;

(b) parole and remissions; and

(c) The Royal Canadian Mounted Police.

In essence, the division of authority between the Solicitor General and Attorney General reflected on the one hand, the perceived need to separate the investigative and prosecutorial responsibilities of the Crown, and on the other, the appropriate breadth of responsibilities for which a single Minister should be accountable.

The office of the Deputy Head was constituted and commenced to function at that time, and thereafter the nucleus of a headquarters staff was assembled and, at the same time, a study was undertaken of the departmental organization necessary to implement the provisions of the Act.[1]

The purpose of the transfer of these duties from the Department of Justice to the new Department of the Solicitor General was to provide for "better co-ordination of the programs and policies of the three agencies responsible for attending to the problems related to the deviates from the law". The new Departmental Headquarters would have the necessary staff

---

[1] Report of the Solicitor General of Canada to the House of Commons for the fiscal year ended March 31, 1967.

expertise and capacity to co-ordinate the planning and to monitor the administration of these services.[2]

The organization and staffing of the Departmental Headquarters proceeded and plans were laid for the establishment of a small but competent staff which would provide a variety of services to the Department and its agencies. The first elements to be established were the Organization and Personnel Division, Legal Services Division and the Planning and Research Division. The next tier to be established included a Management Services Division which would promote greater efficiency through the development of improved techniques and management practices; an Information Services Division which would assist the Minister and Deputy Minister in developing a public awareness of the problems, programs and activities of the Royal Canadian Mounted Police and the Corrections Agencies; and a Departmental Secretariat to provide a number of administrative services.[3]

By the close of March 1972, the Departmental Headquarters staff numbered 97, and the organization chart of the day reflected the units of Security Planning and Research, Information, Correctional Consultation and Research, Financial Management, Personnel, Management Consulting, Management, Legal, Secretariat and a Special Adviser on Correctional Policy reporting through the Assistant Deputy Solicitor General to the Deputy Solicitor General.[4]

In 1973, what had been known formerly as the Departmental Headquarters was reorganized into four branches (Policy Planning and Program Administration, Research and Systems Development, Communication and Consultation, and Police and Security Planning and Analysis), each headed by an Assistant Deputy Minister, to perform the functions of a Ministry Secretariat. The restructuring was intended to support the Deputy Solicitor General as the focal point for developing and coordinating policy horizontally across the entire portfolio of the Solicitor General and at the same time respecting the full operational control of Heads of Agencies for administrative functions and programs. Heads of Agencies would continue to report directly to the

---

[2] Annual report of the Solicitor General of the Department of the Solicitor General for the fiscal year April 1, 1971 to March 31, 1972.

[3] Annual Report of the Solicitor General of Canada for the fiscal year ended March 31, 1969.

[4] Annual Report of the Department of the Solicitor General for the fiscal year April 1, 1971 to March 31, 1972.

Solicitor General.[5] As of 1974 the Ministry Secretariat was staffed at the level of 199 person years[6].

In 1978 another reorganization of the Secretariat was carried out. The major thrust of the organizational changes was to emphasize the Secretariat's policy and program role at the federal and federal-provincial levels in four major areas: the criminal justice system; corrections; police; and security. The changes were also intended to enhance lines of communication. Under the new structure three branches (Policy, Police and Security and Programs), each headed by an Assistant Deputy Minister reported to the Deputy Solicitor General.[7]

As of 1979, the staff of the Secretariat numbered 224 persons and had an annual budget of $17.2 million[8]. During fiscal year 1981-82, the Secretariat employed 256 persons and the total expenditures increased to $21.5 million. This increase in expenditure was directly attributable to work generated by major legislative and policy initiatives of the Ministry including the Young Offenders Legislation, the Justice for Victims study and the review of the Criminal Code.[9] By 1984, the same year which saw the establishment of CSIS, the Secretariat employed 308 persons and had expenditures of $40.3 million. The Secretariat's policy thrust continued to be in four main functional areas: the criminal justice system, corrections, policy and security. Organizationally it continued to have three operations branches (Policy, Police and Security and Programs) as well as an Administration Branch and a Corporate Systems Office.[10] By 1985/6 the Secretariat had grown slightly in size to 333/316 persons, and an expenditure level of $119.8/140.4 million, stemming primarily from responsibilities entailed by the Young Offenders legislation.

---

[5] Annual Report of the Ministry of the Solicitor General for the fiscal year April 1, 1972 to March 31, 1973.

[6] Annual Report of the Ministry of the Solicitor General for the fiscal year April 1, 1974 to March 31, 1975.

[7] Annual Report of the Ministry of the Solicitor General for the fiscal year April 1, 1978 to March 31, 1979.

[8] Annual Report of the Ministry of the Solicitor General for the fiscal year April 1, 1980 to March 31, 1981.

[9] Annual Report of the Ministry of the Solicitor General for the fiscal year April 1, 1981 to March 31, 1982.

[10] Annual Report of the Ministry of the Solicitor General for the fiscal year April 1, 1984 to March 31, 1985.

In 1987, in the wake of the Nielsen Task Force report on Justice and the decision of the Prime Minister to "streamline federal activities in the justice sector", responsibility for criminal justice policy matters was lodged with the Minister of Justice. As a result, in 1987, the manpower and budget of the Secretariat returned to the traditional level of approximately 265 person years and $28.5 million.[11]

New structures were required to reflect this change to the Secretariat mandate. The existing Policy and Program Branches were dismantled and abandoned in favour of a Planning and Management Branch and a Corrections Branch, while the Police and Security Branch was retained largely unchanged (see Tabs A and B). These structures have continued to serve the Secretariat until the present (see Tab C).

The only major continuing responsibility (entailing significant resources) accruing to the Secretariat in the intervening years has been the assumption as of April 1, 1992 of the First Nations Policing Program as a new program delivery element within the Police and Security Branch.

B. Program Review Exercises

Throughout the 26 years of the Secretariat's existence a number of occasions have arisen when questions have been raised as to what constituted the appropriate scope for the Secretariat's activities, on other occasions efforts have been made to define or provide greater clarity to the role of the Secretariat. The most significant of these efforts have been:

* The Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police (The McDonald Royal Commission), 1981

* Improved Program Deliver: Justice System (The Nielsen Task Force), 1985

* The Report of the Senate Special Committee on Terrorism and the Public Safety (The Kelly Report I), 1987

* The Report of the Second Special Committee of the Senate on Terrorism and Public Safety (The Kelly Report II), 1989

---

[11] The program transfer reduced Secretariat resources and provided the Department of Justice with 45 person years and $151 million to manage responsibilities related to the Young Offenders Act and leadership in developing criminal justice policy. (1988-89 Estimates, Part III, Solicitor General Canada).

* Profile and Process in Transition (Osbaldeston Report), 1987

* Solicitor General Canada Secretariat Mission, 1989

* In Flux but Not in Crisis (Report of the Special Committee on the five year review of the CSIS Act and Security Offences Act), 1990

* On Course (official response of the Government to In Flux), 1991

C. Recommendations Relating to the Activities of a Domestic Security Intelligence Service

Six of the above studies have had as their primary focus and preoccupation the provision and control of domestic security intelligence services. As a consequence, the recommendations of these reports relating to the role of the Secretariat have been narrowly focused and rendered in isolation of the larger Ministry mandate.

The McDonald Royal Commission was established in the wake of the October Crisis in 1970 and recommended, as had the previous Royal Commission on Security (McKenzie) the creation of a separate civilian security agency (see Tab D). The resultant CSIS Act and Security Offences Act assigned, inter alia, to the Secretariat, statutory responsibilities for advising the Minister and providing a service of post facto compliance review (see Tab E).

During its first three years of operation CSIS ran into a number of difficulties and was criticized for the slow pace of transition and civilianization. Following the alleged Atwal warrant irregularities, an Independent Advisory Team was established under the chairmanship of the Honourable Gordon Osbaldeston, to present a plan of action to advise the Solicitor General on the framework of operational policies required to support CSIS counter-subversion activities including targeting and, the design of personnel management policies.[12] The 34 recommendations of the Osbaldeston report were accepted and adopted in toto (see Tab F).

In a climate of increasing concern about the rise of international terrorism, a Special Committee of the Senate was struck under the chairmanship of Senator Kelly to examine the subject of terrorism and public safety (see Tab G). The Government responded by generating the 'National Counter-

---

[12] People and Process in Transition.

Terrorism Plan' and subsequently establishing the National Security Coordination Centre within the Police and Security Branch of the Secretariat. A second special Senate committee was formed following the hi-jacking of the bus on Parliament Hill and it in turn published its report in 1989 (see Tab H).

The CSIS Act and Security Offences Act required that a parliamentary review of the legislation be undertaken after five years operation to examine the way in which the new system functioned. This review by a special committee of the House of Commons was completed in 1990 and contained 117 recommendations, many of which entailed legislative amendment, proposing significant changes to the national security system (see Tab I). The Government's formal response, On Course, tabled in 1991, asserted that the system had served the country well and should be left intact until the next review of the legislation in 1998.

D. Recommendations Related to the Larger Role of the Secretariat for Matters Pertaining to Corrections, Parole, Policing and Criminal Justice

For purposes of this aide memoire, the Report of the Task Force on Program Review of 1985 and the Secretariat Mission Statement of 1989 are the two documents which deal with the broader mandate of the Secretariat.

On September 24, 1984 a Task Force on Program Review was established under the chairmanship of the Honourable Eric Nielsen to investigate within a one year timeframe ways in which to overhaul government programs to make them "simpler, more understandable and more accessible to their clientele".[13] One review team focused on certain aspects of the Justice system, and twelve Secretariat programs formed a part of the review. The 450 page Report of the task force was published in November 1985. While the review team favoured the reamalgamation of the functions of the Solicitor General and the Attorney General, with deputy heads assuming responsibility for the three areas of legal services, police and operations, and policy, the public document only recommended that the Department of Justice and the Secretariat of the Ministry of the Solicitor General be jointly subject to an external "A" base review (See Tab J).

To summarize the findings of the review team, with respect to specific Secretariat programs, the team recommended the continuation of the Criminal Justice Research Program, Demonstration Program, Program of Grants and Sustaining Contributions to National Volunteer Organizations in Criminal Justice, Employment Program, Consultation Centre Activities (on a

---

[13] An Introduction to the Process of Program Review.

modified basis), National Victims Resource Centre (with a changed location), Firearms Registration (with improved coordination), Publications (with the option to contract out) and Ministry Library (with improved mandate) be continued. With respect to Sustaining Contributions to Canadian Justice Research Centres and the Solicitor General's Fund for Independent Research, the review team recommended general continuation and transfer to the Social Services and Humanities Research Council. It was recommended that the Young Offenders Program be relocated to the Department of Justice to complement that Department's responsibility for adult criminal justice.

Following the publication of the Task Force Reports, the Chairman recommended to the Prime Minister the transfer of eleven programs from the Solicitor General's Department to the Department of Justice and the Social Services and Humanities Research Council (see Tab K). The letter of instruction to the incoming Solicitor General of June 30, 1986 read, in part, "in order to streamline federal activities in the justice sector and to free you to concentrate on issues related to the four agencies for which you are responsible, I have decided that responsibility for matters of criminal justice policy should be consolidated with the Minister of Justice. This will necessitate the transfer of certain programs currently located in your department" (see Tab L). The transfer of the Young Offenders Program and Firearm Registration was subsequently effected (see Tab M) and acknowledged (Tab N).

The effect of this reorganization was to transfer to the Department of Justice policy and program responsibility for Young Offenders and Firearms. The Department of Justice also assumed leadership in broad criminal justice initiatives such as victims, crime prevention, women and Natives in the criminal justice system and international criminal justice, while the Ministry of the Solicitor General remained responsible for the policing, security and correctional aspects of these initiatives.[14]

The transfer of responsibilities was a wrenching one for the Secretariat as can be seen from the files, which highlight the natural tensions between the departments of an Attorney General and Solicitor General, and the difficulties of finding an acceptable line of demarcation between the realm of 'criminal justice policy' and 'social justice policy'.

The final element of this review of documentation relates to the publication of the Secretariat's Mission Statement in 1989 (see Tab O). The statement sets out not only the mandate of the Secretariat but also serves as a guide to the professional

---

[14] Talking Points for the Solicitor General, February 19, 1987 and the News Release of March 25, 1987.

standards and kinds of functions accruing to officers of the Secretariat. The process of articulating the mandate of the Secretariat differed in an important way from previous exercises. Rather than imposing a vision of the Secretariat from outside or above, the Mission Statement was the culmination of discussion, at all levels within the Secretariat, and represents a consensus understanding of the raison d'etre of the organization. In,

* providing direction to the Agencies of the Ministry;

* exercising national leadership in policing, law enforcement, security, corrections and conditional release; and,

* answering in Cabinet and Parliament for the Ministry.

the mission of the Secretariat is clearly focused as providing strategic leadership in relation to the responsibilities of the Solicitor General and providing support to the Minister across the ambit of his authority.

CONCLUSION:

Inasmuch as the role of the Secretariat has been shaped and influenced by the various program reviews, certain elements of the Secretariat's role have remained constant. By definition, the Secretariat supports the Minister of the day in his various capacities including, inter alia, in Parliament, in Cabinet, in federal-provincial relations, and at the international level. Although the Secretariat has on occasion taken on discrete program delivery and research roles, as is the case with the recent addition of the First Nations Policing Program, the Secretariat has traditionally adhered to the functions of policy and legislative development, and the provision of advice.

MEB/June 92

TAB "A"

Annual Report of the Ministry of the Solicitor General 1986-87

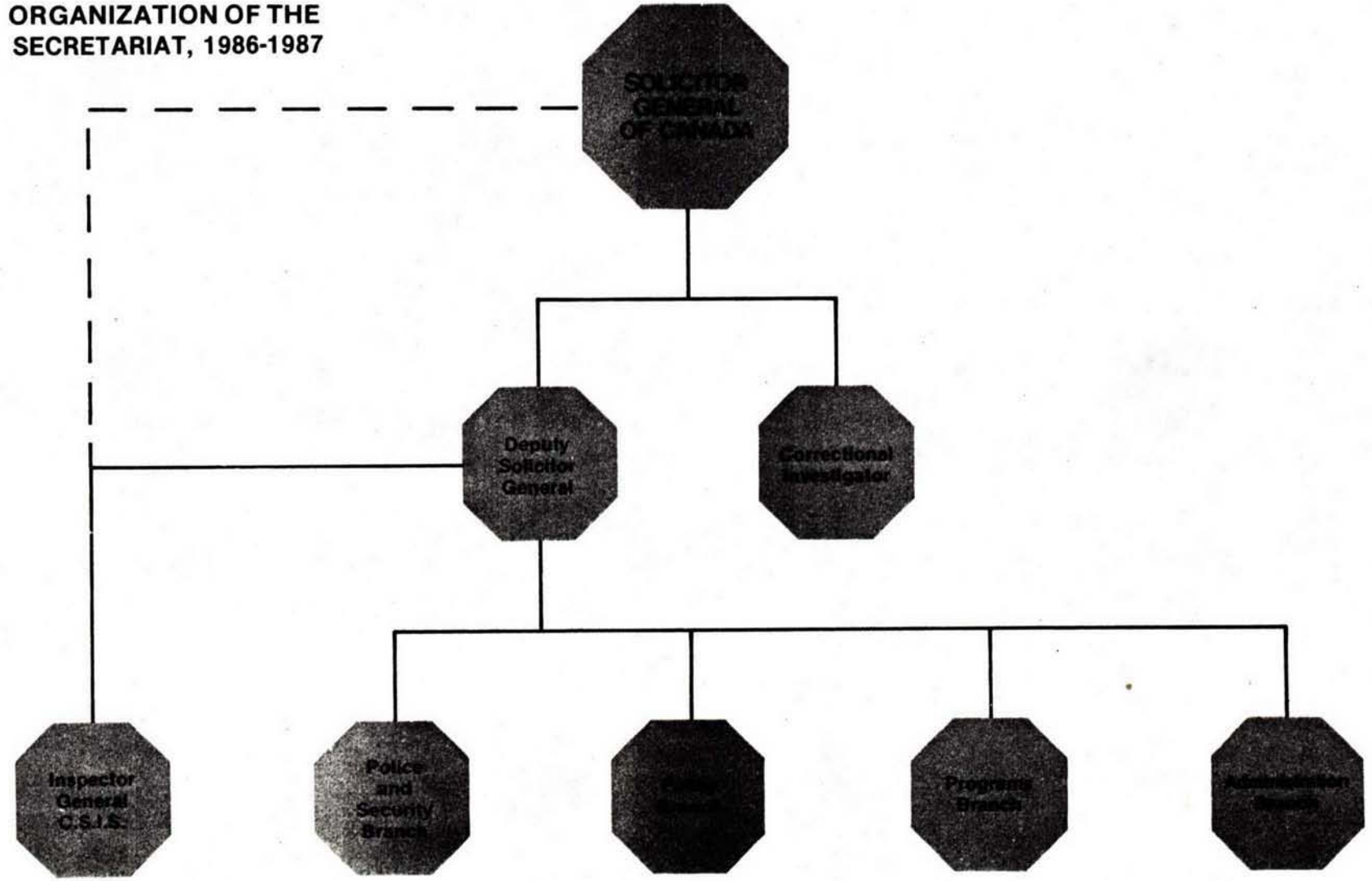
Secretariat

Mandate

The Secretariat's primary role is to develop and coordinate the policy of the Ministry. It is headed by the Deputy Solicitor General who, with the heads of the Royal Canadian Mounted Police, The Correctional Service of Canada, the National Parole Board and the Canadian Security Intelligence Service, participates in the Ministry's Senior Policy Advisory Committee.

The Secretariat's policy thrust is in four main functional areas: the criminal justice system, corrections, police and security. Organizationally, it has three operations branches, Policy, Police and Security, and Programs, as well as an Administration Branch and a Corporate Systems Office. During fiscal year 1986-87, the Secretariat employed 316 person-years and incurred expenditures of $140.4 million.

ORGANIZATION OF THE SECRETARIAT, 1986-1987



Policy Branch

The Policy Branch undertakes policy advice and development in support of the Solicitor General, the Deputy Solicitor General and the agencies of the Ministry. This support covers issues arising from juvenile justice, corrections and release, and selected aspects of criminal justice policy, such as firearms, Native justice and criminal records. Another essential function is liaison with other branches of the Secretariat, Ministry agencies and other components of the criminal justice system, including related federal and provincial departments and agencies and private sector organizations.

The Branch is responsible for negotiating federal-provincial-territorial agreements concerned with juvenile justice services and administering the firearms provisions of the *Criminal Code*, as well as for promoting intergovernmental co-operation in these areas.

The Branch analyses proposals of The Correctional Service of Canada and the National Parole Board, and provides advice, alternatives and recommendations to the Deputy Solicitor General and the Solicitor General on matters of correctional policy and operations.

Finally, the Branch carries principal responsibility for planning and coordination at the interdepartmental, intergovernmental and international levels on matters relating to the Ministry's responsibilities for corrections, juvenile justice and other matters.

Organizationally, the Branch comprises three Directorates: Young Offenders Policy, Corrections Policy and Criminal Justice Policy.

Young Offenders

Amendments to the *Young Offenders Act* were introduced in Parliament on April 30, 1987, and adopted on June 27. This followed national consultations, undertaken the previous year, with a broad cross-section of professional and community organizations active in juvenile justice as well as representatives from all provinces and territories.

These amendments remedied a number of operational problems identified during the implementation of the Act. The consultations confirmed widespread support for the fundamental principles of this major legislative reform.

A Young Offenders Cost-Sharing Agreement was concluded with Manitoba. All provinces and territories except Quebec are now receiving federal contributions for juvenile justice services delivered by these jurisdictions. Federal transfers under the terms and conditions of this cost-sharing program totalled $77 million in 1985-86, and $109 million in 1986-87.

The federal transitional support programs, initiated in 1984-85 to facilitate implementation of the Act, were maintained in 1986-87. These included:

- a contributions program to promote innovative juvenile justice projects and technology transfer programs consistent with the principles and provisions of the new legislation,
- a contributions program to assist the provinces and territories in developing automated information systems to meet the record-keeping requirements of the Act and to establish effective administrative and statistical programs with respect to juvenile justice.

An evaluation strategy for the new legislation was made operational with the development of a Qualitative Description Study to describe the operation of the juvenile justice system in Canada.

Corrections

The Corrections Directorate provides advice and recommendations to the Solicitor General and the Deputy Solicitor General on a broad range of correctional issues. It conducts and coordinates studies of major policy issues in the areas of corrections and release, such as long-term offenders, dangerous offenders, overcrowding in institutions, and conditional release and mandatory supervision.

Correctional Law Review

The Correctional Law Review is that portion of the Criminal Law Review (CLR) concerned exclusively with federal legislation governing corrections. The CLR provides an opportunity to ensure that federal correctional legislation reflects modern correctional policy and practice in a manner which integrates corrections with the rest of the criminal justice system. This involves on-going policy development work in a number of key areas.

During 1986-87, a Working Paper on Conditional Release was issued. This paper discusses the current objectives and functions of conditional release and examines the most critical and controversial issues that arise in this important area. Consultations took place on this and other papers with provincial and territorial governments both bi-laterally and through the Federal-Provincial Committee on the CLR. In addition, consultations were undertaken with other interested groups and individuals.

Passage of Legislation

Legislation which was developed and introduced in Parliament the previous year was adopted in July, 1986. Bill C-68 amended correctional legislation, eliminating anomalies and responding to requests from the provinces to rationalize certain technical problems. Bill C-67 authorized the National Parole Board, in accordance with established criteria and procedures, to detain in custody until warrant expiry, those inmates considered likely to commit an offence causing death or serious harm to another person before the end of their sentence. The Board was also authorized to place inmates under strict residential conditions upon their eligibility for release under mandatory supervision, and to specify that certain inmates will have only one chance in the community under mandatory supervision. In sum, these new provisions allow greater control over the release of demonstrably violent offenders, while at the same time facilitating early identification of those inmates who are good candidates for supervised release in the community.

Criminal Justice

The Criminal Justice Directorate undertakes policy advice and coordination on criminal justice issues that affect the Ministry. Close liaison is maintained with the Department of Justice and other departments with criminal justice and social policy initiatives of interest to the Ministry of the Solicitor General.

Support is provided to the Solicitor General and the Deputy Solicitor General in their roles vis-a-vis Cabinet, the Provinces and the international justice community.

Firearms

Negotiations of two-year interim financial agreements were concluded with all provinces and territories pending the establishment of arrangements aimed at achieving a cost-recovery position.

Close working relationships with the provinces continued through the seventh annual conference of Chief Provincial and Territorial Firearms Officers in May, 1986.

International

The Deputy Solicitor General attended the United Nations Experts Group Meeting on Family Violence in Vienna in December, 1986. The Criminal Justice Policy Directorate supported him in this role.

Police and Security Branch

The Police and Security Branch analyses policy initiatives, operational policy issues and operational submissions in the areas of law enforcement and national security to provide appropriate advice to the Solicitor General and the Deputy Solicitor General.

The Branch also initiates, develops and administers Government and Ministry policy for law enforcement and national security matters as well as in the general area of counter-terrorism.

The Branch undertakes sectoral policy development and coordinated responses to law enforcement and national security initiatives in co-operation with the agencies of the Ministry, central federal agencies, the Department of Justice, other federal departments and the provinces.

The Branch manages the Solicitor General's direct responsibility for the national security program, and the Ministry's contingency planning responsibilities, and coordinates the federal government's counter-terrorism program.

Security Policy and Operations Directorate

The Directorate comprises two divisions, Security Policy and Security Operations, and is responsible for:

- analyzing corporate and operational policy initiatives, issues and operational submissions in the area of national security to provide appropriate advice to the Solicitor General and the Deputy Solicitor General;
- initiating, developing and administering government and Ministry policy in the area of national security;
- undertaking sectoral policy development on national security initiatives in co-operation primarily with the agencies of the Ministry and central federal agencies;
- managing the Solicitor General's direct responsibility for national security programs.

Highlights of 1986-87

Security Policy Division

This Division has continued to provide assistance in the development of strategic and operational policy in relation to national security issues and the responsibilities of the Solicitor General. This included:

- Direction to CSIS and the RCMP concerning co-operation on counter-terrorism; the provision by CSIS of security assessments to the Government of Canada; and other sensitive areas of operational policy direction in relation to the exercise of CSIS' statutory duties and functions.

- Completion of a review, in conjunction with CSIS, of previous Ministerial direction to ensure consistency with s.6(2) *CSIS Act*.

- Advice on the development and implementation of the Government of Canada's Security Policy, issued by the Treasury Board, dealing with the classification of information and assets and personal reliability and security screening.

- Advice to the Solicitor General on the application of the *Access to Information and Privacy Acts* to security policy issues, and advice on Ministry cases before the courts.

- Continued development of policy with respect to federal-provincial coordination in security investigations and enforcement of the *Security Offences Act*. Arrangements pursuant to s. 17 and s.61(2) of the *CSIS Act* were negotiated.

- Advice and development of Ministerial policy in relation to CSIS corporate polices and programs, including: official languages, human resources and financial matters.

Security Operations Division

This Division reviewed and provided advice to the Solicitor General on CSIS' requests for authority to implement special investigative techniques and for ministerial approval to undertake sensitive operations.

The Security Operations Division also reviewed and provided advice to the Solicitor General on CSIS and RCMP reports submitted as part of their ongoing responsibilities in relation to the *Immigration Act* and the *Citizenship Act*.

Security Planning and Coordination Directorate

This Directorate, established in 1985, is responsible for:

- coordinating the identification, development and maintenance of federal counter-terrorism policy, plans and program measures on an interdepartmental, federal-provincial and international basis;

- supporting the Solicitor General in his capacity as lead minister for the federal response to terrorist and other public order emergencies within Canada, including the operation of the Ministry Crisis Centre and the implementation of crisis management arrangements on an interdepartmental and intergovernmental basis;

- coordinating intradepartmentally the development of plans and arrangements further to the Ministry's broader responsibilities for emergency preparedness and crisis management in peace and war;

- coordinating the design and conduct of exercises to test and evaluate counter-terrorism preparedness and coordinating the Ministry's participation in government exercises dealing with other important aspects of emergency preparedness;

- providing secretariat support to the Security Advisory Committee (SAC), the senior interdepartmental committee responsible for security matters having implications across government, including the identification and analysis of issues, the definition of policy requirements and priorities, and the preparation of appropriate proposals.

Highlights of 1986-87

The Directorate enhanced crisis management procedures for counter-terrorism incidents by upgrading the Ministry Crisis Centre, improving communications procedures between responsibility centres, and conducting exercises to test counter-terrorism crisis management arrangements at the interdepartmental, federal-provincial and international levels. In addition, the Directorate addressed several major counter-terrorism policy and program issues, including protective security arrangements at foreign missions and at airports, and participated in several multilateral and bilateral consultations leading to improved international co-operation on terrorism issues.

Police and Law Enforcement Directorate

The Directorate comprises two divisions responsible for:

- reviewing operational proposals submitted by the RCMP to ensure compliance with the law and with the Solicitor General's directives;

- developing and reviewing policy and administrative proposals governing the overall effectiveness and accountability of the RCMP;

- developing and managing federal policy governing RCMP policing agreements with provinces, territories and municipalities.

- reviewing resource allocation proposals affecting the RCMP and ensuring their coordination with Ministry-wide resource concerns;

- developing federal law enforcement policy and coordinating implementation of the Solicitor General's responsibilities specified in the Criminal Code with regard to electronic surveillance and fingerprint examination;

- participating in developing sectoral policy initiatives with federal and national policing and law enforcement implications.

Highlights of 1986-87

Law Enforcement Policy Division

New reporting procedures pursuant to Part IV.1 of the Criminal Code were developed for implementation in 1987.

A revised and enhanced Solicitor General's Annual Report to Parliament on the use of electronic surveillance was developed.

In concert with the departments of External Affairs and Justice, negotiations were continued with a number of countries for the purpose of developing treaties for mutual assistance in criminal matters.

Work has continued with the Department of Justice to develop legislative proposals relating to the identification, seizure, and forfeiture of proceeds of crime.

Plans resulting from the Federal Law Enforcement Under Review (FLEUR) project are being developed and implemented interdepartmentally.

The Division is playing an important and continuing role in the review of Native policing services by the Department of Indian Affairs and Northern Development.

RCMP Policy and Programs Division

This Division provided primary work in developing strategies, policy advice, and other support to the Solicitor General in his statutory responsibilities for the Royal Canadian Mounted Police. Foremost among these activities was the proclamation of Parts II and VI of Bill C-65, establishing respectively the RCMP External Review Committee, which will have a review function in relation to RCMP staff relations matters, and the RCMP Public Complaints Commission, which will have a review role with respect to complaints made against RCMP members. It also coordinated preparations and plans for the start-up of both the External Review Committee and the Public Complaints Commission. Ministerial Directives to the RCMP Commissioner were promulgated and revised respectively on Legislators' Privileges and Immunities and on the Release of Criminal History Records. The maximum service limitation for RCMP members was rescinded, and a mandatory retirement age of 60 was standardized for all ranks.

Ministry initiatives to combat drug abuse and illicit trafficking were coordinated by the Division and provided the basis for developing the Solicitor General's input to the federal government's National Drug Strategy. A significant accomplishment in this area was the formulation and negotiation of a Memorandum of Understanding between the RCMP and the Department of National Defence respecting the provision of military assistance for drug law enforcement.

The Division prepared analyses and position papers for the Minister on proposed new RCMP Regulations; RCMP Official Languages plans and practices; RCMP interests in pension reform; arrangements for policing the 1988 Olympic Games in Calgary; and policy governing arrangements for the use of confidential sources by the RCMP.

Other analyses and activities dealt with RCMP employment practices and the issue of sexual orientation, and RCMP recruitment priorities and strategies.

Access to Information and Privacy Unit

This unit is responsible for:

- implementing the Ministry Secretariat's policies and procedures to ensure that both the *Access to Information Act* and the *Privacy Act* are administered in an equitable and consistent manner;
- processing requests for access either to government records or to personal information under the control of the Secretariat;
- coordinating the Ministry's policies and procedures in the application of government's guidelines relating to both Acts and managing the Ministry's Public Reading Room;
- ensuring a coordinated and consistent response to ministerial correspondence on all access to information and privacy matters affecting the Ministry.

Highlights of 1986-87

During the year, the Unit completed 68 requests under the *Privacy Act* and 43 requests under the *Access to Information Act*.

In addition, the Unit responded to 12 requests for consultation under the *Privacy Act* and 31 under the *Access to Information Act*. These requests were received from government institutions which identified records originating in the Ministry Secretariat while processing their requests for information.

Through management of the Public Reading Room, the Unit responded to 395 requests from visitors, including 313 who were provided with information available in the Reading Room; 65 who were given specific information such as information on the Acts or information contained in the manuals; and 17 who were helped in completing request forms.

Programs Branch

The Programs Branch is the Ministry's research and development arm. Its primary aim is to produce knowledge and information-based advice to improve Ministry decision-making related to criminal justice legislation, policy, programs and operations. The Branch is responsive to the information needs of the Secretariat, the Ministry and the criminal justice system in general. Its Divisions, in a broadly integrated process, produce knowledge and identify emerging issues through research and statistical analyses, applied research studies and evaluations of demonstration projects. The Branch disseminates knowledge to criminal justice professionals and the public through its library, seminars, conferences, training courses, consultation services, research and statistical reports, demonstration project reports, and the Secretariat's periodical publications.

The Branch comprises a Research Division, a Statistics Division, a Consultation Centre, a Communications Group, and a Management Services and Systems Division.

Research Division

The Research Division develops, manages and conducts social science research for use by the Ministry of the Solicitor General and the criminal justice system in general. The Division is primarily concerned with the design, evaluation and specific applicability of research related to Ministry objectives in order to:

- provide research-based policy and program advice;
- provide information to improve the planning and development of policies, programs and legislation which respond to problems related to crime and criminal justice within the responsibilities of the Solicitor General;
- evaluate juvenile justice, policing, corrections and release policies and programs;
- provide information to the public and professionals;
- increase the base knowledge and information on which decisions can be made;
- encourage the development of criminological research and manpower through contributions to centres of criminology and funding support for independent research.

The Division is organized to provide research and evaluation capabilities in four areas: causes and prevention of crime, juvenile justice, corrections, and police. All the sections are involved at the federal, provincial and municipal levels, with governmental agencies and with the private sector.

Priorities for research are reviewed annually in consultation with all Ministry components to ensure maximum compatibility between new research undertaken and evolving Ministry objectives. The Research Division carries out research in-house or by contractors to respond to the identified information needs. The Division has a staff of 20 and an annual budget of about $2 million.

Highlights of 1986-87

During the year, the responsibilities of the Causes and Prevention Research Section included studies to develop and evaluate community policing pilot programs related to crime prevention, family violence and assistance to victims.

The Criminal Justice Policy Research Section is involved in four major areas: evaluation of community-based alternatives; patterns in the use and effectiveness of imprisonment for adults; the effectiveness of alternatives to prosecution and imprisonment; and Natives in the criminal justice system.

The Corrections Research Section works closely with The Correctional Service of Canada and the National Parole Board on serious, persistent correctional problems. Priority areas included conditional release, prison violence, long-term imprisonment, special offenders, security classification, and community supervision.

The Police Research Section has underway a major two-year project on missing children involving three large municipal police departments and the RCMP. Police Research played a key role in designing the research strategy in support of the federal government's drug initiative, and in planning the Police Information Technology Centre to assist the police in coordinating nationally the development of police information systems. Police Research also continued to promote and support nationally, through research and research-based advice, the development and evaluation of innovative community-based policing strategies.

Special Activities

In 1986-87, the Research Division:

- developed and conducted evaluations of community programs in support of the *Young Offenders Act*;
- participated in and provided research information for federal-provincial discussions on proposals for an independent system of justice for Natives;
- continued a nation-wide program of crime prevention projects and services for victims and witnesses, with special attention to abused women;
- supported the Criminal Code Review project with studies in the law enforcement and corrections area;
- conducted evaluations of community programs for adult offenders;
- examined the nature of Native victimization, the needs of Native victims and programs available to them;

- conducted research on Native policing, Native and non-Native homicide patterns and approaches to law based on Native customs and crime prevention in Native communities;
- conducted a North American survey of services and programs designed to facilitate inmates' care and nurturing of their children;
- undertook a validation of a case management instrument for rating offender custody level requirements;
- continued a major program of research on the parole decision-making process and the assessment of risk for parole release;
- contributed to the Ministry's role in the Drug Initiative by compiling an inventory of police/community-based drug prevention and treatment programs; participating in the development of the research and development strategy for police/community-based drug prevention strategies; and developing a research strategy to support police efforts to combat laundering of drug trafficking profits through legitimate institutions;
- participated in planning the Ministry's role in a Police Information Technology Centre to assist police nationally to develop information technology for operational and planning purposes;
- in conjunction with the Consultation Centre and the Ministry of the Solicitor General of Ontario, participated in planning a major regional workshop in Ontario on the implementation of community-based policing.

Statistics Division

The Statistics Division provides professional and technical services, information and advice in the functional areas of statistical policy, statistical studies, crime data, project evaluation, and computer systems technology. It also promotes the overall development of better information and statistics particularly with respect to crime, policing and corrections.

Highlights of 1986-87

Statistics Policy

This Section works with the justice community, and supports collaborative federal-provincial efforts to strengthen criminal justice statistics and information at operational, management and policy levels. The Section coordinated, through the Ministry Statistics Committee, the articulation of Ministry needs for national statistics and information, by advising and offering direction in the work undertaken by the Canadian Centre for Justice Statistics and by participating on the federal-provincial committee of liaison officers.

Internally, the Section supported a number of Ministry initiatives including Young Offenders Record Keeping and Information Systems Development, Women in Conflict with the Law, Missing Children and Police Management Information Systems development.

Evaluation and Crime Data

The Evaluation and Crime Data Section continued to work closely with the Consultation Centre and the Young Offenders Directorate in developing and implementing self-evaluation processes for Ministry-funded projects.

Continued analysis of the Canadian Urban Victimization Surveys (1982 and 1985) resulted in the publication of two reports, Bulletin No. 7 on Household Property Crimes, and Bulletin No. 8, Patterns in Violent Crime.

Other activities included provision of technical support services for communities wishing to undertake local crime surveys, and provision of other crime data information as required within the Ministry.

Statistical Systems

The Section carried out projects related to correctional, police and release statistics, and also undertook an evaluation of National Crime Prevention Week.

A major responsibility was the participation in a study to develop a new test for the selection of RCMP recruits. In addition, the Section provided consultative services to the Ministry in matters related to statistical methodology, data processing, statistical analysis, computer graphics, and other areas.

Consultation Centre

The Consultation Centre provides a regional presence for the Ministry Secretariat and facilitates and supports the delivery of Secretariat programs throughout the country. The Centre works with provincial and territorial governments, voluntary organizations and the general public; identifies needs and opportunities within the regions; facilitates the implementation of the Secretariat's research and development programs; manages the Secretariat's communications program at the regional level; and serves as the major channel of communication between the Secretariat and the regions.

The Consultation Centre has a national office in Ottawa and six regional offices. The national office is responsible for the overall management of the Centre and for coordination of the regional network. The regional offices operate the Centre programs at the local level and facilitate and support the delivery of the Secretariat's programs throughout the country.

The Consultation Centre mandate includes:

1. Federal-Provincial Liaison

The regional offices assist the Secretariat in its mandate to improve the quality, efficiency and effectiveness of policing and corrections services by fostering co-opera-

tion and by co-ordinating and rationalizing policies and programs among orders of government, the voluntary and private sectors and the general public.

Activities under this mandate include: developing and maintaining links, regular dialogue and a climate of co-operation with provincial/territorial governments, components of the criminal justice system, voluntary organizations and the general public; providing direct access to the Secretariat; supporting organization and conduct of consultations on behalf of the Secretariat; and planning and organizing special events such as National Crime Prevention Week.

2. *Identification of Needs and Opportunities*

The Centre contributes to the Secretariat planning and policy development by developing relevant observations, data and ideas from a regional perspective concerning emerging and existing needs for more efficient, effective and humane criminal justice services and opportunities for meeting these needs.

Activities include regional workshops, symposia and meetings; regional planning processes and development of networks on specific priority issues.

3. *Facilitating Research and Development Implementation*

The regional offices provide essential assistance at the local level to the implementation of the Programs Branch's research and development program.

Activities include identification of sites, organizations and opportunities for projects; provision of human and material resources; advice to community groups concerning research and development programs and personnel; and advice to research and development personnel concerning major local issues.

4. *Managing the Secretariat's communications program at the regional level and providing a channel of communication between the Secretariat and the regions.*

The Consultation Centre encourages support and participation by the general public and the criminal justice community in the development and implementation of Secretariat policies and programs.

Activities include responding to inquiries from the media, officials and the public; monitoring the media; organizing press conferences and consultations with the public, government officials and special interest groups; developing and maintaining a regional resource centre; producing or distributing newsletters and special reports; and organizing and participating in workshops, conferences and seminars.

Highlights of 1986-87

Policing

A key development during the year was the implementation of a joint initiative with the Ministry of the Solicitor General of Ontario to promote a community-based policing approach to the provision of police service throughout the province.

Crime Prevention

The Alberta/Northwest Territories Regional Office, in co-operation with the British Columbia and Prairies regions, began a joint effort to address Native crime prevention issues. The three regions consulted with police, government agencies and Native groups in an effort to determine what crime prevention approaches should be taken with respect to Native communities. Consultation reports were completed and planning began for a Western Canada Native Crime Prevention Workshop.

In Montreal, a scientific description and an evaluation of the MUC Police Community Crime Prevention Project was undertaken to assist the police to develop further their community-based policing initiatives.

Planning and implementation of province-wide crime prevention strategies were initiated in New Brunswick in conjunction with the Provincial Police Commission.

In Prince Edward Island, crime prevention strategies involving youth organizations were initiated to give emphasis to the prevention of drinking and driving and family violence.

Community Participation in Criminal Justice

In British Columbia, a Directory of resource people and organizations that provide services to young offenders was compiled for use by the municipal police and by RCMP, Corrections Services and community agencies including the Downtown Eastside Residents Association.

A study was undertaken, in co-operation with the Vancouver Police Department, to obtain information about the problem of Asian street gangs. A history of the community was prepared detailing the ethnic composition and relationships among groups, agencies and the police. A profile of youth at risk was developed. The report of this study is being used to plan appropriate preventive measures.

A workshop on the issue of substance abuse was organized as the major event of National Crime Prevention Week in British Columbia. Representatives of communities and agencies in B.C. and Yukon shared information about the extent of the problem and methods to reduce and discourage substance abuse, particularly among young people.

Alternatives

The Working Together Project in Manitoba was initiated to promote province-wide community involvement

in the youth justice system. The project is facilitating the growth of Community Justice Committees, public education, special needs programming, alternative measures and crime prevention activities.

The Saskatoon Mediation Services Program, developed and operated by the Mennonite Central Committee, offers mediation services to adults in conflict as an alternative to the resolution of criminal and civil disputes through the court system.

Aboriginal Peoples

A Native-operated probation service to seven reserves of the Dakota Ojibway Tribal Council was established to provide culturally appropriate probation and crime prevention programs for Native youth and reserve communities.

A study of young offenders on the Blood and Peigan Reserves was conducted. The project's objectives were to determine the ratio of young offenders from the Blood and Peigan communities who were involved with the juvenile court system and to design program models which could be used as alternative measures. These program models were consistent with community values, traditional practices, Band philosophies, and the administration of the *Young Offenders Act* in Alberta.

A conference involving approximately 100 representatives of police services, government departments and social agencies studied a report prepared by the Native Friendship Centre of Montreal on the needs of Native women in conflict with the law. The report and conference have led to a deeper understanding of the problems faced by Native women in conflict with the law and the organizing of appropriate services.

Youth

In Nova Scotia and Newfoundland, support was provided for the introduction and preliminary evaluation of province-wide community-based young offenders programming.

The Prince Edward Island Department of Justice initiated planning and implementation of innovative community programs for young offenders on probation. Additional support was provided to the province to develop interdepartmental and multi-disciplinary court-ordered assessments for young offenders.

Victims Services

In the Atlantic region, research projects, workshops and the development of resource persons were undertaken to stimulate awareness and interest by professional groups and the public in the prevention of family violence and child abuse. An evaluation was completed of the implementation of a province-wide victim assistance initiative in Prince Edward Island.

The Northwestern Alberta Family Violence Project was implemented. The project's purpose was to involve three communities in determining the various agencies' responses to incidences of family violence in those communities. This project will be completed in 1988.

Plaidoyer-victimes, an association of individuals and agencies in Quebec which promotes rights and services for victims of crime, developed a guide which is being used to train criminal justice and social service practitioners. The guide provides valuable information concerning the needs and problems experienced by victims during and after victimization.

Communications Group

The Communications Group explains the Ministry's function, objectives and activities to those within the criminal justice system and to the public, and serves the information and communications needs of the Solicitor General and the Secretariat.

The Group carries out a program that includes a range of communications activities from planning and issue-tracking to publishing and media relations.

Highlights of 1986-87

In 1986-87, the Group produced more than 52 publications and specialized pieces of information. The Group also supported the Ministry in National Crime Prevention Week, producing, printing and assisting in distributing posters, brochures and other material.

The Group continued to publish Liaison, a monthly journal which has more than 11,000 subscribers.

As part of its continuing support to the Solicitor General and the Secretariat, the Group produces regular media issue-tracking and analyses, and daily press clippings. It is responsible for communications planning for a variety of issues of concern to the Ministry.

During 1986-87, the Group's exhibits and audio-visual section exhibited at some 60 centres across the country. The Section produced and distributed a series of award-winning television public-service announcements for use during National Crime Prevention Week.

The section was involved in a joint video production with a non-government organization, on child sexual abuse. It also assisted in distributing a series of videos on transition houses.

Management Services and Systems Division

The Management Services and Systems Division develops automated and manual management systems and provides executive and management support in the form of operational planning, information systems, research and development (R&D) project administration and monitoring, management of employment development and sustaining funding programs, and delivery of office support services.

These services and systems enable the Branch to fulfill its Ministry-wide

responsibility for criminal justice research and development; ensure productive and efficient operations and information flow across the Branch and coordinate interaction between the Branch, the central agencies of government and the Administration Branch of the Secretariat.

Highlights of 1986-87

During 1986-87, Management Services administered more than 500 new or ongoing R&D projects valued at about $10 million, and funded by contract, contribution or grant. It also managed a total R&D project system comprising more than 2,500 ongoing and completed projects with a value of about $60 million.

Multi-year and contingency plans were developed to help the Branch respond to the complex demands of government restraint, ongoing workloads and emerging priorities. Productivity gains were central to these plans.

The Division continued to fine-tune the automated project management system to make it more responsive to the information needs of managers. A contractor inventory component was added to the system to help managers adhere to the competitive process for contracting and to improve the Branch's capacity to identify and purchase R&D expertise.

Planning and Development Group

The Planning and Development Group was established in June, 1986, to provide a focus for strategic planning and program development within the Ministry Secretariat. The Group identifies emerging trends, issues and program needs of the Ministry and coordinates the Programs Branch strategic planning exercise. The Group is also responsible for planning, implementing and monitoring programs and model projects for new and existing Ministry initiatives and for developing and implementing policies for the sustaining funding program for voluntary organizations.

1. Crime Prevention

The Calgary Police Community Action Program represents a typical experimental project supported by the Planning and Development Group. This project provides an opportunity for community/police collaboration in developing crime prevention activities related to the problems jointly identified in individual neighbourhoods.

Planning and Development also encourages the improvement of coordination mechanisms between police services and other health and social services. In Prince Edward Island, in co-operation with the Department of Justice, a province-wide program addresses the issues of youth, drinking and driving and family violence. The project entails police liaison with community organizations to develop solutions as close as possible to the source of the problems.

National Crime Prevention Week was celebrated across Canada from November 2-8, 1986. Police, businesses, schools, community groups and governments organized a wide range of activities and events to encourage co-operative police-community efforts in preventing crime. The Ministry supported the Week through advice and assistance to local and provincial/territorial groups and through the distribution of promotional materials and crime prevention information. Once again, a highlight of the Week was the presentation of Solicitor General Crime Prevention Awards to individuals and organizations in every province and territory who had made outstanding contributions to crime prevention in their communities.

2. Missing Children

Following the launch of the Missing Children Initiative in December, 1985, by the Solicitor General, the Planning and Development Group was assigned responsibility for implementing certain aspects of this program and for ensuring the overall coordination of the initiative.

Specific activities included the organization in April, 1986, of a National Forum on Missing Children to explore the dimensions of the problem and the possibility of more effective responses. A poster entitled "Childhood" was produced to heighten public awareness and to demonstrate Ministry support for voluntary sector organizations working on this issue.

The Group also worked closely with a variety of organizations including the Ministry Research Division in developing a four-cities research project; with the RCMP in developing the Missing Children's Registry; and with other federal and provincial departments and the U.S. National Centre for Missing and Exploited Children to further international co-operation and collaboration.

3. Victims

The Ministry, through the Planning and Development Group, has supported the development of innovative models for services to victims in Canada. These delivery models have been police-based, community-based, or a combination of the two. Other unique projects have focussed on problems related to wife assault, child abuse and sexual assault.

In addition, the Group has supported a number of national, provincial and regional workshops promoting the development of victim service units, facilitating information exchange, and disseminating training materials.

Major emphasis has been on developing training materials for police and designing service delivery models for victims in rural areas, and among children and the elderly.

4. *Aboriginal Peoples*

In 1986-87, Planning and Development activities for Aboriginal peoples focused on encouraging community and regional participation by Aboriginals in the search for appropriate solutions to policing, corrections and release issues facing their communities.

Planning and Development continued to support a range of community-based demonstration and experimental projects including the Dakota Ojibway Probation Services in southern Manitoba; the Warriors in Prison post-release and prevention project in Ontario; and, with the Department of Justice, the Child Advocacy Project in Winnipeg.

To facilitate Aboriginal communities' capacities to develop appropriate policing and corrections programs, the Planning and Development Group has published and distributed copies of a manual for developing crime prevention activities in Native communities. In addition, an inventory of foundations which may finance Aboriginal criminal justice programs was developed and widely distributed.

Consultation and assistance were provided to local and regional Aboriginal organizations and communities on a range of policing and corrections issues. Consultations with provincial jurisdictions continued with regard to specific initiatives and general Aboriginal policing and corrections issues.

5. *Women in Conflict with the Law (WICL)*

Throughout the year, the Ministry continued to encourage the development of programs and services for women who are in conflict with the law or are at risk of becoming so. Support was provided to community groups and agencies across the country for activities that included employment and life-skills; counselling treatment for shoplifters; the establishment of self-help groups; support to prostitutes seeking an alternate lifestyle; provision of advice and referral services. A number of activities were also designed to share information about the needs of women in conflict with the law and programs to meet those needs, in order to stimulate new services, particularly for women in Aboriginal and isolated communities.

A highlight of the year was a National Conference on Women in Conflict with the Law held in Winnipeg, June 19-21, 1986. This Conference brought together representatives of community groups, service agencies and governments to exchange experiences and expertise about the problems that female offenders and women "at risk" face and how these problems can be solved.

The program has also continued to give special emphasis to the strengthening of networks to help build a foundation for responsive and enduring programs.

6. *National Voluntary Organizations*

During fiscal year 1986-87, the Ministry-National Voluntary Organizations Committee completed two tasks. It finalized and endorsed eligibility criteria for grants and sustaining contributions. It also developed criteria for evaluating the relative merit of funding applications. The Committee agreed on a process for the organizational review of grant recipients in the fifth year of the grant cycle in 1987-88.

In the fall of 1986, the Committee undertook to develop a policy framework governing the relationship of the Ministry with the voluntary sector. In connection with this project, the Secretariat and the agencies of the Ministry surveyed their current interactions with the voluntary sector under four major headings: formal consultations, informal consultations, sharing of knowledge and experience, and funding. The results were compiled and revealed an impressive level of activities between the Ministry and the voluntary sector in each area that was examined. The results are expected to be published in a discussion paper to be released in the fall of 1987.

Administration Branch

The Administration Branch, which comprises the Human Resources and the Finance and Administration divisions, is responsible for all financial, personnel and administrative policies, systems and services within the Ministry Secretariat. The Branch provides specialized advice and services, recommends solutions to developing issues, interprets policies and disseminates management information, including regular and timely resource utilization reports.

Initiatives and Highlights

In 1986-87, the staff of the Human Resources Division participated in the establishment of an Occupational Safety and Health Committee for the components of the Ministry of the Solicitor General located in the Sir Wilfrid Laurier Building, in accordance with the requirements of Part IV of the Canada Labour Code.

Training was provided to Secretariat managers to enhance their participation as members of classification committees.

Efforts to automate human resources activities were continued. The automated leave reporting system introduced the previous year was enhanced, and the feasibility of implementing the on-line pay system offered by Supply and Services Canada was explored.

Personnel policies addressing priority human resources issues were developed. These included training and development, official languages, personal harassment, vacation leave and others.

Several projects were also completed in the Finance and Administration Division:

- a redesign of the financial coding structure was completed reducing the size of the coding block;
- the government-wide initiative of payment on due date was implemented in accounting operations;
- a project to automate the inventory control system was initiated;
- an inventory of all EDP hardware and software was completed;
- a software determination study for an automated Records Management System was undertaken;
- financial and administrative systems were established for the RCMP External Review Committee.

Corporate Systems

Corporate Systems consists of a general director and two small divisions. The Planning and Controls Division is responsible for operational planning and controls. The Management Review Division is responsible for audit, program evaluation and other forms of management review.

Planning and Controls Division

Planning activity in the fiscal year centred on implementation of the Nielsen Task Force recommendations related to program transfers to the Department of Justice; implementation planning for two new review agencies (the RCMP External Review Committee and RCMP Public Complaints Commission); and a restructuring of operational planning elements.

Major revisions to the Corporate Planning Handbook were completed and significant improvements were made to the cash-forecasting system. A major review of resource requirements resulted in a fundamental redistribution of program resources which took place April 1, 1987.

Management Review Division

An assessment of the Women in Conflict with the Law initiative was completed, which resulted in a review to be conducted in fiscal year 1987-88. A framework study of the Young Offenders initiative had been completed at the time that responsibility for that program component was transferred to the Department of Justice and the results of that study were provided to that department. A review of Secretariat planning processes was also completed.

The second phase of the audit of the expenditure restraint program of the previous fiscal year was completed. In addition, staff of the division participated in the evaluation led by The Correctional Service of Canada and National Parole Board of the detention provisions of Bill C-67 and provided advice and assistance to branch contribution audits and to planning for the legislative evaluation of the *Young Offenders Act*, for which responsibility was subsequently transferred to the Department of Justice.

Inspector General of the Canadian Security Intelligence Service

The legislation creating the Canadian Security Intelligence Service, which came into force on July 16, 1984, provided for two overview agencies, the Inspector General and the Security Intelligence Review Committee. The main function of the Review Committee, which comprises five members of the Queen's Privy Council of Canada, is to review generally the performance of the Service. The review is an external one and the Review Committee is required to submit an annual report to the Solicitor General who, in turn, tables it in the House of Commons and the Senate.

The Inspector General is appointed by the Governor in Council. The legislation provides that he is responsible to the Deputy Solicitor General. He is required to provide the Solicitor General directly with certificates of compliance with respect to the Service's operational activities. While the Inspector General is external to the Service, his functions are internal to the Ministry of the Solicitor General. He advises the Government whereas the Review Committee reports to Parliament.

The legislation imposes four functions on the Inspector General:

(a) to monitor compliance by the Service with its operational policies;

(b) to review the operational activities of the Service;

(c) to submit an annual certificate to the Solicitor General stating:

(i) the extent to which the Inspector General is satisfied with the Director of the Service's annual report to the Solicitor General on the Service's operational activities;

(ii) whether any act or thing done by the Service in the course of its operational activities during the period of the Director's report is, in the Inspector General's opinion:

1. not authorized by or under the legislation or contravenes ministerial directions, or

2. involves an unreasonable or unnecessary exercise by the Service of any of its powers;

(d) to conduct such reviews of specific activities of the Service as the Review Committee may direct.

The Inspector General was appointed April 1, 1985, and has since submitted two certificates to the Solicitor General, on September 30, 1985, and April 15, 1986. It was expected that the Third Certificate, relating to the CSIS Director's 1986 Annual Report and the Service's operations for that year, would be completed by mid-April, 1987.

With limited staff, the Inspector General's certification, monitoring and review activities were less comprehensive in prior fiscal year than in 1986-87. In Spring, 1986, after his permanent staff complement had been formally established, the Inspector General was able to commence an intensive program of recruitement and orientation. By early 1987, his office was fully operational with a staff of 12, eight of whom had been newly-employed during the previous year.

These staff members, although drawn from a variety of backgrounds, brought relevant perspectives and skills to their new positions through their diverse professional qualifications and career experiences as lawyers, law enforcement officers and public servants. The Inspector General believes that the Third Certificate and other projects undertaken in 1986-87, including those reviews directed by the Security Intelligence Review Committee, will reflect the effectiveness of those augmented resources and inter-disciplinary approach.

B

TAB "B"

Annual Report of the Ministry of the Solicitor General 1987-88

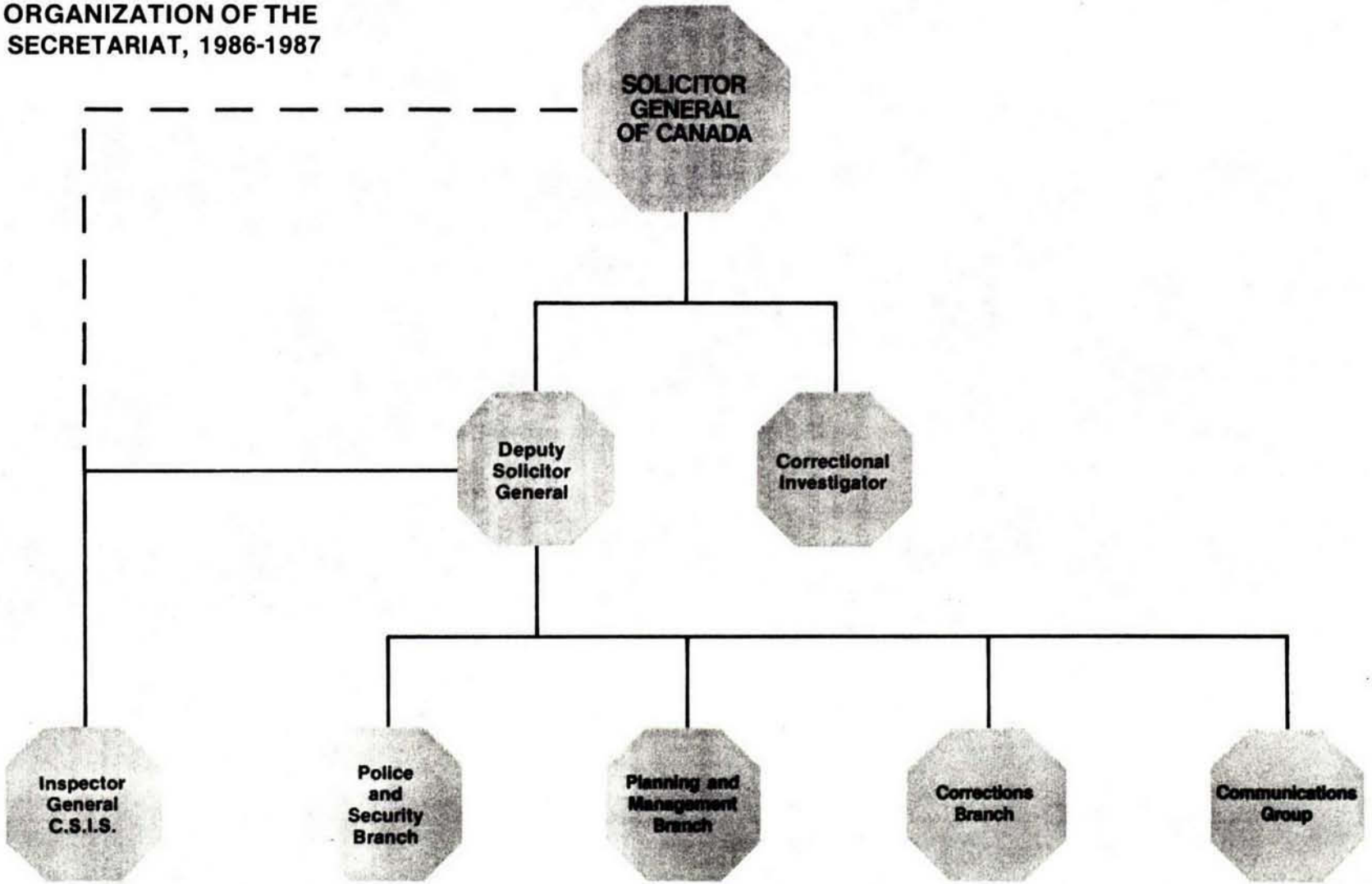
Secretariat

Mandate

The Secretariat's role is to provide strategic and corporate advice to the Solicitor General and advice on the overall policy direction for Ministry programs. It develops and co-ordinates correctional, law enforcement and security policy in co-operation with the four agencies of the Ministry.

The Secretariat is headed by the Deputy Solicitor General, and is organized in keeping with the Ministry mandate for corrections, policing and security intelligence. It has three branches: Police and Security, Planning and Management, and Corrections.

ORGANIZATION OF THE SECRETARIAT, 1986-1987



Police and Security Branch

The Police and Security Branch initiates, develops and administers government and Ministry policy for law enforcement and national security matters as well as in the general area of counter-terrorism.

The Branch also analyses policy initiatives, operational policy issues and operational submissions in the areas of law enforcement and national security to provide appropriate advice to the Solicitor General and the Deputy Solicitor General.

The Branch undertakes sectoral policy development and coordinated responses to law enforcement and national security initiatives in co-operation with the agencies of the Ministry, the Department of Justice and other federal departments, and the provinces.

The Branch manages the Solicitor General's direct responsibility for the national security program, and the Ministry's contingency planning responsibilities, and coordinates the federal government's counter-terrorism program.

Security Policy and Operations Directorate

The Directorate comprises two divisions, Security Policy and Security Operations. It is responsible for:

- analysis and development of corporate and operational policy initiatives, issues and proposals concerning the security intelligence programs of the Canadian Security Intelligence Service and the security enforcement and protective security programs of the Royal Canadian Mounted Police, for the Solicitor General and the Deputy Solicitor General;
- initiating, developing and administrating government and Ministry policies in the national security sector;
- sectoral policy development on national security initiatives in co-operation with central agencies and other government departments and agencies.
- management of the Solicitor General's direct responsibility for national security programs.

Highlights of 1987-88

Security Policy Division

This Division advises and assists the Solicitor General on a wide variety of issues and developments related to national security. In 1987-88, these included:

- analysis and support leading to the establishment of the Independent Advisory Team on the Canadian Security Intelligence Service which reported to the Solicitor General in November, 1987.
- preparation, in conjunction with the Canadian Security Intelligence Service, of an action plan to implement the recommendations of the Independent Advisory Team.
- direction to the Canadian Security Intelligence Service providing new guidelines on the scope and intensity of counter-subversion oriented investigations.
- direction to the Canadian Security Intelligence Service on file retention and destruction, and direction that no access for any operational purposes may be permitted for any files on labour unions inherited from the Royal Canadian Mounted Police.
- planning and first phase preparation for the Parliamentary Review of the *CSIS Act* (due to begin in the summer, 1989).
- review of additional measures to enhance co-operation within the national security sector.
- follow-up to the special report of the Security Intelligence Review Committee on official languages usage at CSIS and approval of an action plan to correct the identified shortcomings.
- preparation, in conjunction with the Communications Group, of a speaking program for the Solicitor General on the demystification of the Canadian Security Intelligence Service. This program included speeches in Kingston, Kitchener, Vancouver and Saint John, N.B.

Security Operations Division

The Division reviews and provides advice to the Solicitor General on requests by the Canadian Security Intelligence Service for authority to implement special investigative techniques and for ministerial approval to undertake sensitive operations.

The Security Operations Division also reviews and provides advice to the Solicitor General on reports submitted by CSIS and the RCMP pursuant to their respective responsibilities in relation to the *Immigration Act* and the *Citizenship Act.*

Independent Advisory Team on CSIS

On July 22, 1987, the Solicitor General announced the establishment of an Independent Advisory Team to recommend action in response to concerns raised by the Security Intelligence Review Committee in its 1986-87 Annual Report. In particular, the Team was asked to address the specific issues of civilianization of the Canadian Security Intelligence Service and its operational policies with respect to counter-subversion investigations. The Team was headed by the Hon. Gordon Osbaldeston and the team members were Roger Tassé, Q.C., and Gérard Duclos.

The Solicitor General made public the report of the Independent Advisory Team on November 30, 1987, and announced that the government had accepted the recommendations of the report. The Team concluded that CSIS is staffed by "dedicated and professional employees engaged in a vital and necessary part of the protection of the democratic ideals and principles upon which our nation is built." It made several recommendations designed to ensure that the evolution of Canada's security intelligence agency would continue, as had been envisaged by the legislation which created CSIS in 1984. The recommendations were accepted by the Solicitor General and are being implemented.

Some of the key recommendations of the report were:

- that CSIS disband its Counter-Subversion Branch
- that highly intrusive methods of investigation be governed by tighter controls
- that CSIS prepare, annually, an overview of the security threat to Canada and that it be used as a base to establish security intelligence priorities
- that the Director of CSIS be supported by a strong planning and coordination secretariat
- that CSIS's training academy be re-established.

Security Planning and Coordination Directorate

This Directorate, established in 1985, is responsible for:

- providing secretariat support to the Security Advisory Committee (SAC), the senior interdepartmental committee responsible for security matters having implications across government, including identification and analysis of issues, definition of policy requirements and priorities, and preparation of appropriate proposals;
- coordinating the identification, development and maintenance of federal counter-terrorism policy, plans and program measures on an interdepartmental, federal-provincial and international basis;
- supporting the Solicitor General in his capacity as lead minister for the federal response to terrorist and other public order emergencies within Canada;
- coordinating intradepartmentally the development of plans and arrangements further to the Ministry's broader responsibilities for emergency preparedness and crisis management in peace and war;
- coordinating the design and conduct of exercises to test and evaluate counter-terrorism preparedness and coordinating the Ministry's participation in government exercises dealing with other important aspects of emergency preparedness.

Highlights of 1987-88

Terms of reference for the Security Advisory Committee were rewritten and approved and the Deputy Solicitor General was made chairman of the Committee. In the counter-terrorism area, the Directorate membership continued to refine crisis-management arrangements for dealing with terrorist incidents, principally through the lessons learned during exercises at the federal, federal-provincial, and international levels.

In supporting the Solicitor General in his role as lead minister for counter-terrorism, the Directorate was closely involved in security preparations for the Economic Summit, the Commonwealth Heads of Government meeting and the Winter Olympics.

In addition, the Directorate addressed several major issues, the foremost being the possible use of the polygraph for security screening purposes.

Police and Law Enforcement Directorate

The Directorate comprises three divisions: Law Enforcement Policy and Programs, RCMP Policy and Programs, and Police Research and Demonstration.

The Directorate is responsible for:

- reviewing operational proposals submitted by the RCMP to ensure compliance with the law and with the Solicitor General's directives;

- developing and reviewing policy and administrative proposals governing the overall effectiveness and accountability of the RCMP;
- developing and managing federal policy governing RCMP policing agreements with provinces, territories and municipalities;
- reviewing resource allocation proposals affecting the RCMP and ensuring their coordination with Ministry-wide resource concerns;
- developing federal law enforcement policy and coordinating implementation of the Solicitor General's responsibilities specified in the *Criminal Code* with regard to electronic surveillance and fingerprint examination;
- participating in developing sectoral program and policy initiatives with federal and national policing and law enforcement implications;
- developing, managing and conducting research related to Ministry policing and law enforcement objectives; and
- representing the Ministry in federal and international initiatives relating to policing and law enforcement treaties and legislation.

Highlights of 1987-88

Law Enforcement Policy and Programs Division

This Division develops advice and administers programs related to the Solicitor General's federal and national enforcement responsibilities. Highlights included:

- New responsibilities for funding police-based development projects were assumed and programs were developed to support government initiatives in multiculturalism, family violence, victims of crime, crime prevention, and missing children.
- Substantive revisions were made to the Guidelines for designated agents who, under Part IV.1 of the *Criminal Code,* may apply for an authorization to intercept private communications.
- A Guide was developed for peace officers using the provisions of Part IV.1 of the *Criminal Code* to intercept private communications under court authorization.
- The Division participated in extensive consultations with provincial officials and Indian groups in connection with the Indian Policing Policy Review by the Department of Indian Affairs and Northern Development.
- In co-operation with the National Search and Rescue Secretariat, the Division assisted in developing a policy framework to enhance police-based search and rescue efforts.
- Policy work in support of police strategies against organized crime was advanced.
- An interdepartmental Committee of Deputy Ministers Responsible for Federal Law Enforcement was established in March, 1987, to deal with administrative and managerial problems identified by the Federal Law Enforcement under Review (FLEUR) project. The Committee, which is chaired by the Deputy Solicitor General, operates through a small Secretariat made up of officers on assignment from a number of like departments with a wide range of enforcement activities.
- The Division participated in negotiations with several countries on mutual legal assistance treaties.

RCMP Policy and Programs Division

This Division plays the primary role in ensuring that the Solicitor General is provided with timely information and advice on all matters related to his legislative responsiblities for the RCMP, the RCMP External Review Committee, and the RCMP Public Complaints Commission. Highlights included:

- Continuing start-up preparations for both the RCMP external review agencies, including the appointment of the Vice-Chairman and part-time members of the RCMP External Review Committee and the appointment of the Chairman of the RCMP Public Complaints Commission. The Division also coordinated the preparation of the new *RCMP Act* Regulations which provide for the RCMP Code of Conduct and other staff-related matters.
- Continued active participation in Ministry initiatives to combat drug abuse and illicit drug trafficking, particularly at the international level where the Division represented the Ministry at the International Conference Against Drug Abuse and Illicit Drug Trafficking and the Expert's Group meetings in preparing the Draft United Nations Convention Against Illicit Drug Trafficking. Domestically, the Division coordinated the provision of military assistance to the RCMP in maritime drug investigations pursuant to the RCMP and Department of National Defence Memorandum of Understanding. It also assisted in the development of a joint RCMP - Correctional Service of Canada drug strategy aimed at combatting illicit drug abuse in federal penitentiaries.
- Preparation of analysis and advice for the Minister on a range of issues, including: negotiation of a Memorandum of Understanding between the Depart-

ment of External Affairs and the RCMP respecting the employment of RCMP liaison officers abroad; promulgation of an Order-in-Council providing for the employment of the RCMP outside of Canada; development of a Ministerial Directive on Police Operations in Foreign Countries; cost-sharing of police services for the 1987 Commonwealth Heads of Government meeting and the 1988 Calgary Olympics; requests for RCMP foreign training assistance; and publication of RCMP Commissioner Standing Orders in the Canada Gazette.

- The Division also commenced preparations for renegotiation of RCMP municipal and provincial policing contracts.

Police Research and Demonstration Division

The Police Research and Demonstration Division develops and manages social science research for the Ministry, focussing on applied research and evaluation related to policing, law enforcement and counter-terrorism. In developing research priorities and disseminating research findings, Division staff work closely with police at the federal (RCMP), provincial and municipal levels, and with provincial government agencies responsible for policing and law enforcement.

During 1987-88, the work of the Division included:

- Continuing work on research projects related to: community-based policing strategies; police-based services for victims of spousal assault and sexual assault; missing children; and police-based crime prevention strategies.

- Development of a work plan to implement the mandate of the Police Information Technology Centre. The key elements of the work plan include: developing standards for future police information systems; identifying national training requirements for police in computer application for operational and planning activities; and a strategy for providing information and advice to police agencies.

- Development of a comprehensive information base on the costs of policing in Canada, to be managed by the Canadian Centre for Justice Statistics.

- A regional workshop on the implementation of community-based policing in Ontario, conducted in conjunction with the Ministry of the Solicitor General of Ontario and the Ontario regional office of the Ministry of the Solicitor General.

- Commenced implementation of police/community-based drug prevention strategies and of a research strategy to support police efforts to combat laundering of drug trafficking profits through financial institutions, and coordinated Ministry efforts in the development of the National Drug Strategy.

Planning and Management Branch

The Planning and Management Branch advises and supports the Solicitor General and Deputy Solicitor General on a range of Ministry corporate and management issues, including: strategic and operational plans and planning processes; research and statistics policy, plans and priorities; environmental scans, surveys and long-term research in support of planning; management information systems, informatics policies and plans; evaluation, audit and other aspects of management review; financial, administrative and human resource policies and services. The Branch also coordinates and manages designated inter-departmental policy and program initiatives; cabinet and parliamentary affairs; federal-provincial, private and voluntary sector relations; ministerial correspondence; the Secretariat's access to information and privacy program; and, through the Secretariat Regional Offices, regional representation, consultation, liaison and communications support.

Planning and Systems Group

The Planning and Systems Group was created in November, 1987, with responsibilities for corporate planning, financial management, coordination of research and statistics in support of planning and policy development, and management of information systems and technology.

Specifically, the Group is responsible for: coordinating strategic plans, implementing planning processes and reviewing major plans for the Ministry and coordinating all plans and planning processes in the Secretariat; Secretariat financial management policies and practices; coordinating Ministry research and statistics policy, plans and priorities, environmental scans, surveys and long-term research in support of planning; and Secretariat management information systems, informatics policies and plans.

The Group promotes and supports effective corporate management and strategic decision-making in the Ministry and the Secretariat through development and implementation of:

— results-oriented planning processes and plans which link strategic and operational objectives and include performance indicators;

- flexible and comprehensive management information to monitor and report resource use and performance and a framework for accountability and performance assessment;
- financial policies and practices to strengthen control and probity in management decision-making;
- management initiatives which stimulate and promote corporate and co-operative management, value for money and productivity improvement across the Secretariat;
- appropriate internal control processes and delegation of authority instruments;
- information technologies as a strategic resource to help all components of the Secretariat increase productivity and achieve Ministry priorities, consistent with government policies on informatics and considerations of its impact on human resources; and
- relevant and timely research and statistical information, through the promotion of information exchange throughout the Ministry and with provincial counterparts, and through ensuring that the requirements of the Ministry agencies and Secretariat for information and statistics on the criminal justice system are considered in national data collection and information systems development activities.

The Group comprises three divisions: Planning and Financial Analysis, Systems, and Research and Statistics.

Finance and Administration Division

The Finance and Administration Division is responsible for all financial accounting and administrative support to the management and operation of the Ministry Secretariat and the review agencies. These responsibilities are fulfilled through the development and implementation of administrative and financial policies, procedures, programs and services, and through provision of specialized advice and guidance on the application of administration and financial accounting policies to ensure effectiveness, accountability and adherence to government requirements.

In 1987-88, the Division was reconstituted, with a centralized responsibility for providing comprehensive administrative support services to the whole of the Secretariat and certain of the Ministry's review agencies. The centralization of the system permitted the freeing-up of resources deployed in satellite administrative groups within various branches of the Secretariat.

During 1987-88, the Division conducted a complete review of all employee security clearances and of the physical security of the building; established a new Contract Procurement Unit, and superintended the implementation of a new Government Security Policy. Implementation of the new Security Policy entailed the development and issuance of a Document Classification and of a Designation Guide, a Security and Safety Information Kit for all new employees, and a revision of internal security policies and procedures. Other projects completed by the Division included the development and issuance of a new records manual, and a redesign of the financial coding block.

Human Resources Division

The mandate of the Human Resources Division is to promote effective human resources management through human resource planning, sound advice on human resource management, the development of comprehensive human resource policies, plans and programs, provision of a full range of personnel services for the Solicitor General Secretariat and the review agencies, and management of special projects and studies. The Division has adopted a full-service portfolio delivery approach, providing individual branches with comprehensive personnel services.

During 1987-88, the Human Resources Division supported these major organizational events:

- the transfer of employees and elements of programs to the Department of Justice;
- the reorganization of the Secretariat and the redeployment of employees affected by reorganization;
- the establishment of the RCMP External Review Committee, including approval of an organizational structure, classification of positions and recruitment of staff.

Management Review Directorate

The Management Review Directorate is responsible for audit, program evaluation and other forms of management review.

Five audits were conducted in 1987-88. Contracted auditors conducted an operational audit of the Access to Information and Privacy (ATIP) function and a functional audit of Electronic Data Processing (EDP). The Directorate also conducted an audit of the Secretariat's implementation of the new Government Security Policy, and began a follow-up audit to evaluate the effectiveness of the implementation of a sample of audit and evaluation recommendations from previous fiscal years. An audit of two of the six Regional Offices was begun in March, 1988. Five audits of contribution agreements with the provinces, municipalities and private agencies were carried out by con-

tracted auditors, with the Management Review Directorate acting as an audit agent for program managers in the Secretariat.

Two major evaluation studies were completed in 1987-88. The first was an assessment of the Secretariat's Women in Conflict with the Law initiative, followed by a review of the same initiative. The second study was an evaluation assessment of the Program of Sustaining Contributions to University Centres of Criminology.

In addition, a special study was also undertaken to assist in identifying organizational models for the Executive Services Group.

Executive Services Group

The Executive Services Group was created in November, 1987, by the amalgamation of several of the program and service components of the previous Ministry Secretariat with what remained of the former Criminal Justice Policy Directorate following the 1987 clarification of the Secretariat's mandate.

The Group is responsible for a range of services, including access to information and privacy, ministerial correspondence and parliamentary returns, regulatory affairs, calendars of significant events, cabinet liaison, and the coordination of designated ministerial and deputy ministerial briefings for, *inter alia,* federal-provincial meetings, transition preparations and appearances before parliamentary and cabinet committees. The Group also coordinates Ministry participation in the Council of Europe and the United Nations.

The six Regional Offices of the Secretariat were located in Executive Services to help enhance Ministry's sensitivity to federal-provincial relations. The Regional Offices provide regional representation, consultation, liaison and communications support for the Minister, the Secretariat and, as requested, for the Agencies. They also provide advice concerning provincial pressures, opportunities and priorities and inform the provinces and the private and voluntary sectors of Ministry policies, programs and priorities.

The Group is also responsible for certain programs, principally the National Voluntary Organizations Grants and Contributions Program, which is designed to promote community and voluntary sector involvement in Ministry programs and policy development. The Group also coordinates the presentation of National Crime Prevention Week, a Ministry program designed to encourage close and effective working relations in crime prevention among the Ministry and other federal departments, other governments, communities and the voluntary and private sectors. In November, 1987, at the request of the National Joint Committee of the Federal Correctional Officers and the Canadian Association of Chiefs of Police, the Group assumed responsibility for administering and managing the National Joint Committee.

The Group also coordinates designated policy initiatives, as well as developing and coordinating an information-sharing network on policy matters arising within the social envelope. Executive Services is also responsible for coordinating the integration, within Ministry policy and program development activities, of status considerations relating to such priority groups as women, the disabled, visible minorities and seniors.

Highlights of 1987-88

1. Coordination of a strategic development exercise which resulted in an environmental assessment and statements of mandate, mission and priorities for the Secretariat and each branch. This exercise provided the framework for internal resource allocation, operational plans, and production of the Secretariat Multi-Year Operational Plan and Main Estimates;

2. Provision of planning and management support for establishment of the RCMP External Review Committee and the RCMP Public Complaints Commission;

3. Coordination and support for Ministry participation in federal-provincial efforts to strengthen criminal justice statistics and information for planning, operations, policy and program development (e.g. support with respect to Canadian Center for Justice Statistics, National Drug Strategy Data Base, Police Information Technology Centre, penitentiary population forecasts);

4. Production and distribution of a discussion paper to stimulate consultation among federal departments, provincial governments and the voluntary sector, as background for development of a Ministry policy on voluntary organizations and their role in supporting effective policing and corrections;

5. Improving the Secretariat's capacity to ensure effective and sensitive management of access to information and privacy requests on behalf of the Ministry, through the establishment of an "early-warning system" to alert senior management of imminent releases that would be likely to engage the Minister's attention; through the up-grading of the levels and numbers of the Secretariat's ATIP establishment; through the establishment of the closest possible working relations with the ATIP complement in the Ministry's agencies and the offices of the Information and Privacy Commissioners. The Secretariat ATIP Unit received in 1987-88 a volume of requests

for information and consultation more than double that of the previous year;

6. Integrating the Regional Offices within the Secretariat in a manner that encouraged greater sensitivity to federal-provincial relations, while combining the Secretariat's regional and central support and service capacities within a common organization.

Corrections Branch

The Corrections Branch of the Ministry Secretariat comprises two Directorates: Corrections Research and Strategic Policy, and Corrections Policy and Program Analysis.

Corrections Research and Strategic Policy

This group is responsible for conducting research and longer-term policy and program development. It advises the Solicitor General on strategic directions for policy, program, and legislative initiatives with respect to his responsibilities for The Correctional Service of Canada and the National Parole Board, and to his national role.

Specifically, the group is responsible for:

- corrections research and evaluation designed to inform policy, program, and legislative choices. This unit provides information and empirically-based advice for operational policy and program analysis and for policy and program development;
- long-term corrections policy development in areas such as Natives and corrections, and women and corrections;
- reviewing corrections law and developing a comprehensive set of recommendations for laws affecting The Correctional Service of Canada, the National Parole Board, and, to a more limited extent, the correctional services provided by the provinces and territories;
- on-going review of federal corrections legislation;
- corrections program development, in collaboration with federal, provincial and territorial corrections agencies, and the private and voluntary sector.

Research and Development

The research and development component of the Directorate develops, manages and conducts social science research and demonstration projects for use by the Ministry and the corrections sector in general. The research and development activity is primarily concerned with the design, evaluation and specific applicability of research and model programs related to Ministry correctional objectives in order to:

- provide research-based policy and program advice;
- provide information to improve the planning and development of policies, programs and legislation that respond to the Solicitor General's responsibilities for corrections;
- evaluate corrections and release policies and programs;
- provide information to the public and professionals;
- increase the knowledge base and information on which decisions can be made.

Research and development activities are undertaken in collaboration with The Correctional Service of Canada and the National Parole Board, and are designed to respond to Ministry priorities in corrections. There are six staff members in Research and Development with a total budget of about $1.2 million.

Priorities for corrections research and development during 1987-88 included: conditional release; drugs, alcohol and crime; female offenders; Aboriginal offenders; offenders' relationships, particularly with their families; and community corrections.

Highlights of 1987-88

- validation of risk-prediction scoring system for use by the National Parole Board in risk assessment for release decisions;
- research support for the Task Force on the Reintegration of Aboriginal Offenders;
- completion of an international survey of legislation, policy and programs in respect to female offenders;
- continuation of the Women in Conflict with the Law (WICL) initiative supporting the development of programs, particularly for women in Aboriginal and isolated communities;
- support for community-based demonstration projects sponsored by Native Organizations to improve the conditions for the reintegration of Aboriginal offenders;
- developmental work for a major survey of alcohol and drug abuse among penitentiary offenders, and the relationship between substance abuse and their criminal activity.

Strategic Policy

The major Strategic Policy project is the Correctional Law Review, which is carrying out an examination of federal correctional legislation through an in-depth analysis of the purposes of corrections and how the law should be cast to best reflect these purposes. The Correctional Law Review helps ensure that federal correctional legislation reflects modern correctional policy and practice in a manner which integrates corrections with the rest of the criminal justice system. This involves on-going policy development work in a number of key areas.

Highlights of 1987-88

During 1987-88, the Correctional Law Review issued working papers on: Victims and Corrections, Correctional Authority and Inmate Rights, Powers and Responsibilities of Correctional Staff, Correctional Issues Affecting Native Peoples, Federal-Provincial Issues in Corrections, and Mental Health Services for Penitentiary Inmates.

In addition, the Correctional Law Review held an extensive round of consultations on the issues raised in the first six working papers. This involved meetings with a wide range of groups and individuals involved in or interested in corrections, including The Correctional Service of Canada, the National Parole Board, provincial and territorial governments, inmates, after-care agencies, judges, lawyers, police, church groups, victims groups, Native organizations and academics.

The Division is also reviewing policy for Natives and corrections and women and corrections.

Corrections Policy and Program Analysis

This Directorate provides policy support and advice to the Solicitor General and Deputy Solicitor General by analysing current trends and developments in the field of corrections, developing policy options and preparing legislative proposals and policy initiatives. The Directorate works closely with The Correctional Service of Canada and National Parole Board to coordinate policy advice on issues of mutual concern. It also coordinates Ministry policy with the external environment by consulting with other government departments, provincial and territorial representatives, interest groups and international corrections bodies.

Release Policy

This Division provides advice and support to the Minister and the correctional agencies in respect of the preparation of offenders for release into the community, the conditional release of offenders, and the supervision and treatment of offenders in the community. In particular, the focus is on ensuring integration of the various stages from preparation for release to successful completion of any part of the sentence which may be served in the community. Ensuring coordination among the various federal and provincial agencies that play a part in conditional release is also a key focus.

Highlights of 1987-1988

1. Follow-up to and coordinating implementation of the Task Force response to recommendations of the inquest into the death of Celia Ruygrok.

2. Coordination of the Sentence Management Review, a tripartite review and implementation of responses to mid-term issues in respect of case management, release planning, release decision-making and related issues.

3. Participation in the National Parole Board Release Decision-Making Policies formulation and development of a risk-prediction scale to assist decision-makers.

Institutional Policy

This Division develops policy and legislative proposals, recommendations for Ministerial action and decisions, and analysis of operational policies and programs, related to the institutional management of inmates. This entails negotiation and consultation with various federal, provincial and international governmental and non-governmental agencies.

Highlights of 1987-1988

1. Liaison and support for the review of sentencing, parole and conditional release conducted by the Parliamentary Committee on Justice and Solicitor General.

2. Participation in Council of Europe discussions on improving mechanisms for international transfer of offenders.

3. Assistance and coordination on major inquiries into institutional and community-based incidents.

Communications Group

The Communications Group works to ensure effective communications to the public, in support of Ministry and government objectives, through the integration of communications with policy and program development as well as operations. This requires an emphasis on planning, environmental analysis and evaluation as well as strategic, tactical and technical communications support to the Solicitor General and programs managers.

The Group carries out a program that includes a range of communication activities from planning and issue-tracking to publishing and media relations.

In 1987-88, the Group produced numerous publications, including statutory reports such as the annual report of the RCMP External Review Committee, the Correctional Investigator's annual report and the Ministry annual report. The Group also published specialized reports, such as the report of the Independent Advisory Team on CSIS, reports from the Security Intelligence Review Committee and the Correctional Law Review and bulletins in the Canadian Urban Victimization Survey series.

The Group continued to publish Liaison, a monthly journal which has more than 9,000 subscribers.

As part of its continuing support to the Solicitor General and the Secretariat, the Group produces regular media issue-tracking and analyses, and daily press clippings. It is responsible for communications planning for a variety of issues of concern to the Ministry.

The Group also supported the Ministry in producing posters, brochures and other material for the fifth annual National Crime Prevention Week sponsored by the Ministry.

During 1987-88, the Group's exhibits and audio-visual section exhibited at some 60 centres across the country. The Section produced and distributed a series of award-winning television public-service announcements for use during National Crime Prevention Week.

Inspector General of the Canadian Security Intelligence Service

The legislation creating the Canadian Security Intelligence Service, which came into force on July 16, 1984, also provided for two overview agencies, the Inspector General and the Security Intelligence Review Committee. The main function of the Review Committee, which comprises five members of the Queen's Privy Council of Canada, is to review generally the performance of the Service. The review is an external one and the Review Committee is required to submit an annual report to the Solicitor General who, in turn, tables it in the House of Commons and the Senate.

The Inspector General is appointed by the Governor in Council. The legislation provides that he is responsible to the Deputy Solicitor General. He is required to provide the Solicitor General directly with certificates of compliance with respect to the Service's operational activities. While the Inspector General is external to the Service, his functions are internal to the Ministry of the Solicitor General. He advises the government whereas the Review Committee reports to Parliament.

The legislation imposes four functions on the Inspector General:

(a) to monitor compliance by the Service with its operational policies;

(b) to review the operational activities of the Service;

(c) to submit an annual certificate to the Solicitor General stating:

  (i) the extent to which the Inspector General is satisfied with the Director of the Service's annual report to the Solicitor General on the Service's operational activities;

  (ii) whether any act or thing done by the Service in the course of its operational activities during the period of the Director's report is, in the Inspector General's opinion:

    1. not authorized by or under the legislation or contravenes ministerial directions, or

    2. involves an unreasonable or unnecessary exercise by the Service of any of its powers;

(d) to conduct such reviews of specific activities of the Service as the Review Committee may direct.

Dr. Richard Gosse, Q.C., was appointed Inspector General April 1, 1985. On February 1, 1988, Dr. Gosse relinquished this post in order to serve as the first Chairman of the recently established RCMP Public Complaints Commission.

As the first Inspector General, Dr. Gosse was responsible for establishing a new agency, recruiting its original staff, and developing the procedures and practices that would make it fully operational. During his term of office, he submitted three certificates to the Solicitor General, the most recent of which was issued on April 16, 1987. These certificates and other reports set out the findings and conclusions

of the reviews undertaken by the Inspector General on his own initiative and, particularly during 1987-88, at the request of either the Solicitor General or the Review Committee.

In 1987-88, the Inspector General continued his general efforts, through discussion papers and inter-agency consultations, to promote a common and more broadly based appreciation of the *CSIS Act* and its operational implications. A conference held at Queen's University in February, 1988, examining the nature of "Advocacy, Protest and Dissent", was jointly sponsored by the Review Committee and the Office of the Inspector General.

Future Inspectors General will benefit from Dr. Gosse's pioneering contribution. He leaves his successor in office with an experienced staff, an ongoing review program and precedents of value for implementing it effectively.

C

TAB "C"

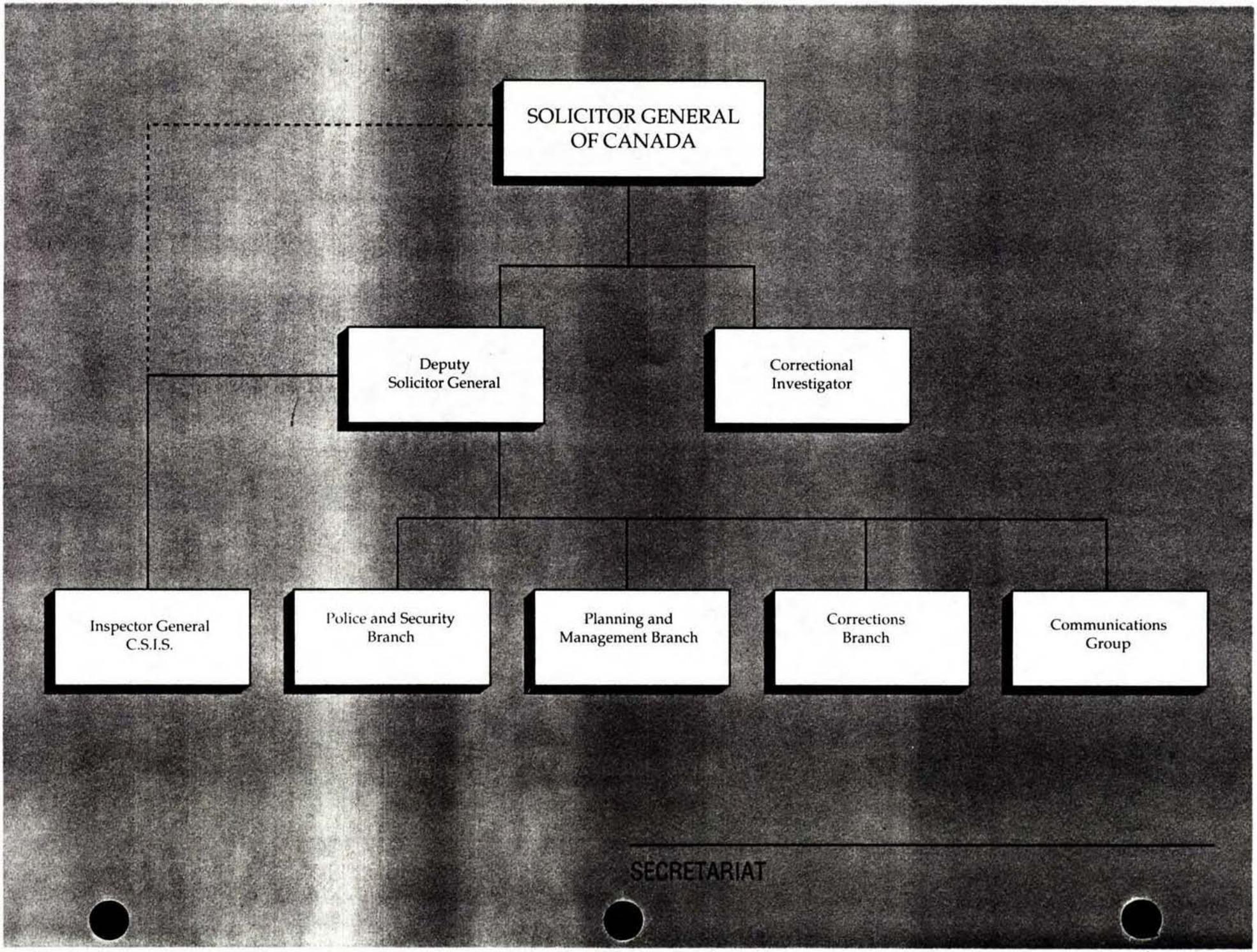
Annual Report of the Ministry of the Solicitor General 1990-91

The Secretariat advises and assists the Solicitor General in discharging his responsibilities for:

- Providing direction to the agencies of the Ministry;
- Exercising national leadership in policing, law enforcement, security, corrections and conditional release; and
- Answering in Cabinet and Parliament for the Ministry.

Headed by the Deputy Solicitor General, the Secretariat's organization is in keeping with the Ministry's mandate for corrections, policing and security intelligence. It has three branches: Police and Security, Planning and Management, and Corrections.

SECRETARIAT


SOLICITOR GENERAL OF CANADA
Deputy Solicitor General
Correctional Investigator
Inspector General C.S.I.S.
Police and Security Branch
Planning and Management Branch
Corrections Branch
Communications Group
SECRETARIAT

Police and Security Branch

The Police and Security Branch (PSB) provides advice and support to the Solicitor General as minister responsible for the RCMP, the RCMP External Review Committee and the RCMP Public Complaints Commission, CSIS and the Inspector General of CSIS. The Branch also supports the Solicitor General as lead minister in the government's response to terrorism.

PSB advises the Minister and the Deputy Solicitor General on developments in the law enforcement and national security sectors, and it develops and coordinates initiatives to carry forward the Solicitor General's responsibilities in these areas.

In carrying out its responsibility for the development of policy advice, PSB consults with Ministry agencies, other federal departments, the provinces, and agencies of foreign governments.

PSB, with the support of the RCMP, is negotiating renewal of contracting arrangements with eight provinces and the two territories for RCMP policing services.

Security Policy and Operations Directorate

The Directorate is divided into three divisions: Security Policy, Security Operations and the *Canadian Security Intelligence Service Act* Review. It is responsible for:

- Analyzing corporate and operational policy initiatives, issues and proposals on CSIS security intelligence programs, and on the security enforcement and protective security programs of the RCMP;
- Initiating, developing and administering government and Ministry national security policies, in collaboration with the Ministry agencies and other government departments and agencies;
- Managing the Solicitor General's direct responsibility for national security programs; and
- Co-ordinating the government's response to the report of the Special Parliamentary Committee on the review of the *Canadian Security Intelligence Service Act* and *Security Offences Act* after which the responsible division is disbanded.

Highlights of 1990-91

In this period, work undertaken within the Directorate included:

- Co-ordinating and developing briefings, monitoring the hearings and arranging for the appearance of government witnesses before the Special Committee of the House of Commons reviewing the *Canadian Security Intelligence Service Act* and the *Security Offences Act*;
- Analyzing and assessing *In Flux But Not In Crisis*, the Report of the Special Committee on the review of the *Canadian Security Intelligence Service Act* and the *Security Offences Act*;
- Co-ordinating and preparing *On Course*, the government's response to the Report of the Special Committee. *On Course* was tabled in February 1991;
- Continuing work to consolidate, update and complete the strategic policy framework for the Canadian Security Intelligence Service, as outlined in *On Course*;
- Reviewing and updating ministerial direction to CSIS;
- Developing proposals relating to ministerial direction in sections 2 and 12 of the *CSIS Act*;
- Advising the Solicitor General on reports received from the Security Intelligence Review Committee and the Inspector General of CSIS;
- Consulting with CSIS regarding general operational policies;
- Reviewing CSIS requests for authority to use special investigative techniques and to undertake sensitive operations, and advising the Solicitor General on those requests; and

- Reviewing reports submitted by CSIS and the RCMP on their respective responsibilities under the *Immigration Act* and *Citizenship Act*, and advising the Solicitor General.

Police and Law Enforcement Directorate

During 1990-91, the Police and Law Enforcement Directorate re-organized and adopted an issue management approach to its responsibilities. Three new divisions resulted: Police Policy and Research, RCMP and Enforcement Policy, and the Operations Support Group. The Federal Law Enforcement Under Review (FLEUR) Secretariat continues to report through the Directorate.

In order to deal more effectively with policing and law enforcement issues and to carry out its responsibilities in the priority areas of aboriginal policing, drugs and major crimes, multiculturalism and community policing, and vulnerable sectors, issue management teams were established within the Police Policy and Research Division.

The Directorate's work continues to focus on increasing the effectiveness and efficiency of policing and law enforcement in Canada. By conducting research, developing policy and programs, and providing information and advice, the Directorate supports the Solicitor General in:

- Maintaining accountability of the political executive for the activities of the RCMP by providing the Minister with information and advice on all matters connected with statutory responsibilities for the RCMP, the RCMP External Review Committee, and the RCMP Public Complaints Commission;
- Administering statutory functions assigned to the Solicitor General under the *RCMP Act* and the *Criminal Code*;
- Achieving Canadian foreign policy interests and objectives regarding policing and law enforcement matters;
- Contributing to policing in Canada through research and program support for the development, implementation and evaluation of policing strategies, programs and services over the full range of federal and national responsibilities of the Ministry;
- Supporting federal law enforcement through the development and implementation of initiatives which seek to enhance the consistency and general management of enforcement activities; and
- Exercising national leadership in police and law enforcement policy matters by providing timely, accurate and objective information and advice on issues related to policing in aboriginal and multi-cultural communities, police response to violence against women and children, and other vulnerable sectors, drug prevention and supply reduction strategies, and information technology and management strategies for the police and law enforcement community.

Highlights of 1990-91

During this period, the Directorate's activities included:

- Participating in Canada-wide consultations to obtain advice and assistance from federal and provincial governments, private sector and non-government partners related to Canada's Drug Strategy;
- Supporting RCMP proceeds-of-crime law enforcement by completing a two-year study into money laundering and conducting research into the implementation and effectiveness of the Proceeds of Crime legislative provisions;
- Launching a two-year demonstration project in partnership with the Government of Ontario and the Metropolitan Toronto Police to address the problem of drug abuse among youth in Toronto's inner city;
- Assisting with the development of culturally appropriate drug and alcohol prevention materials for use by police in native and Spanish-speaking communities;
- Conducting research into drug law enforcement to evaluate the impact of diverse strategies;
- Participating in the renewed Family Violence Initiative to develop and promote sensitive and effective policing and law enforcement responses to family violence;

- Supporting various projects that will assist and promote policy development and innovation in the policing community, such as the Nova Scotia Family Violence Tracking Project;

- Communicating the results of research and program initiatives in publications on policing and the elderly, youth at risk, and the RCMP charging policy, and through presentations at conferences, symposia, and workshops;

- Under the rubric of the Federal Law Enforcement Under Review (FLEUR), developing Operational Guidelines on Accountability Systems and Controls to ensure the legality of enforcement actions, the protection of civil liberties, the appropriate use of discretion in law enforcement decision-making, the operational justification of enforcement powers and the integrity of enforcement officers;

- Issuing four editions of *DOSSIERS*, a quarterly professional and information newsletter prepared by FLEUR, with a circulation to 4,000 federal law enforcement agencies and officers;

- Supporting a variety of policy development and research initiatives concerning aboriginals and policing, including participating in consultations on the Indian Policing Policy Review and the preparation of policy advice for Ministers;

- Reviewing and contributing to the development of agreements on law enforcement cooperation between Canada and other nations;

- Supporting the RCMP's Official Languages Directorate in the publication and distribution of bilingual police training aids such as the RCMP's International Illustrated Vocabulary of French-English Fingerprint Terminology;

- Preparing and distributing a major discussion paper and background document on the future of policing in Canada, following national consultations; and

- Co-ordinating the development of a Canadian Police-Race Relations Centre that will provide police executives with expert advice and information on bias-free recruitment strategies, cross-cultural sensitivity training, and liaison mechanisms with visible minorities as well as aboriginal peoples and communities.

National Security Coordination Centre (NSCC)

The National Security Coordination Centre has three divisions: Policy and Planning, Security Advisory Committee Secretariat, and Operations and Exercises. The Centre supports the Solicitor General in his lead role for security by:

- Co-ordinating the development and implementation of the national counter-terrorism and crisis management program at interdepartmental, provincial and international levels;

- Co-ordinating the federal response to terrorism and other crises that threaten public order;

- Supporting the Security Advisory Committee, an interdepartmental committee chaired by the Deputy Solicitor General, which is in charge of security matters having an impact on the government; and

- Co-ordinating exercise programs designed to test and assess counter-terrorism plans, and Ministry involvement in exercises that test other aspects of crisis planning.

Highlights of 1990-91

During this period the National Security Coordination Centre:

- Began development of the second edition of the National Counter-Terrorism Plan;

- Continued consultations with the provinces on how to better integrate provincial roles and responsibilities into the National Counter-Terrorism Plan;

- Conducted a major exercise to practice aspects of the National Counter-Terrorism Plan and consultation and coordination arrangements among federal, provincial and municipal governments;

- Under the auspices of the Canada-United States Bilateral Consultative Group, conducted a public communications seminar regarding terrorist incidents;

- Participated in consultations with European counterparts responsible for counter-terrorism at meetings in Rome and Dublin; and

- Acted as the Solicitor General's communications co-ordination centre for the Oka and Gulf incidents.

Planning and Management Branch

The Planning and Management Branch supports the Solicitor General, Deputy Solicitor General, Ministry Secretariat and review agencies by providing services related to:

- Strategic and operational planning
- Resource management, analysis and planning;
- Information management;
- External relations; and
- Executive and coordinating services.

Planning, Financial Management and Administration Directorate

The Planning, Financial Management and Administration Directorate has three divisions.

Planning and Analysis Division

The Planning and Analysis Division supports the planning and accountability processes at a strategic level for the Ministry and at an operational level for the Ministry Secretariat, Office of the Inspector General (CSIS), and Office of the Correctional Investigator. It co-ordinates the Secretariat's resource allocation, budgeting and resource management, as well as the Secretariat's response to government planning and accountability initiatives. It also provides analytical and reporting support required for effective resource management.

Highlights of 1990-91

In 1990-91, the previous Planning, Systems and Information Management Division was reorganized in keeping with its functional responsibilities creating two separate divisions: Planning and Analysis, and Information Management. Highlights for the Planning and Analysis Division include:

- Significantly improving resource information available to managers, both in terms of quality, timeliness and completeness; and
- Improved budgetary and resource allocation and control processes with a view to making them more visible and useful to management.

Objectives for 1991-92

The Division will continue current initiatives in the areas of:

- Developing and implementing an overall planning and accountability framework for the Ministry;
- Supporting Public Service 2000 initiatives in the Secretariat, particularly in the area of resource management; and
- Continuing refinements to budgeting, allocation, reporting and analytical processes to support managerial decision-making.

Finance and Administration Division

The Finance and Administration Division is responsible for the provision of financial and administrative support and services to the management and operation of the Ministry Secretariat and the review agencies. It is also responsible for the promotion and support of effective management practices and methods. This is done through the development and implementation of policies, procedures, programs and services; the provision of expert advice, guidance and information to support management; the assurance of compliance with legislative, regulatory and policy requirements, both government-wide and internal; and the assurance of accountability and control.

Highlights of 1990-91

One of the main areas of focus for Finance and Administration Division in 1990-91 was to provide managers with greater authority and flexibility to carry out their programs. Linked closely to this were several education initiatives to ensure that managers know about the accountability that accompanies their increased level of authority.

Some specific activities that contributed to this new environment were:

- A complete review of delegation of signing authority which resulted in recommendations to give managers significantly increased delegation powers;
- Training sessions for managers to ensure that they understand the ownership and accountability that accompanies their increased ability to delegate; and
- The streamlining and simplification of several internal processes for managers to reduce paper burden, e.g. routing process for contribution agreements, coding structures, etc.

The second major focus of work for the Division was on improving the timing, availability, and quality of information provided to managers to support them in their work. To achieve this objective, a new financial management information system (Parms II) was developed and is being implemented. This system allows for direct user input. Therefore, managers have greater control over their own financial information. It also allows managers to obtain up-to-date financial information at any time.

A new automated records management system (RIMS) was purchased in the latter part of 1990-91 and will be implemented in 1991-92. The system will represent one more method of providing managers direct access to the information they require.

Objectives for 1991-92

The Division will continue to:

- Implement the financial management (Parms II) and the automated records management system (RIMS) to provide managers with complete and current information;
- Advise and assist managers as they assume their new responsibilities and accountabilities resulting from Public Service 2000;
- Develop standards for processing client requests;
- Improve the overall Secretariat reporting systems; and
- Assist in the development of EDP security procedures.

Systems Development and Management Division

The Systems Development and Management Division promotes the effective use of computers and telecommunications in the Minister's Office, Secretariat, Office of the Inspector General of CSIS, and Office of the Correctional Investigator.

Highlights of 1990-91

In 1990-91, the Division:

- Helped improve internal and external communications by extending electronic mail services to the offices of all senior managers;
- Implemented a major portion of the local area network (LAN) that will link all non high-security equipment. This will improve access to corporate databases, internal communications, and productivity through the sharing of computing resources; and
- Converted an ineffective financial planning and management system from an obsolete mini computer to the LAN, to provide full access to more timely data, ensure data integrity, and reduce workloads and paperburden.

Objectives for 1991-92

Next year, the Division will:

- Complete the LAN for the non-security areas, and help establish a similar network for some of the high-security areas of the Secretariat;

- Help complete the conversion of all corporate databases from the obsolete mini computers to the LAN(s), and phase out the mini computers to provide a common, LAN-based computing environment; and

- Work to ensure that technology in the Secretariat continues to address the needs of those who use it. The Division will also provide ongoing technical support and maintenance services.

Management Review Directorate

The Management Review Directorate is responsible for the functions of audit and program evaluation.

Highlights of 1990-91

During this period the Directorate:

- Updated the Long Term Audit and Program Evaluation Plans;

- Audited the functions of Staffing and Human Resource Planning;

- Conducted a follow-up audit which examined the progress made in implementing management action plans flowing from audits conducted in 1988-89 and 1989-90; and

- Completed the evaluation of the Secretariat's external communications program.

Objectives for 1991-92

The Directorate plans to:

- Revise the Long Term Audit and Program Evaluation Plans;

- Conduct audits of Financial Control and Delegation of Authority, Management Information Systems and project contributions to three recipients;

- Complete the triennial assessment of classification decisions as required by Treasury Board;

- Complete evaluation assessments of the Secretariat Library and the National Joint Committee and the evaluation of the Secretariat Library, if required; and

- Assist in the co-ordination of the mid-term evaluation of the federal government's Family Violence Initiative within the Ministry.

Human Resources Division

Working with managers and employees of the Secretariat, the role of the Human Resources Division is to facilitate the recruitment of personnel, to identify opportunities for the professional development of all employees and to create a work environment that stimulates, challenges and recognizes the efforts of employees.

Highlights of 1990-91

The Human Resources Division has implemented:

- A Secretariat Labour/Management Committee which deals with issues of concern to employees;

- The publication of "Personnel News" to inform employees on various subjects;

- An assignment program to assist employees in finding opportunities to take up challenges within the Secretariat, the agencies as well as the Public Service;

- A self-funded leave program;

- An Employee Assistance Program, in collaboration with Health and Welfare, to help employees identify and solve personal difficulties that could affect their work performance;

- An In-house Language Training Program to assist managers and employees in fulfilling the requirement of two official languages;

- An organizational structure which allows the Division to provide full human resources services through their generalist advisors to management at all levels;

- A Career Planning Counselling service through Health and Welfare;

- A 3-year Training and Development system to assist management in planning the various activities in that field as well as a Training and Conference catalogue identifying the courses available in the public and private sectors; and

- The regular production of automated reports to provide statistics in various fields related to human resources.

Objectives for 1991-92

In 1991-92, the Division plans to:

- Contribute to the Treasury Board tri-annual review of the Public Service classification system;

- Continue to provide a full range of human resources services to the Secretariat and agencies' employees;

- Manage the initiatives that assist employees in improving the quality of their working environment;

- Continue to consider and implement Public Service 2000 recommendations;

- Contribute to the continued improvement of internal communication within the Secretariat; and

- Complete the automated production of statements of qualifications by group and level corresponding to the simplified job descriptions.

Executive Services Group

The Executive Services Group is responsible for a range of corporate services in support of the Solicitor General and Deputy Solicitor General and represents the Ministry as a whole in a number of areas. It undertakes the Cabinet liaison function for the Ministry and supports the Minister in Cabinet and appearances before parliamentary committees. The Group also provides support for federal-provincial conferences and international events requiring the participation of the Minister. It also operates the Secretariat's Access to Information and Privacy (ATIP) office and prepares the annual Ministry regulatory plan.

The Group advises and supports the Solicitor General and Deputy Solicitor General on research and statistics policies, plans and priorities, conducts environmental scanning and assesses surveys and long-term research needs in support of planning.

Through the regional offices, the Executive Services Group provides regional representation, consultation, liaison and communications support for the Minister, the Secretariat and, if requested, the agencies. It also advises the Minister and others in the Ministry on provincial pressures, opportunities and priorities, and informs the provinces and the private and voluntary sectors of policies, programs and priorities.

Certain programs come under the jurisdiction of the Group. The National Voluntary Organizations Grants and Contributions Program promotes the involvement of communities and volunteers in Ministry programs and policy development. The Group also provides administration and management support to the National Joint Committee (NJC) of the Canadian Association of Chiefs of Police and Federal Correctional Services.

The Group co-ordinates Secretariat-wide policy initiatives in several areas, providing links to other social policy departments of the government. It also develops and coordinates an information-sharing network on policy matters stemming from social policy.

Highlights of 1990-91

During this period the Group:

- Co-ordinated the Ministry's participation in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba;

- Negotiated research projects with the eight Canadian Centres of Criminology on areas of Ministry priority in policing, security and corrections, and managed the funding program associated with these Centres;

- Participated in the organization of consultations on corrections reform with voluntary organizations, the academic community and at the regional level;

- Continued to work with the Canadian Centre for Justice Statistics, the provinces and the police community in the development of programs and special studies on justice information and statistics;

- Co-ordinated activities and organized regional and national meetings of the National Joint Committee of the Canadian Association of Chiefs of Police and Federal Correctional Services (police, Crown counsel and corrections);

- Managed relations with national voluntary organizations and administered the funding program associated with these organizations;

- Through the five regional offices, continued to support the policy and program development initiatives of the Secretariat, particularly in the areas of community policing and policing in the year 2000, native justice, crime prevention and Canada's Drug Strategy; and

- Identified and monitored important issues relevant to the Ministry at the regional level and provided analysis from the regional perspective.

Objectives for 1991-92

- To broaden the base of environmental scanning within the Ministry, nationally and at the regional level;

- To improve the analysis and dissemination of relevant research and statistical material in the criminal justice field;

- To assist in the implementation of key Ministry initiatives, particularly in the priority areas of family violence and native justice;

- To maintain a high level of ATIP service for the Secretariat and to provide overall co-ordination of ATIP services and policy advice for the Ministry; and

- To support the Solicitor General and senior officials in their participation in international meetings, federal-provincial conferences and special events.

Corrections Branch

Two directorates make up the Corrections Branch of the Secretariat: Corrections Research and Strategic Policy, and Corrections Policy and Program Analysis.

Corrections Research and Strategic Policy Directorate

The Directorate conducts research and develops long-term policies and programs. It advises the Solicitor General on strategic directions for policy, program and legislative initiatives with respect to ministerial responsibilities for the Correctional Service of Canada (CSC) and the National Parole Board (NPB), in addition to other roles that come under the Solicitor General's jurisdiction.

Specifically, the Directorate is responsible for the following:

- Researching corrections issues that help set policies, programs and legislation. It provides information and research-based advice for operational policy and program analysis and for policy and program development;

- Developing corrections policy concerning aboriginal people, women, and visible minority Canadians;

- Providing support to regional task forces, inquiries and reviews respecting aboriginal peoples and the Canadian justice system;

- Co-ordinating consultation, communication and implementation of the recommendations of the Task Force on Aboriginal Peoples in Federal Corrections;

- Reviewing correctional legislation and developing comprehensive recommendations for legislation affecting CSC, NPB and, to a more limited extent, the correctional services provided by the provinces and territories;

- Regularly reviewing federal corrections legislation; and

- Developing corrections programs in collaboration with federal, provincial and territorial corrections agencies and the private and voluntary sectors.

Research and Program Development Division

This Division conducts social science research in priority areas of the Ministry's mandate for corrections, and develops and evaluates model programs for use in corrections in Canada. The research and development activities of the Division provide the following:

- Research-based policy and program advice;

- Information to improve the planning and development of policies, programs and legislation within the sphere of the Solicitor General's responsibilities for corrections;

- Better information for use by decision-makers in corrections and parole; and

- Better information for the public and professionals in fields related to corrections.

Research and program development are typically undertaken in collaboration with CSC and NPB, and frequently involve joint initiatives with provincial agencies and the voluntary sector.

Priority areas for corrections research and program development during 1990-91 included: conditional release, sex offender treatment; female offenders; native offenders; families and corrections; and community corrections.

Highlights of 1990-91

In 1990-91, the Research and Program Development Division:

- Completed a study of female offenders to inform the work of the Task Force on Federally Sentenced Women and the implementation of its recommendations;

- Supported community-based demonstration projects sponsored by native organizations to improve the conditions for the reintegration of native offenders;

- In collaboration with CSC and NPB, organized and staged a Ministry Forum on Assessment and Prediction in corrections;

- Supported the development of a network of people in Canada interested in policies and programs designed to facilitate contact between inmate parents and their children;

- Undertook research and development activities in the area of sex offender assessment and treatment, following the directions set out in the Ministry report on the management and treatment of sex offenders; and

- Contributed to the Canadian participation at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, particularly in the matter of research on non-custodial measures, and related follow-up activities.

Strategic and Legislative Policy Division

This Division is responsible for reviewing and developing strategic correctional policy and corrections-related legislation. It reviews developments in Canadian law, in particular the impact of the *Canadian Charter of Rights and Freedoms* on corrections, and keeps abreast of developments in the provinces and other countries as well as in international law. Advice is provided on a wide range of strategic policy issues, including aboriginal, female and visible minority offenders.

The Correctional Law Review (CLR), a comprehensive review of federal correctional legislation, is the major project of this Division. It developed proposals for a new Corrections Act, which are contained in the consultation package *Directions for Reform: Sentencing, Corrections and Conditional Release*, released in July 1990 by the Solicitor General and the Minister of Justice. The proposals include a declaration of purpose and principles for federal corrections and provisions for improving fairness in institutional decision-making and the integration of the different elements of the criminal justice system.

Highlights of 1990-91

1990-91, the Strategic and Legislative Policy ision:

- Conducted extensive consultations on *Directions for Reform* with interested groups and individuals from all parts of the criminal justice system;
- Continued developing legislative and regulatory proposals which would replace the *Penitentiary Act and Regulations*;
- Responded to the initiatives of CSC and other departments on issues including the inmate grievance process, administrative segregation, and the placement of youth in penitentiaries;
- Participated in the preparation of training videos for the Canadian Judicial Centre on sentence administration and parole;
- Continued to co-ordinate the Ministry's implementation of the recommendations of the Task Force on Aboriginal Peoples in Federal Corrections;
- Continued to provide support and information to provincial and regional inquiries and task forces respecting aboriginal peoples and the justice system; and
- Continued to work with other federal departments, other governments and aboriginal peoples to define corrections responsibilities for aboriginal peoples, including those under Indian community self-government arrangements and by virtue of the *James Bay and Northern Quebec Agreement*.

Corrections Policy and Program Analysis Directorate

This Directorate provides policy support and advice to the Solicitor General and Deputy Solicitor General by analyzing current trends and developments in corrections, developing policy options, and preparing legislative proposals and policy initiatives. It works closely with CSC and NPB to co-ordinate policy advice on issues of mutual concern. It also gathers outside input on Ministry policy by meeting with other government departments, provincial and territorial representatives, interest groups and international corrections bodies.

Institutional Policy Division

This Division develops policy and legislative proposals, makes recommendations for ministerial action and decisions, and analyzes operational policies and programs on the institutional management of offenders. The Division is also responsible for providing advice to the Minister on the disclosure of pardoned records and the international transfer of offenders.

Highlights of 1990-91

- The Division co-operated with the correctional agencies of the Ministry to provide advice to the Department of Justice on correctional matters associated with amendments to the *Criminal Code* respecting mental disorder.
- The Division coordinated the Ministry input into the comprehensive review of extradition by the Department of Justice.
- The Division continued to communicate effectively with individuals and community organizations concerned about criminal justice matters by responding to letters and requests for information from members of the public, voluntary organizations and others, and by advising the Minister on questions raised by Cabinet and in Parliament.

Release Policy Division

This Division develops policy and legislative initiatives, and provides advice to the Minister and correctional agencies on matters which relate to the conditional release of offenders. The Division also ensures co-ordination among the various federal and provincial agencies that have a role in conditional release.

Highlights of 1990-91

- The Division co-ordinated the preparation and publication of the consultation package, *Directions for Reform: Sentencing, Corrections and Conditional Release*, as well as the subsequent consultations.
- The Division co-ordinated the drafting of legislation concerning the conditional release proposals, in co-operation with the agencies.
- The Division co-operated closely with the agencies of the Ministry to support Ministry officials in their appearance before the parliamentary review committee on the detention provisions of Bill C-67. The Division also co-ordinated the preparation of documentation for the committee to assist in its work.
- The Division co-ordinated an inter-departmental review of the *Criminal Records Act* which resulted in recommendations for reform.

Communications Group

The Communications Group disseminates information to general and specialized publics about government policies and programs in policing, corrections, parole and national security.

The Group undertakes a range of communications activities from planning and issue-tracking to publishing, editing and media relations. A major responsibility is the co-ordination of strategic and operational communications planning in support of Ministry policies and programs.

Over the course of the year, the Group provided communications planning and advice in a number of priority areas, among them native policing, correctional reform, family violence and national security.

The Group mounts an exhibits program in co-operation with Ministry agencies. It also provides a daily media clipping service.

In 1990-91, the Group produced publications that include annual reports required by statute and specialized documents such as *Directions for Reform: Sentencing, Corrections and Conditional Release*. It released a public-information film on parole and continued work on videos for judges on corrections and parole.

The exhibits program during the year again emphasized Canada's Drug Strategy and the government's Family Violence Initiative by increasing public awareness of these issues and Canada's prevention efforts.

The Ministry's Library and Reference Centre, a part of the Communications Group, provides information and lending services to the Ministry Secretariat, the CSC, and the NPB.

Inspector General of the Canadian Security Intelligence Service

The *Canadian Security Intelligence Service Act (CSIS Act)*, which came into force in 1984, created the Canadian Security Intelligence Service (CSIS). It also established two review agencies, both of them external to CSIS — the Inspector General (IG) and the Security Intelligence Review Committee (SIRC).

SIRC is external not only to CSIS, but also to the Ministry of the Solicitor General. It is required to review generally the Service's performance and prepare an annual report, which the Solicitor General transmits to both Houses of Parliament.

The IG is, like SIRC, external to CSIS. While SIRC reports annually to Parliament, however, the IG is a component of the Ministry of the Solicitor General. His role is to serve as the Solicitor General's external "monitor" for CSIS and to advise him, as required.

The statutory functions of the Inspector General are fourfold:

(a) to monitor CSIS's compliance with its operational policies;

(b) to review CSIS's operational activities;

(c) to submit certificates to the Solicitor General stating:

(i) the extent to which he is satisfied with the CSIS Director's periodic (usually annual) operational reports to the Solicitor General

(ii) whether, in his opinion, any act or thing done by CSIS in the course of its operational activities during the reporting period:

1. was not authorized by or under the legislation or contravened Ministerial directions; and/or

2. involved an unreasonable or unnecessary exercise by CSIS of any of its powers; and

(d) to conduct such reviews of specific CSIS activities as SIRC may direct.

The IG's multi-year review plan is revised annually in consultation with the government agencies concerned. It takes into account the monitoring and review activities considered essential during the planning period, special assignments from the Solicitor General or SIRC, and the limited resources available for the discharge of IG functions.

In line with his multi-year plan, the IG continued his systematic review of CSIS operational activities, emphasizing major programs and practices unique to CSIS as a security intelligence agency. He reviewed the CSIS Director's most recent report on the Service's operational activities and submitted the required certificate to the Solicitor General. He also submitted a number of review reports to the Solicitor General, who provided copies to SIRC.

D

TAB "D"

Summary of Recommendations of the McDonald Royal Commission

Recommendations relating to the role of the Deputy Minister (and the Secretariat) include inter alia:

21, 48, 52, 106, 108, **171, 172, 173,** 175.

SUMMARY OF RECOMMENDATIONS

1. WE RECOMMEND THAT legislation establishing Canada's security intelligence agency designate the general categories of activity constituting threats to the security of Canada in relation to which the security intelligence agency is authorized to collect, analyze and report intelligence.

2. WE RECOMMEND THAT the categories of activity to be so designated be as follows:

   (a) activities directed to or in support of the commission of acts of espionage or sabotage (espionage and sabotage to be given the meaning of the offences defined in sections 46(2)(b) and 52 of the Criminal Code and section 3 of the Official Secrets Act);

   (b) foreign interference, meaning clandestine or deceptive action taken by or on behalf of any foreign (including Commonwealth) power in Canada to promote the interests of a foreign power;

   (c) political violence and terrorism, meaning activities in Canada directed towards or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective in Canada or in a foreign country;

   (d) revolutionary subversion, meaning activities directed towards or intended ultimately to lead to the destruction or overthrow of the democratic system of government in Canada.

3. WE RECOMMEND THAT, for category (d), revolutionary subversion, only non-intrusive techniques be used to collect information about individuals or groups whose known and suspected activities are confined to this category.

4. WE RECOMMEND THAT the legislation establishing Canada's security intelligence agency contain a clause indicating that the agency's work should be limited to what is strictly necessary for the purpose of protecting the security of Canada and that the security intelligence agency should not investigate any person or group solely on the basis of that person's or group's participation in lawful advocacy, protest or dissent.

5. WE RECOMMEND THAT all intelligence collection tasks assigned to the security intelligence agency by the government be consistent with the statutory definition of the security intelligence agency's mandate and that all legislation and regulations providing special powers or exemptions for security purposes be consistent with the definition of threats to

the security of Canada in the legislation establishing the security intelligence agency.

6. WE RECOMMEND THAT there be a provision to extend by Order-in-Council in emergency circumstances the mandate of the security intelligence agency to a category of activity not included in the agency's statutory mandate, providing that the Joint Parliamentary Committee on Security and Intelligence is notified on a confidential basis when the Order-in-Council is passed and that within 60 days of its passage the Order-in-Council is approved by an affirmative resolution of both Houses of Parliament.

7. WE RECOMMEND THAT a system for controlling the collection of information by the security intelligence agency be established which distinguishes three levels of investigation.

8. WE RECOMMEND THAT investigations at the first two levels be regulated by administrative guidelines developed by the security intelligence agency and approved by the Solicitor General.

9. WE RECOMMEND THAT the statute governing the security intelligence agency require ministerial approval for full investigations, indicate the techniques of collection that may be used in a full investigation and stipulate that a full investigation be undertaken only if

   (a) there is evidence that makes it reasonable to believe that an individual or group is participating in an activity which falls within categories of activities (a) to (c) identified, in the statute governing the security intelligence agency, as threats to the security of Canada; and

   (b) the activity represents a present or probable threat to the security of Canada of sufficiently serious proportions to justify encroachments on individual privacy or actions which may adversely affect the exercise of human rights and fundamental freedoms as recognized and declared in Part I of the Canadian Bill of Rights; and

   (c) less intrusive techniques of investigation are unlikely to succeed, or have been tried and have been found to be inadequate to produce the information needed to conclude the investigation, or the urgency of the matter makes it impractical to use other investigative techniques.

10. WE RECOMMEND THAT the security intelligence agency and the Solicitor General should move as quickly as possible to apply this system of controls to all security intelligence investigations which are underway at the time this new system of controls is introduced.

11. WE RECOMMEND THAT, with the exception of administrative and source files, the security intelligence agency open and maintain a file on a person only if at least one of the following three conditions is met:

   (a) there is reason to suspect that the person has been, is, or will be, engaged in activities which Parliament has defined as threats to Canada's security;

   (b) there is reason to suspect that the person, who is, or who soon will be, in a position with access to security classified information, may become subject to blackmail or may become indiscreet or dishonest in such a way as to endanger the security of Canada;

   (c) the person is the subject of any investigation by the security intelligence agency for security screening purposes. (Once the investigation has been completed, the agency should not continue to add information to these files unless the information relates to category (a) or (b) above.)

12. WE RECOMMEND THAT the security intelligence agency and the independent review body (the Advisory Council on Security and Intelligence) develop programmes for reviewing agency files on a regular basis to ensure compliance with the general principles for opening and maintaining files on individuals.

13. WE RECOMMEND THAT the storage and retrieval system for information on individuals whose activities are relevant to the security intelligence agency's mandate be separate from those systems pertaining to administrative, source and research files.

14. WE RECOMMEND THAT the security intelligence agency's files, documents, tapes and other matter be erased or destroyed only according to conditions and criteria set down in guidelines approved by the Solicitor General.

15. WE RECOMMEND THAT the security intelligence agency consult the Department of External Affairs before initiating a full investigation involving the use in Canada of certain investigative techniques directed at a foreign government or a foreign national in Canada.

16. WE RECOMMEND THAT, in order to make it possible for physical surveillance operations to be carried out effectively by a security intelligence agency, changes be made in federal statutes and the co-operation of the provinces be sought to make changes in provincial statutes as follows:

   (1) *Rules of the road*

      (a) A defence be included in provincial statutes governing rules of the road for peace officers and persons designated by the Attorney General of the Province on the advice of the Solicitor General of Canada ("designated individuals") if such persons act

         (i) reasonably in all the circumstances,

         (ii) with due regard for the property and personal safety of others and

(iii) in the otherwise lawful discharge of their duties;

(b) a defence similar to that referred to in (1)(a) above be included in relevant provincial legislation which authorizes municipal traffic by-laws;

(c) there be enacted by each of the provinces and territories, a provision for the protection of peace officers and designated individuals, saving them harmless from personal liability in civil suits, if such persons act

(i) reasonably in all of the circumstances;

(ii) with due regard for the property and personal safety of others; and,

(iii) in the otherwise lawful discharge of their duties;

(d) the Government of Canada compensate those persons who, but for recommendation (c) above would be entitled to recover damages in a civil suit brought against a federally engaged peace officer or designated individual in a cause of action arising by reason of acts done or omissions occurring in the course of the work of such peace officer or designated individual and on the principle that the quantum of compensation should be assessed on the same basis as is the practice in the civil courts.

(2) *False identification*

(a) Provincial highway traffic legislation regulating the licensing and identification of persons and property be amended to permit the Director General or designated member of the security intelligence agency (or a duly authorized member of a police force) to apply for false identification to the senior government official charged with the administration of the legislation. Provision be made to permit the documents related to the application to be sealed and not to be opened without court order. It is further recommended that such amendments be made as may be necessary to remove all statutory restrictions on the signing or holding of more than one piece of identification in each case;

(b) provincial hotel registration legislation be amended to make available a defence to peace officers and designated individuals who register in a hotel under a false name provided that

(i) they do so in good faith, and

(ii) the use of a false name is necessary for the performance of their otherwise lawful duties.

(3) *Trespass*

(a) Provincial petty trespass statutes be amended to make available a defence to peace officers and designated individuals who enter onto private property other than private dwelling-houses or inhabited units in multi-unit residences but including vehicles, providing that

(i) entry onto private property is reasonably necessary in the circumstances;

(ii) they show due regard for the property rights of the owner; and,

(iii) they act in the otherwise lawful discharge of their duties.

(b) sections 387(1)(a) and 387(1)(c) and 388(1) of the Criminal Code be amended to make available a defence to peace officers and designated individuals in order to allow the attachment of tracking devices to vehicles, in order to assist in physical surveillance operations, provided that such persons

(i) act in the course of their otherwise lawful duties,

(ii) do no more damage or interference with the property than is reasonably necessary for the purposes of the operation; in any event, the damage or interference must not render the use of the property dangerous;

(c) civil remedies be preserved for both trespass and the affixing of devices in a manner similar to that recommended in respect of rules of the road.

17. WE RECOMMEND the establishment of administrative guidelines concerning the principles to be applied in the use of undercover operatives by the security intelligence agency. These guidelines should be approved by the Solicitor General, as the Minister responsible for the security intelligence agency and should be publicly disclosed. These guidelines should cover, *inter alia*, the following points:

(a) the forms of deceit which are unacceptable;

(b) sources and undercover members must be instructed not to participate in unlawful activity. If an undercover operative finds himself in a situation where the commission of a crime is imminent, he must disassociate himself, even at the risk of ending his involvement in the operation. In situations where there is time to seek advice as to the legality of a certain act required of the undercover operative, such advice should be sought. If the act is considered to be unlawful, alternative courses of action should be considered. In many situations, this will allow the operative to continue in his role while remaining within the law;

(c) undercover operatives should not be used in situations where it is likely that the operative will be required to participate in unlawful conduct in order to establish or maintain his credibility;

(d) the agency should report unlawful conduct by undercover operatives, in accordance with the procedures which we propose in Chapter 8 of this Part;

(e) undercover operatives must not be used for the purpose of disrupting domestic groups unless there is reason to believe such a group is involved in espionage, sabotage or foreign interference;

(f) undercover operatives should be instructed not to act as *agents provocateurs* and, in situations where they become aware of plans for violent activity, to do what they can to persuade the members of a group to adopt milder methods of protest;

(g) interviews of persons for security screening purposes should not be used as occasions for recruiting such persons as sources;

(h) great care should be taken in authorizing the use of undercover operatives to balance the potential harm to which the deployment of such individuals within a social institution may do to that institution against the value of the information which may be obtained;

(i) the security intelligence agency should respect confidential professional relationships and other legal barriers to the use of sources in the private sector and should be directed by expert legal advice as to the extent of such legal barriers;

(j) employees or persons under contract to the federal, provincial or municipal governments must not be used as undercover sources in regard to matters involving their government. Confidential information held by governments must be obtained through legally authorized channels; and

(k) the making of *ex gratia* payments for loss or damage suffered as a result of civil wrongs committed by undercover operatives.

18. WE RECOMMEND THAT to facilitate the obtaining of false identification documents in a lawful manner for undercover agents of the security intelligence agency, federal legislation be amended, and the co-operation of the provinces be sought in amending relevant provincial laws, in a manner similar to that recommended for the false identification needed in physical surveillance operations.

19. WE RECOMMEND THAT income tax legislation be amended to permit the security intelligence agency sources not to declare as income payments received by them from the agency, and that other fiscal legislation requiring deduction and remittance by or on behalf of employees be amended to exclude such sources.

20. WE RECOMMEND THAT section 383 of the Criminal Code of Canada concerning Secret Commissions be amended to provide that a person providing information to the security intelligence agency in a duly authorized investigation does not commit the offence defined in that section.

21. WE RECOMMEND THAT there continue to be a power to intercept communications for national security purposes but that the system of administering the power and the statute authorizing the exercise of the power be changed as follows:

(1) All of the information on which an application for a warrant is based must be sworn by the Director General of the security intelligence agency or persons designated by him.

(2) Proposals for warrants should be thoroughly examined by a senior official of the Department of the Solicitor General and by the security intelligence agency's senior legal adviser, and the advice of the Deputy Minister should be available to the Solicitor General in considering the merits of proposals from both a policy and legal point of view.

(3) The legislation authorizing warrants should be amended so that, except in emergency situations, warrants are issued by designated judges of the Trial Division of the Federal Court of Canada on an application by the Director General of the security intelligence agency approved in writing by the Solicitor General of Canada.

(4) The legislation should authorize the judge to issue a warrant if he is satisfied by evidence on oath that the interception is necessary for obtaining information about any of the following activities:

(a) activities directed to or in support of the commission of acts of espionage or sabotage (espionage and sabotage to be given the meaning of the offences defined in sections 46(2)(b) and 52 of the Criminal Code and section 3 of the Official Secrets Act);

(b) foreign interference, meaning clandestine or deceptive action taken by or on behalf of a foreign power in Canada to promote the interests of a foreign power;

(c) political violence and terrorism, meaning activities in Canada directed towards or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective in Canada or in a foreign country;

and the warrant should indicate the type of activity of which the targetted individual or premises is suspected.

(5) The legislation should direct the judge to take the following factors into consideration in deciding whether the interception is necessary

(a) whether other investigative procedures not requiring a judicial warrant have been tried and have failed,

(b) whether other investigative procedures are unlikely to succeed;

(c) whether the urgency of the matter is such that it would be impractical to carry out the investigation of the matter using only other investigative procedures;

(d) whether, without the use of the procedure it is likely that intelligence of importance in regard to such activity will remain unavailable;

(e) whether the degree of intrusion into privacy of those affected by the procedure is justified by the value of the intelligence product sought.

(6) The legislation should provide that the Director General may appeal a refusal of a judge to issue a warrant to the Federal Court of Appeal.

(7) The legislation should provide that an applicant must disclose to the judge the details of any application made previously with respect to the same matter.

(8) The legislation should authorize the Chief Justice of the Federal Court of Canada to designate five members of the Trial Division of that court to be eligible to issue warrants under the legislation.

(9) The legislation should provide that in emergency circumstances where the time required to bring an application before a judge would likely result in the loss of information important for the protection of the security of Canada, the Solicitor General of Canada may issue a warrant which can be used for 48 hours subject to the same conditions which apply to judicial warrants. The issuance of emergency warrants must be reported to and reviewed by the Advisory Council on Security and Intelligence.

(10) The legislation should require that warrants specify the length of time for which they are issued and that no warrants should be issued for more than 180 days.

(11) Before deciding to make application to renew a warrant the Director General of the security intelligence agency and the Solicitor General should carefully assess the value of the intelligence product resulting from the earlier warrants. The legislation should stipulate that applications for renewals of warrants be treated on the same terms as applications for original warrants with the additional requirement that the judge to whom an application for renewal is made be provided with evidence under oath as to the intelligence product obtained pursuant to the earlier warrant(s).

(12) The legislation should authorize persons executing warrants to take such steps as are reasonably necessary to enter premises or to remove property for the purpose of examining the premises or property prior to installing a device or for the purpose of installing, maintaining or removing an interception device, providing that the judge issuing the warrant sets out in the warrant (a) the methods which may be used in executing it; (b) that there be no significant damage to the premises that remains unrepaired; and (c) that there be no physical force or the threat of such force against any person. The legislation should also provide for the use of the electrical power supply available in the premises.

(13) The Solicitor General should seek the co-operation of the provinces to make lawful what would otherwise be unlawful under provincial and municipal regulations governing such matters as electrical installations, fire protection and construction standards, in order to allow the security intelligence agency to install, operate, repair and remove electronic eavesdropping devices in a lawful manner.

(14) The legislation should provide for warrants to be issued to the Director General of the security intelligence agency or persons acting upon his direction or with his authority, but require that in every case the persons carrying out an entry of premises or removal of property in the course of executing a warrant be accompanied by a peace officer. If the Director General proposes to use a person who is not a member of the agency or a peace officer, he should obtain the prior approval of the Minister to the use of such person.

(15) The legislation should make it clear that warrants may be issued for the interception or seizure of written communications, other than a message in the course of post, as well as oral communications. Warrants for these interceptions must not be used for the examination or opening of mail or the search of premises. Section 7 of the Official Secrets Act should be repealed. (See Part IX, Chapter 2 for recommendation as to total repeal of the Official Secrets Act.)

(16) The legislation should exempt from section 178.2(1) of the Criminal Code the communication of any information obtained from an interception executed pursuant to the legislation by members of the security intelligence agency for purposes within the mandate of the security intelligence agency or for the purpose of enabling the Advisory Council on Security and Intelligence or the Parliament Committee on Security and Intelligence to review the operation of the legislation.

(17) The legislation should require that the Solicitor General annually prepare a report to be laid before Parliament indicating the number of warrants for interception which have been issued during the year, the number of these which constitute renewals, and the frequency of renewals and that the Solicitor General prepare a report for the parliamentary Committee on Security and Intelligence assessing the value of the intelligence products

obtained from the warrants and problems encountered in executing warrants under the legislation.

(18) The use by the security intelligence agency of (a) hidden optical devices or cameras to view or film activities in places which are not open to the public and (b) dial digit recorders ("pen registers") should be permitted only under a system of warrants subject to the conditions of control and review as are recommended above for electronic surveillance.

22. WE RECOMMEND THAT the security intelligence agency be authorized by legislation to enter premises, to open receptacles and to remove property for the purposes of examining or copying any document or material when it is necessary to do so in order to obtain information about activities directed towards, or in support of, espionage or sabotage, foreign interference or political violence and terrorism, providing that this investigatory power is subject to the same system of control and review as recommended above for electronic surveillance.

23. WE RECOMMEND THAT section 11 of the Official Secrets Act be repealed.

24. WE RECOMMEND THAT, notwithstanding the present provisions of the Post Office Act, the security intelligence agency be authorized by legislation to open and examine or copy the cover or contents of articles in the course of post when it is necessary to do so in order to obtain information about activities directed towards or in support of espionage or sabotage, foreign interference or serious political violence and terrorism, providing that this investigatory power is subject to the same system of control and review as recommended above for electronic surveillance, except that instead of requiring that a peace officer accompany persons executing warrants issued for this purpose, the legislation should require that the Post Office Department be notified when such warrants are issued and expire and that Post Office officials co-operate with members of the security intelligence organization in carrying out the procedure specified in the warrant.

25. WE RECOMMEND THAT legislation authorize the heads of federal government institutions to release information concerning an individual's name, address, phone number, date and place of birth, occupation and physical description on receiving a written request from the security intelligence agency stating that such information is necessary for the purpose of locating or identifying an individual suspected of participating in one of the activities identified as a threat to the security of Canada in the statute governing the security intelligence agency, and that all other personal information held by the federal government, with the exception of census information held by Statistics Canada, be accessible to the security intelligence agency through a system of judicially granted warrants issued subject to the same terms and conditions and system of review as recommended for electronic surveillance, searches of premises and property, and the examination of mail

26. WE RECOMMEND THAT warrants issued for obtaining personal information for security intelligence purposes be submitted to the Minister or head of the government institution which holds the information and that the Minister be required to comply with the warrant unless the Prime Minister directs the Solicitor General not to execute the warrant.

27. WE RECOMMEND THAT the security intelligence agency obtain personal information held by government institutions under the jurisdiction of provincial governments only from persons legally authorized to release such information and that, with regard to any province in which there is no authorized means of access to information to which the Solicitor General of Canada considers that the security intelligence agency should have access in order to discharge its responsibilities effectively, the Solicitor General should seek the co-operation of the province in amending its laws to make such access possible.

28. WE RECOMMEND THAT the security intelligence agency's responsibilities for the development of a competent analytical capability be explicitly stated in the statute establishing the agency.

29. WE RECOMMEND THAT the Act establishing the security intelligence agency specify the reporting function of the agency and require the Minister responsible for the agency to issue guidelines on how the agency should conduct its reporting activities. These guidelines should cover at least the following:

    (a) conditions under which the agency can report information about individuals;

    (b) conditions under which the agency can advise individuals outside governments and police forces about security threats;

    (c) (i) the general principle that the security intelligence agency should report only information relevant to its mandate, except that information which it has collected by accident which the guidelines specifically require or authorize it to report to government or to the police;

    (ii) the agency should report information which it has collected by accident, which relates to an offence, to the appropriate police force if, in the agency's opinion, to do so would not be likely to affect adversely the security of Canada.

    (iii) the types of information collected by accident which the security intelligence agency may report to the appropriate federal or provincial government include information pertinent to the economic interests of Canada

    (d) the manner in which the agency should handle *ad hoc* requests for information from government departments and police forces;

    (e) the manner in which the agency should reveal the basis for its judgments, while at the same time providing reasonable protec-

30. WE RECOMMEND THAT when the Solicitor General receives information from the security intelligence agency relating to the commission of an offence, and the agency considers that it would adversely affect the security of Canada to pass that information to the police, the Solicitor General should consult with the Attorney General of Canada with respect to the release of that information. If, after such consultation, the Solicitor General decides that the security of Canada would not be adversely affected by the release of that information he should instruct the agency to release it to the appropriate police force. On the other hand, if the Solicitor General decides that the release of the information would adversely affect the security of Canada, he should so advise the Attorney General of Canada who should proceed in accordance with arrangements to be worked out with provincial attorneys general. (See discussion in Chapter 8 of this Part.)

31. WE RECOMMEND THAT

    (a) the security intelligence agency retain, in one location, records of all accidental by-products reported to government or to the police, and that such records state what information was reported, how the information was collected, to whom it was given, and the history of the investigation which produced the information; and,

    (b) the independent review body have access to such records and that it monitor closely the investigations which produced the information to ensure that the investigations are not being misdirected for a purpose irrelevant to the security of Canada.

32. WE RECOMMEND THAT the agency, in addition to providing information about specific individuals and groups relevant to its mandate, place greater emphasis than is now the case on providing government with:

    (a) analysis and advice on the latest developments, techniques, and countermeasures relating to physical and V.I.P. security, and security screening; and,

    (b) reports which analyze broad trends relating to threats to the security of Canada and which advise government on ways to counter these threats.

33. WE RECOMMEND THAT the legislation governing the security intelligence agency include a clause which expressly denies the agency any authority to carry out measures to enforce security.

34. WE RECOMMEND THAT members of the security intelligence agency should not have peace officer powers and that, to remove any doubt, the legislation establishing the organization should explicitly state that members of the security intelligence organization are not to be considered as peace officers.

35. WE RECOMMEND THAT the security intelligence agency not engage in making known to employers in the private sector its availability to receive information about employees alleged to be subversives, and that any such advice as to such availability should, if the government considers such advice to be desirable, be transmitted through another department or agency.

36. WE RECOMMEND THAT it not be a function of the security intelligence agency to publicize, outside government, threats to the security of Canada; and accordingly, the security intelligence agency should not maintain liaison with the news media, and further, that all public disclosure about the activities of the security intelligence agency should be made by responsible Ministers.

37. WE RECOMMEND THAT the security intelligence agency not be permitted to disseminate information or misinformation in order to disrupt or otherwise inflict damage on Canadian citizens or domestic political organizations.

38. WE RECOMMEND THAT if the security intelligence agency wishes to use another government programme to help deceive one of the agency's subjects of surveillance, the Solicitor General should seek the concurrence of the Minister responsible for the programme in question.

39. WE RECOMMEND THAT the security intelligence agency not be permitted to use informants against domestic political organizations primarily for the purpose of disrupting such organizations.

40. WE RECOMMEND THAT an informant of the security intelligence agency who has penetrated a political organization for intelligence gathering purposes should be instructed that, when persons in the organization have formed an intent to commit a *specific* crime, the informant should try to discourage and inhibit the members of the organization from carrying out that crime, but that the informant must not transgress the law in order to discourage or inhibit the commission of the crime.

41. WE RECOMMEND THAT it not be a function of the security intelligence agency to carry out defusing programmes and that the agency not be permitted to use conspicuous surveillance groups for the purpose of intimidating political groups.

42. WE RECOMMEND THAT for intelligence purposes falling within the security intelligence agency's statutory mandate and subject to guidelines approved by the Cabinet Committee on Security and Intelligence, the security intelligence agency be permitted to carry out investigative activities abroad.

43. WE RECOMMEND THAT the Director General of the security intelligence agency inform the Minister responsible for the agency in advance of all foreign operations planned by the security intelligence agency.

44. WE RECOMMEND THAT in cases which on the basis of policy guidelines are deemed to involve a significant risk to Canada's foreign

relations, the Minister responsible for the security intelligence agency inform the Department of External Affairs sufficiently in advance of the operation to ensure that consultation may take place.

45. WE RECOMMEND THAT the Director General and appropriate officials of the security intelligence agency should meet with the Under Secretary of State for External Affairs and the responsible Deputy Under Secretary on an annual basis to review foreign operations currently being undertaken or proposed by the security intelligence agency.

46. WE RECOMMEND THAT the statutory mandate of the security intelligence agency provide for foreign liaison relationships subject to proper control.

47. WE RECOMMEND THAT the terms of reference for each relationship specify the types of information or service to be exchanged.

48. WE RECOMMEND THAT the terms of reference for each relationship be approved by the Solicitor General and the Secretary of State for External Affairs before coming into effect and that any disagreement be resolved by the Prime Minister or the Cabinet.

49. WE RECOMMEND THAT the Government establish a clear set of policy principles to guide the security intelligence agency's relationships with foreign security and intelligence agencies and that the Joint Parliamentary Committee on Security and Intelligence be informed of these principles.

50. WE RECOMMEND THAT the information given to foreign agencies by the security intelligence agency must be about activities which are within the latter's statutory mandate; that the information given must be centrally recorded; that the security intelligence agency know the reasons for the request; and that the information be retrievable.

51. WE RECOMMEND THAT the Director General approve of each joint operation with a foreign agency and ensure that Canada control all foreign agency operations in this country.

52. WE RECOMMEND THAT the Solicitor General be informed of each joint operation, or operation of a foreign agency, in Canada.

53. WE RECOMMEND THAT the security intelligence agency have liaison officers posted abroad at Canadian missions to perform security liaison functions now performed by R.C.M.P. liaison officers, except that in missions where the volume of police and security liaison work can be carried out by one person, either an R.C.M.P. or a security intelligence liaison officer carry out both kinds of liaison work.

54. WE RECOMMEND THAT the relationship between the liaison officer representing the security intelligence agency and the Head of Post be governed by the terms of reference as laid down for the Foreign Services of the R.C.M.P., but that the security intelligence agency's liaison officer have the right to communicate directly with his Headquarters and independently of the Head of Post when the intelligence to be transmitted is of great sensitivity. Except in extraordinary circumstances, which should in each case be reported by the Director General to the Solicitor General, such communications should be made available to the Under-Secretary of State for External Affairs.

55. WE RECOMMEND THAT the government examine, on a regular basis, both the resources which are being devoted to the technical security of Canadian missions abroad, and the policies and procedures which are being applied to the security of those missions.

56. WE RECOMMEND THAT the security intelligence agency's relationships with foreign agencies be subject to the following forms of review:

    (a) An account of significant changes in these relationships be included in the security agency's annual report to the Cabinet;

    (b) relations with foreign agencies be subject to continuing review by the independent review body;

    (c) the Joint Parliamentary Committee on Security and Intelligence be informed of the principles governing the security agency's relations with foreign agencies and, to the extent possible, of the terms of reference of particular relationships.

57. WE RECOMMEND THAT the Solicitor General approve all agreements which the security intelligence agency makes with other federal government departments and agencies and which have significant implications for the conduct of security intelligence activities.

58. WE RECOMMEND THAT the security intelligence agency, once it has separated from the R.C.M.P., negotiate a Memorandum of Understanding with the Department of External Affairs.

59. WE RECOMMEND THAT the Deputy Solicitor General, the Deputy Minister of National Defence and the Chief of the Defence Staff negotiate a memorandum of understanding to be ratified by their respective Ministers.

60. WE RECOMMEND THAT the security intelligence agency and the R.C.M.P., with the approval of the Solicitor General, provide, upon request, security screening services

    (a) to provincial governments for public service positions which have a bearing on the security of Canada;

    (b) to provincial or municipal police forces.

61. WE RECOMMEND THAT the security screening services provided by the security intelligence agency for provinces and municipalities be subject to the same conditions which apply to the screening services for federal government departments and agencies.

62. WE RECOMMEND THAT, if the security intelligence agency obtains security relevant information about provincial politicians or public servants in the course of an investigation unrelated to a security screening

programme for the Province in question, then the agency seek the approval of the Solicitor General before reporting this information to the appropriate provincial politician or official.

63. WE RECOMMEND THAT the Solicitor General encourage a provincial government which uses these security screening services either to establish its own review procedures for security screening purposes or to opt into the federal government's review system.

64. WE RECOMMEND THAT the Solicitor General initiate a study of V.I.P. protection in foreign countries with federal systems of government with the aim of improving federal-provincial co-operation in this country.

65. WE RECOMMEND THAT the security intelligence agency, to facilitate the exchange of security relevant information with domestic police forces and generally to encourge co-operation,

    (a) establish a special liaison unit for domestic police forces, staffed, in part, by personnel with police experience;

    (b) develop written agreements with the major domestic police forces to include, among other things, the types of information to be exchanged, the liaison channels for effecting this exchange, and the conditions under which joint operations should be conducted.

66. WE RECOMMEND THAT the Director General approve all joint operations undertaken by the security intelligence agency and that the Solicitor General develop guidelines for the use and approval of intrusive investigative techniques in joint operations.

67. WE RECOMMEND THAT the Solicitor General develop in conjunction with his provincial counterparts a mechanism for monitoring the use by private security forces of investigative or other techniques which encroach on individual privacy, freedom of association, and other liberal democratic values.

68. WE RECOMMEND THAT

    (a) the federal government immediately initiate discussion with the provinces on the procedures which should apply to the reporting and investigation of criminal activity committed by members or agents of the security intelligence agency; and

    (b) the arrangements outlined in this chapter be followed on an interim basis.

69. WE RECOMMEND THAT

    (a) the Director General should be a person of integrity and competence; he should have proven managerial skills but need not have prior working experience in security intelligence matters; he should be knowledgeable about political and social movements, international affairs and the functioning of government; he should have a high regard for liberal democratic principles; and he should have sound political judgment, not affected by partisan concerns;

    (b) the appointment of the Director General of the Security Intelligence Agency be made by the Governor in Council;

    (c) the Prime Minister consult the leaders of the opposition parties prior to the appointment of the Director General.

70. WE RECOMMEND THAT the following conditions of employment for the Director General should be included in the statute establishing the security intelligence agency:

    (a) the Director General can be dismissed only for 'cause';

    (b) 'cause' includes mental or physical incapacity; misbehaviour; insolvency or bankruptcy; or failure to comply with the provisions of the Act establishing the agency;

    (c) the Director General should be appointed for a five-year term;

    (d) no Director General may serve for more than 10 years.

71. WE RECOMMEND THAT the Director General and his senior managers act as a team in dealing with important policy and operational matters affecting the security intelligence agency.

72. WE RECOMMEND THAT Canada's security intelligence agency encourage the infusion of new ideas and fresh approaches by ensuring that a reasonable number of its senior managers, prior to joining the agency in a middle or senior management capacity, have worked in other organizations.

73. WE RECOMMEND THAT the senior management team of Canada's security intelligence organization have a wide diversity of backgrounds, reflecting experience in both governmental and non-governmental institutions, in the law, in investigatory work, and in management. All of the agency's senior managers should place a high priority on effectiveness, on conducting the agency's operations legally and with propriety and on upholding liberal democratic principles.

74. WE RECOMMEND THAT the security intelligence agency adopt the following policies to help it determine who should work for the agency:

    (a) the agency requires staff with a wide variety of backgrounds in governmental, non-governmental, and police organizations;

    (b) police experience should be a prerequisite for only a small number of specialized positions;

    (c) the agency should periodically hire persons from outside the agency for middle and senior management positions;

    (d) having a university degree should not be a prerequisite for joining the agency. Nonetheless, the agency should actively recruit those with university training;

(e) the agency should hire individuals with training in a wide variety of academic disciplines;

(f) the agency should seek employees with the following characteristics: patience; discretion; emotional stability; maturity; tolerance; no exploitable character weaknesses; a keen sense of, and support for, liberal democratic principles; political acumen; and the capacity to work in an organization about which little is said publicly.

75. WE RECOMMEND THAT the security intelligence agency adopt the following recruiting procedures:

(a) it should widen its recruiting pool in order to attract the type of personnel we have recommended, rather than rely on the R.C.M.P. as its primary source of recruits;

(b) apart from support staff, it should have only one category of employee, to be known as intelligence officers. Intelligence officers should not be given military or police ranks;

(c) it should not rely primarily on referral by existing or former employees to attract new recruits but rather should employ more conventional methods, including recruiting on university campuses and advertising in newspapers;

(d) in addition to the personnel interview, it should develop other means, such as psychological testing and testing for writing and analytical ability, to ascertain the suitability of a candidate for security intelligence work;

(e) it should involve experienced and senior operational personnel more actively in the recruitment process.

76. WE RECOMMEND THAT

(a) the security intelligence agency initiate a more active secondment programme, involving federal government departments, the R.C.M.P., provincial police forces, labour unions, business, provincial governments, universities, and foreign agencies;

(b) secondment arrangements with foreign agencies should be approved by the Minister responsible for the security intelligence agency.

77. WE RECOMMEND THAT the security intelligence agency:

(a) develop an improved career planning capability in order to effect greater specialization in career paths;

(b) ensure that there is close collaboration between line and staff personnel in the design and implementation of specialized career paths.

78. WE RECOMMEND THAT the number of job levels for intelligence officers within the security intelligence agency be reduced.

79. WE RECOMMEND THAT the security intelligence agency establish a number of positions designed for senior intelligence officers who would have no administrative responsibilities.

80. WE RECOMMEND THAT security service training be redesigned so that it is more suitable for better educated, more experienced recruits. There should be less emphasis on 'parade square' discipline and 'molding' behaviour and more emphasis on developing an understanding of political, legal and moral contexts and mastering tradecraft techniques.

81. WE RECOMMEND THAT the security intelligence agency initiate a variety of training programmes with an aim to exposing its members to ideas from persons outside the agency.

82. WE RECOMMEND THAT

(a) managers in operational jobs take an active role in the design and implementation of training and development programmes;

(b) opportunities for increased specialization be available for training and development staff.

83. WE RECOMMEND THAT

(a) security intelligence agency employees not be allowed to unionize, and this be drawn clearly to the attention of each person applying to join the agency;

(b) the security intelligence agency

(i) adopt a managerial approach which encourages employee participation in decision-making,

(ii) encourage the formation of an employee association, and

(iii) tie agency salaries and benefits by a fixed formula to the Public Service of Canada.

84. WE RECOMMEND THAT

(a) employees of the security intelligence agency not belong to the Public Service of Canada;

(b) the employee benefits of the security intelligence agency be the same as those enjoyed by federal public servants;

(c) portability of employee benefits exist between the agency and the federal government;

(d) pension portability arrangements between the federal government and other organizations including other levels of government encompass the security intelligence agency;

(e) for the purposes of being eligible to enter public service competitions, employees of the security intelligence agency be deemed to be persons employed in the Public Service.

85. WE RECOMMEND THAT the security intelligence agency establish an employee counselling programme based on the two principles of

voluntary usage and confidentiality of information given to the counsellors.

86. WE RECOMMEND THAT the senior management of the security intelligence agency

(a) emphasize the practice of seeking local and informal avenues of resolution of grievances before resorting to formal procedures;

(b) monitor carefully the use of formal grievance procedures as a possible indicator of problem areas in current personnel policies;

(c) establish a two-stage formal grievance procedure, involving a three-person grievance board at the first stage, and an appeal to the Director General at the second stage;

(d) ensure that no member be penalized directly or indirectly as a result of lodging a grievance.

87. WE RECOMMEND THAT the security intelligence agency develop a program for dealing with improper behaviour which

(a) emphasizes remedial action rather than punishment;

(b) requires the Director General, in the case of an alleged illegality, to suspend an employee with pay and to refer the case to the Solicitor General;

(c) places responsibility for dismissal with the Deputy Solicitor General, subject to the advice of the Director General and his senior management team;

(d) emphasizes the necessity of the security intelligence agency expending every effort, in appropriate instances, to help dismissed employees find new work;

(e) provides for a procedure for relocating employees who are suspected of being security risks to non-sensitive areas in other federal government departments.

88. WE RECOMMEND THAT the security intelligence agency develop

(a) a leadership style which relies less on giving orders and obedience and more on participation in decision-making, and

(b) training courses, especially in small group decision-making techniques, which will support such a leadership style.

89. WE RECOMMEND THAT, to minimize the likelihood of internal communication barriers developing, the senior management of the security intelligence agency should

(a) eliminate separate eating and social facilities based on job levels within the agency;

(b) develop a regular forum for communicating with staff they would not normally meet in the course of their work;

(c) encourage ad hoc problem-solving groups, when appropriate, to include staff from a variety of levels within the agency;

(d) encourage the attendance of junior ranking members when their work is discussed.

90. WE RECOMMEND THAT the security intelligence agency include in its key decision-making forums individuals who, because of their function, have different perspectives on the problems to be considered.

91. WE RECOMMEND THAT the legal services of the security intelligence agency be provided by the Department of Justice, and that the Department of Justice assign to the security intelligence agency well-qualified lawyers of mature judgment in sufficient number to provide all of the legal services required by the agency.

92. WE RECOMMEND THAT the lawyers assigned to the agency serve from five to ten years in that assignment and that there be a gradual staggering of the appointments so as to ensure that there is always at least one lawyer at the agency with several years' experience in its work.

93. WE RECOMMEND THAT the agency's legal advisers provide the agency with advice on the following matters:

(a) whether actions are in conformity with the law and agency guidelines;

(b) the legality of each application for a warrant to perform an intrusive technique and whether such application is in conformity with those agency guidelines with respect to its use;

(c) whether a proposal to use certain other investigative techniques is in conformity with the agency's guidelines.

94. WE RECOMMEND THAT the advice of the legal adviser be binding on the agency unless a contrary opinion is given by the Deputy Attorney General of Canada.

95. WE RECOMMEND THAT the legal adviser report to the Deputy Attorney General of Canada any knowledge he acquires of any illegal act by any member of the agency.

96. WE RECOMMEND THAT the legal adviser counsel senior management of the agency in its dealings with senior officials, Ministers or Parliamentary Committees with respect to the proposed legislative changes affecting the work of the agency.

97. WE RECOMMEND THAT

(a) major responsibility for auditing the operations of the security intelligence agency for legality and propriety should rest with a new independent review body. (The functions of this body will be described in a later chapter of this report.)

(b) the security intelligence agency should have a small investigative unit for handling complaints and for initiating in-depth studies of agency operations on a selective basis; and

(c) the security intelligence agency should not allocate resources for managerial auditing, but instead should experiment with other approaches to organizational change.

98. WE RECOMMEND THAT the security intelligence agency

(a) review regularly how the 'need to know' principle is being applied within the agency and whether the balance between security on the one hand and effectiveness on the other is appropriate;

(b) ensure that the principle is being applied to primarily operational matters;

(c) ensure that the principle is not used as an excuse to prevent either an auditing group or a superior from knowing about questionable acts;

(d) improve its training programmes with regard to the rationale behind and the application of the 'need to know' principle.

99. WE RECOMMEND THAT screening procedures for security intelligence agency employees

(a) be more stringent than those employed for the Public Service;

(b) ensure that the Deputy Solicitor General, on the advice of the Director General, is responsible for denying a security clearance to an individual;

(c) specify that the agency has a responsibility to advise an individual who is not granted a security clearance why doubt exists concerning his reliability or loyalty so long as sensitive sources of security information are not jeopardized.

100. WE RECOMMEND THAT the security intelligence agency have a less stringent set of conditions than the Public Service for releasing an employee for security reasons.

101. WE RECOMMEND THAT the security screening appeal process for agency employees be identical to that of the Public Service, except for the application of more demanding screening standards.

102. WE RECOMMEND THAT the security intelligence agency's internal security branch

(a) be staffed with more senior people who have the necessary interviewing and analytical skills;

(b) develop a research and policy unit which would keep track of and analyze all security incidents of relevance to the agency;

(c) participate in or be kept fully informed of all investigations relating to security.

103. WE RECOMMEND THAT agency employees be encouraged to provide information about questionable activities to the independent review body (the Advisory Council on Security and Intelligence), and that any employees who do so should not be punished by the agency.

104. WE RECOMMEND THAT the Government of Canada establish a security intelligence agency, separate from the R.C.M.P., and under the direction of the Solicitor General and the Deputy Solicitor General.

105. WE RECOMMEND THAT this agency be called the Canadian Security Intelligence Service.

106. WE RECOMMEND THAT the Solicitor General and the Deputy Solicitor General place high priority in developing ways to strengthen the relationship between the security intelligence agency and

(i) the R.C.M.P.

(ii) other Canadian police forces

(iii) foreign security agencies.

107. WE RECOMMEND THAT the Cabinet make its decision quickly to separate the Security Service from the R.C.M.P.

108. WE RECOMMEND THAT the Solicitor General be given responsibility for implementing the establishment of the security intelligence agency. He should appoint an implementation team to assist him, consisting of at least the following: the Deputy Solicitor General, the Commissioner of the R.C.M.P., the head of the security intelligence agency and senior officials from the Privy Council Office, Treasury Board, Department of Justice, and the Public Service Commission.

109. WE RECOMMEND THAT the Prime Minister appoint a Director General for the security intelligence agency.

110. WE RECOMMEND THAT some of the senior managers for the new agency should come from outside the R.C.M.P.

111. WE RECOMMEND THAT

(a) existing staff of the R.C.M.P. Security Service be assigned to the new agency but continue to belong to either the Public Service or the R.C.M.P. for an interim period to be established by the Solicitor General No current employees of the Security Service should be forced to become permanent employees of the security intelligence agency.

(b) no current member of the R.C.M.P. Security Service lose employment with the federal government as a result of the establishment of the new security intelligence agency.

112. WE RECOMMEND THAT federal government positions requiring security screening be precisely identified according to clearly defined and carefully monitored standards. Top Secret clearances should be reduced to the minimum required to protect information critical to the security and defence of the nation

113. WE RECOMMEND THAT the security intelligence agency not be involved in screening or selection procedures established to ensure the suitability of persons for those government positions that do not require access to information relevant to the security of Canada.

114. WE RECOMMEND THAT the security intelligence agency not be requested to undertake a security screening before the final selection of a candidate for a position requiring a clearance.

115. WE RECOMMEND THAT the Cursory Records Check for Order-in-Council appointments be discontinued. Regular security screening procedures should be carried out for those appointed to positions requiring access to security related information.

116. WE RECOMMEND THAT

(a) there be security and criminal records checks for M.P.s and Senators who will have access to classified information;

(b) any adverse information be reported by the Director General to the leader of the party to which the M.P. or Senator belongs; and

(c) the persons appointed receive a security briefing by the security intelligence agency.

117. WE RECOMMEND THAT security clearances be updated every five years. This update should be the responsibility of a personnel security officer in the department. It should not normally include a security records check.

118. WE RECOMMEND THAT security clearances for candidates transferring between classified positions be re-evaluated by a personnel security officer in the new department. A transfer should not necessarily include a check of the security intelligence agency's records.

119. WE RECOMMEND THAT a person should be denied a security clearance only if there are

(1) Reasonable grounds to believe that he is engaged in or is likely to engage in any of the following:

(a) activities directed to or in support of the commission of acts of espionage or sabotage;

(b) foreign interference, meaning clandestine or deceptive action taken by or on behalf of a foreign power in Canada to promote the interests of a foreign power;

(c) political violence and terrorism, meaning activities in Canada directed towards or in support of the threat or use of serious acts of violence against persons or property for the purpose of achieving a political objective in Canada or in a foreign country;

(d) revolutionary subversion, meaning activities directed towards or intended ultimately to lead to the destruction or overthrow of the liberal democratic system of government;

or

(2) Reasonable grounds to believe that he is or is likely to become

(a) vulnerable to blackmail or coercion, or

(b) indiscreet or dishonest,

in such a way as to endanger the security of Canada.

120. WE RECOMMEND THAT the existing Security Service files on homosexuals be reviewed and those which do not fall within the guidelines for opening and maintaining files on individuals be destroyed.

121. WE RECOMMEND THAT the federal government establish a pool of security staffing officers under the direction of the Public Service Commission with responsibility for:

(a) carrying out security screening procedures on behalf of federal government departments and agencies;

(b) conducting field investigations for security screening purposes;

(c) assessing the information resulting from the various investigatory procedures related to security screening;

(d) providing departments and agencies with advice on whether or not to grant security clearances.

122. WE RECOMMEND THAT Public Service Commission security staffing officers be mature individuals

(a) well versed in the variety of political ideologies relevant to Canadian society;

(b) sympathetic to the democratic principles which the security screening process is designed to protect;

(c) knowledgeable about and interested in human behaviour and the various methods used by foreign intelligence agencies to compromise people;

(d) competent at interviewing a wide variety of people.

123. WE RECOMMEND THAT the Interdepartmental Committee on Security and Intelligence decide what departments or agencies should have responsibility for conducting their own security screening interviews and field investigations.

124. WE RECOMMEND THAT the following changes be made to the field investigation procedures:

(a) for Top Secret level clearances, the Public Service Commission security staffing officers should interview three referees named by the candidate. If the list of referees provided by the candidate is not satisfactory, then the Public Service Commission should request additional referees. The security staffing officers should also interview other persons as they see fit, except to seek medical information.

(b) for Top Secret and Secret level clearances, the Public Service Commission security staffing officers should interview the candidate;

(c) good employment practices, such as checking a candidate's credentials, academic records, and employment histories should not be the responsibility of security staffing officers;

(d) in those departments and agencies which are responsible for conducting their own security screening interviews and field investigations, the functions mentioned in (a) and (b) above would be performed by their own security staffing officers.

125. WE RECOMMEND THAT the security intelligence agency have responsibility for:

(a) providing the Public Service Commission and departmental security staffing officers with security relevant information from its files about a candidate, his relatives and close associates;

(b) conducting an investigation when necessary to clarify information or to update its assessment of a particular candidate or group relevant to the candidate's activities;

(c) advising the Public Service Commission and the employing department or agency through the security staffing officer on whether or not a candidate should be granted a security clearance;

(d) advising the federal government on general matters affecting the security clearance programme.

126. WE RECOMMEND THAT the R.C.M.P., as part of the security screening procedures in future, conduct

(a) a fingerprint records check and,

(b) a check of its various criminal intelligence records

for all persons with access to classified information.

127. WE RECOMMEND THAT pardoned or vacated criminal records not be included in screening reports.

128. WE RECOMMEND THAT the federal government widely publicize any review and appeal procedures established for security screening purposes and that the Interdepartmental Committee for Security and Intelligence establish monitoring and control mechanisms to ensure that departments and agencies follow these procedures.

129. WE RECOMMEND THAT the Interdepartmental Committee for Security and Intelligence prepare for the approval of the Cabinet Committee on Security and Intelligence a set of internal review procedures for adverse security reports, to include at least the following points:

(a) the procedures must be comprehensive enough to include all individuals who might be adversely affected by security clearance procedures;

(b) decisions which adversely affect individuals for security reasons should be made by the Deputy Minister of the department concerned about the security problem;

(c) before making such a decision, the Deputy Minister should provide the individual in question with an opportunity to resolve the reasons for doubt;

(d) before making his decision, the Deputy Minister should consult appropriate officials in at least the Privy Council Office's Security Secretariat.

130. WE RECOMMEND THAT the federal government establish, by statute, a Security Appeals Tribunal to hear security appeals in the areas of Public Service employment, immigration, and citizenship. In the case of Public Service employment all individuals who have been or who suspect that they have been adversely affected by security screening procedures should have access to the Tribunal. The specific responsibilities of the Tribunal concerning Public Service employment should be as follows:

(a) to advise the Governor in Council on all appeals heard by the Tribunal;

(b) to review all adverse screening reports of the security intelligence agency and the Public Service Commission's security screening unit;

(c) to report annually to the Interdepartmental Committee on Security and Intelligence about its activities and about any changes in security clearance procedures which would increase either their effectiveness or their fairness.

131. WE RECOMMEND THAT

(a) the Security Appeals Tribunal consist of five members appointed by the Governor in Council, any three of whom could compose a panel to hear security appeals;

(b) the chairman of the Tribunal be a Federal Court Judge;

(c) the other members not be currently employed by a federal government department or agency.

132. WE RECOMMEND THAT the Security Appeals Tribunal disclose as much information as possible to the appellant and that the Tribunal have the discretion to decide what security information can be disclosed to the appellant.

133. WE RECOMMEND THAT the procedures of the Security Appeals Tribunal be similar to those now established for appeals against the dismissal from the Public Service or against deportation, with the added feature that members of the security intelligence agency or personnel

security staffing officers be allowed to appear before the Tribunal to explain the reasons for denying a security clearance.

134. WE RECOMMEND THAT the security intelligence liaison officer at the post abroad be involved in any decision, on application for permanent residency, to waive immigration security screening for humanitarian reasons or in cases of urgency.

135. WE RECOMMEND THAT the security screening rejection criteria applied to visa applicants reflect the temporary nature of their stay. Where appropriate, non-renewable visas should be issued for applicants who could not pass the security criteria for permanent immigration.

136. WE RECOMMEND THAT applicants for the renewal of temporary permits or visas be required to undergo the security screening process.

137. WE RECOMMEND THAT the humanitarian and flexible procedures for dealing with Convention Refugees remain, but that the security intelligence agency, in co-operation with other government departments and agencies, help prepare regular threat assessment profiles of potential refugee situations for the Contingency Refugee Committee, which should be revived

138. WE RECOMMEND THAT the security intelligence agency, hold security screening interviews with Convention Refugees after their arrival in Canada, not as a matter of course, but only for cause.

139. WE RECOMMEND THAT section 19(1)(e), (f) and (g) of the Immigration Act be repealed and the following substituted:

19. (1) No person shall be granted admission if he is a member of any of the following classes:

(e) persons who it is reasonable to believe will engage in any of the following activities:

(i) activities directed to or in support of the commission of acts of espionage or sabotage;

(ii) foreign interference, meaning clandestine or deceptive action taken by or on behalf of a foreign power in Canada to promote the interests of a foreign power;

(iii) political violence and terrorism, meaning activities in Canada directed towards or in support of the threat or use of serious acts of violence against persons or property for the purpose of achieving a political objective in Canada or in a foreign country.

(iv) revolutionary subversion, meaning activities directed towards or intending ultimately to lead to the destruction or overthrow of the liberal democratic system of government.

140. WE RECOMMEND THAT administrative guidelines to interpret the statutory classes of persons denied admission to Canada on security grounds be drafted for Cabinet approval.

141. WE RECOMMEND THAT officers from the security intelligence agency carry out immigration security screening functions abroad. If they are tasked to obtain criminal and other intelligence pertinent to the suitability of an immigrant, they should pass it on to the Immigration Officer for assessment.

142. WE RECOMMEND THAT the security intelligence agency cross-check immigration screening information received. The security intelligence agency should assess the information on potential immigrants received from a foreign intelligence agency in the light of the political concerns and interests of the country of the providing agency.

143. WE RECOMMEND THAT the security intelligence agency not be authorized to transgress the laws of foreign countries in order to obtain intelligence for immigration screening purposes.

144. WE RECOMMEND THAT the criteria in s.83(1) of the Immigration Act, as far as they relate to security matters, be amended to read "contrary to national security".

145. WE RECOMMEND THAT the responsibilities of the Special Advisory Board under subsection 42(a) of the Immigration Act be transferred to the proposed Security Appeals Tribunal.

146. WE RECOMMEND THAT the ministerial certificates for the deportation of temporary residents and visitors continue to be considered as proof, and hence not subject to appeal, but that the security or criminal intelligence reports upon which the deportation decision is based should be subject to independent review by the same body that reviews the evidence in the case of permanent residents, namely the Security Appeals Tribunal.

147. WE RECOMMEND THAT the Security Appeals Tribunal review all the security reports written by the security intelligence agency where the recommendation for deportation or denial of permanent residency status or admittance was not followed by the Minister.

148. WE RECOMMEND THAT the discretionary power of the Governor in Council to reject citizenship on security grounds be retained. Upon receiving a request for citizenship screening, the security intelligence agency should report any significant security information, not only to the Citizenship Registration Branch for the rejection of citizenship, but also to the appropriate immigration authorities for deportation purposes.

149. WE RECOMMEND THAT the security intelligence agency continue to screen all citizenship applicants.

150. WE RECOMMEND THAT the security intelligence agency no longer process criminal record checks on citizenship applicants.

151. WE RECOMMEND THAT when the security intelligence agency feels that a competing security concern should take precedence over its security screening role in citizenship the Minister responsible for the security intelligence agency and the Minister responsible for the citizenship security clearance should be informed.

152. WE RECOMMEND THAT a person be denied citizenship on security grounds only if there are reasonable grounds to believe that he is engaged in, or, after becoming a Canadian citizen, is likely to engage in, any of the following activities:

(a) activities directed to or in support of the commission of acts of espionage or sabotage;

(b) foreign interference, meaning clandestine or deceptive action taken by or on behalf of a foreign power in Canada to promote the interests of a foreign power;

(c) political violence and terrorism, meaning activities in Canada directed towards or in support of the threat or use of serious acts of violence against persons or property for the purpose of achieving a political objective in Canada or in a foreign country;

(d) revolutionary subversion, meaning activities directed towards or intended ultimately to lead to the destruction or overthrow of the liberal democratic system of government;

153. WE RECOMMEND THAT any security intelligence agency interpretation of government security screening guidelines be reviewed for approval by the Minister responsible for the agency. Approval to apply the guidelines or to distribute them to other Ministers or interdepartmental committees should not be given until the Minister has satisfied himself that there are no discrepancies between the guidelines and the agency's interpretation.

154. WE RECOMMEND THAT guidelines be drawn up and approved by Cabinet interpreting the phrase "contrary to public order" as a ground for the rejection of citizenship; but that the security intelligence agency not be responsible for reporting information concerning threats to public order or reprehensible behaviour unless those threats fall within its statutory mandate.

155. WE RECOMMEND THAT any applicant recommended for denial of citizenship on security grounds be able to appeal that decision to the Security Appeals Tribunal. The Tribunal should follow the same procedures of appeal and review as for recommended denials of public service and immigration security clearances.

156. WE RECOMMEND THAT the Cabinet annually determine the government's intelligence requirements.

157. WE RECOMMEND THAT the security intelligence agency prepare at least annually a report on its activities for submission to the Cabinet Committee on Security and Intelligence and that this report include an analysis of changes in security threats, changes in targetting policies, serious problems associated with liaison arrangements and legal difficulties arising from operational practices.

158. WE RECOMMEND THAT the Prime Minister be the chairman of the Cabinet Committee on Security and Intelligence and have the assistance of a vice-chairman.

159. WE RECOMMEND THAT the Privy Council Office Secretariat for Security and Intelligence continue its existing functions with the exception of any responsibilities its seconded staff now has for the preparation of long-term intelligence estimates and that the Secretary to the Cabinet devote a considerable amount of time to security and intelligence matters.

160. WE RECOMMEND THAT the Cabinet and Interdepartmental Committees on Security and Intelligence assume active responsibility for determining those security policy issues which require resolution and, where necessary, instruct the Security Advisory Committee or working groups of officials to prepare draft proposals for submission by stipulated deadlines.

161. WE RECOMMEND THAT one or more Ministers be clearly designated as responsible for bringing forward policy proposals to Cabinet on all aspects of security policy, and that the Solicitor General be the Minister responsible for the development of policies governing the work of the security intelligence agency.

162. WE RECOMMEND THAT the Secretary to the Cabinet and the Assistant Secretary to the Cabinet for Security and Intelligence continue to be responsible for overseeing the interdepartmental co-ordination of security policies and that more emphasis be given to analyzing the impact of security practices and policies on the departments and agencies of government.

163. WE RECOMMEND THAT the collation and distribution of security intelligence now carried out by the Security Advisory Committee be transferred to the Intelligence Advisory Committee and that the work of the Intelligence Advisory Committee in collating current intelligence and advising on intelligence priorities be broadened to include security intelligence and economic intelligence.

164. WE RECOMMEND THAT the Intelligence Advisory Committee be chaired by the Assistant Secretary to the Cabinet (Security and Intelligence).

165. WE RECOMMEND THAT the membership of the Intelligence Advisory Committee include, among others, the Director General of the security intelligence agency, the Commissioner of the R.C.M.P. and representatives of the Department of Finance and the Treasury Board.

166. WE RECOMMEND THAT a Bureau of Intelligence Assessments be established to prepare estimates of threats to Canada's security and vital interests based on intelligence received from the intelligence collecting departments and agencies of the government and from allied countries and that it be under the direction of a Director General who reports to the Prime Minister through the Secretary of the Cabinet.

167. WE RECOMMEND THAT the Minister responsible for the security intelligence agency be the Solicitor General.

168. WE RECOMMEND THAT the Minister responsible for the security intelligence agency should have full power of direction over the agency.

169. WE RECOMMEND THAT the Minister's direction of the security intelligence agency include, inter alia, the following areas:

(i) developing policy proposals for administrative or legislative changes with regard to the activities of the security intelligence agency and presenting such proposals to the Cabinet or Parliament;

(ii) developing any guidelines which are required by statute with respect to investigative techniques and reporting arrangements;

(iii) continuous review of the agency's progress in establishing personnel and management policies required by government;

(iv) reviewing difficult operational decisions involving any questions concerning legality of methods or whether a target is within the statutory mandate;

(v) reviewing targetting priorities set by the government and ensuring that the agency's priorities and deployment of resources coincide with the government's priorities;

(vi) approving proposals by the Director General to conduct full investigations and to apply for judicial authorization of investigative techniques (e.g. electronic surveillance and mail opening);

(vii) approving liaison arrangements with foreign countries after consultation with the Secretary of State for External Affairs;

(viii) approving liaison arrangements with provincial and municipal police forces and governments; and

(ix) authorizing dissemination of security intelligence to the media.

170. WE RECOMMEND THAT the Director General be responsible, in the normal course, for running the operations of the agency.

171. WE RECOMMEND THAT the Director General be responsible to the Deputy Minister for developing policy proposals with respect to the agency's field of activities.

172. WE RECOMMEND THAT the Minister meet regularly with the Director General and the Deputy Minister together, to discuss matters relating to the agency and to receive reports from the Director General on operational problems in the agency and policy proposals developed by the agency.

173. WE RECOMMEND THAT the Deputy Minister have such staff as he considers necessary to:

(i) assess the policy proposals brought forward by the Director General and to fill any gaps in security policy that are identified;

(ii) to appraise for the Minister the quality of the reports produced by the agency; and

(iii) assist the Minister in carrying out all his other responsibilities in the security field.

174. WE RECOMMEND THAT the Director General have direct access to the Minister, without the knowledge or consent of the Deputy Minister, when the Director General is of the opinion that the conduct of the Deputy Minister is such as to threaten the security of the country.

175. WE RECOMMEND THAT the Deputy Minister and the Director General each have direct access to the Prime Minister, and not consult with their Minister, in the following circumstances:

(i) if there are security concerns relating to any Minister;

(ii) if, in the opinion of the Deputy Minister or the Director General, the conduct of the Minister is such as to threaten the security of the country.

176. WE RECOMMEND THAT recognition be given to the special need for continuity in the office of the Minister responsible for the security intelligence agency.

177. WE RECOMMEND THAT any disagreements between the Solicitor General and the Auditor General with respect to:

(i) access by the Auditor General to information in the possession of the security intelligence agency; and

(ii) disclosure in the Auditor General's Report of classified information obtained by him from the agency

be referred to the Joint Parliamentary Committee on Security and Intelligence for resolution, and pending the creation of that Committee the resolution all such disagreements be held in abeyance.

178. WE RECOMMEND THAT the statute governing the security intelligence agency provide for the establishment of an Advisory Council on

Security and Intelligence to review the legality and propriety of the policies and practices (which includes operations) of the security and intelligence agency and of covert intelligence gathering by any other non-police agency of the federal government.

179. WE RECOMMEND THAT the Advisory Council on Security and Intelligence be constituted as follows:

(a) The Council should be comprised of three members, who should be at arm's length with the Government of Canada, and at least one of whom should be a lawyer of at least ten years' standing.

(b) Members of the Council should be appointed by the Governor in Council after approval of their appointments by resolution of the House of Commons and Senate. One member should be designated by the Governor in Council as the Chairman of the Council.

(c) Members of the Council should serve for not more than six years, and the termination dates of their appointments should vary so as to maintain continuity.

(d) Subject to (c) above, members of the Council should hold office during good behaviour subject to being removed by the Governor in Council on address of the Senate and House of Commons.

(e) Members of the Council need not serve on a full-time basis but must be able to devote up to five days a month to the work of the Council.

180. WE RECOMMEND THAT the Advisory Council on Security and Intelligence have the following powers and responsibilities:

(a) For purposes of having access to information, members of the Council should be treated as if they were members of the security intelligence agency and have access to all information and files of the security intelligence agency.

(b) The Council should be authorized to staff and maintain a small secretariat including a full-time executive secretary and a full-time investigator, to employ its own legal counsel and to engage other personnel on a temporary basis for the purpose of carrying out major investigations or studies.

(c) The Council should be informed of all public complaints received by the security intelligence agency or by the Minister, or by any other department or agency of the federal government, alleging improper or illegal activity by members of the security intelligence agency or any other covert intelligence gathering agency (except police) of the federal government, and when it has reason to believe that a complaint cannot be or has not been satisfactorily investigated it must be able to conduct its own investigation of the complaint.

(d) The Council should have the power to require persons, including members of the security intelligence agency or of any other federal non-police agency collecting intelligence by covert means, to testify before it under oath and to produce documents.

(e) The Council should report to the Solicitor General any activity or practice of the security intelligence agency or any other federal non-police agency collecting intelligence by covert means, which it considers to be improper or illegal and from time to time it should offer the Solicitor General its views on at least the following:

(i) whether an activity or practice of the security intelligence agency falls outside the statutory mandate of the security intelligence agency;

(ii) the implementation of administrative directives and guidelines relating to such matters as the use of human sources, the reporting of information about individuals to government departments and the role of the security intelligence agency in the security screening process;

(iii) the working of the system of controls on the use of intrusive intelligence collection techniques;

(iv) the security intelligence agency's liaison relationship with foreign agencies and with other police or security agencies in Canada;

(v) the adequacy of the security intelligence agency's response to public complaints;

(vi) any other matter which in the Council's opinion concerns the propriety and legality of the security intelligence agency's activities.

(f) The Council should report, to the Minister responsible for any federal non-police organization collecting intelligence by covert means, any activity or practice of a member of such organization which in the Council's view is improper or illegal.

(g) The Council should report to the Joint Parliamentary Committee on Security and Intelligence at least annually on the following:

(i) the extent and prevalence of improper and illegal activities by members of the security and intelligence agency or any other federal organization collecting intelligence by covert means, and the adequacy of the government's response to its advice on such matters;

(ii) any direction given by the Government of Canada, to the security intelligence agency or any other federal organization collecting intelligence by covert means, which the Council regards as improper.

(iii) any serious problems in interpreting or administering the statute governing the security intelligence agency.

181. WE RECOMMEND THAT Parliament enact legislation vesting authority in an organization to carry out security intelligence activities and that such legislation include provision for

(a) the definition of threats to the security of Canada about which security intelligence is required;

(b) certain organizational aspects of the security intelligence agency including: its location in government; the responsibilities, manner of appointment and term of office of its Director General; the powers of direction of the responsible Minister and Deputy Minister; and, the employment status of its personnel;

(c) the general functions of the organization to collect, analyze and report security intelligence and to be confined to these activities, plus specific authorization of certain activities outside Canada, liaison with foreign agencies and provincial and municipal authorities and of the organization's role in security screening programmes;

(d) authorization of certain investigative powers and the conditions and controls applying to the use of such powers;

(e) mechanisms of external control to ensure an independent review of the legality and propriety of security intelligence activities and any other covert intelligence activities by agencies of the Government of Canada except those performed by a police force.

182. WE RECOMMEND THAT the statute governing the security intelligence agency provide for the establishment of a Joint Committee of the Senate and House of Commons to review the activities of the security intelligence agency and of any other agency collecting intelligence (other than criminal intelligence) by covert means.

183. WE RECOMMEND THAT the Joint Committee on Security and Intelligence have not more than ten members, that all recognized parliamentary parties be represented on it, that the leaders of parliamentary parties personally select members of their parties for the Committee and, if possible, serve themselves, that the Committee be chaired by a member of an opposition party, that members serve for the duration of a Parliament and that it retain the help of such specialists as it considers necessary.

184. WE RECOMMEND THAT the Committee be concerned with both the effectiveness and the propriety of Canada's security and intelligence arrangements and that its functions include the following:

(a) consideration of the annual estimates for the security intelligence agency and for any other agency collecting intelligence (other than criminal intelligence) by covert means;

(b) examination of annual reports of the use made of "extraordinary" powers of intelligence collection (other than criminal intelligence) authorized by Parliament;

(c) consideration of reports directed to it by the Advisory Council on Security and Intelligence;

(d) the investigation of any matter relating to security and intelligence referred to it by the Senate or House of Commons.

185. WE RECOMMEND THAT the Joint Committee on Security and Intelligence whenever necessary conduct its proceedings *in camera*, but that it publish an expurgated report of all *in camera* proceedings.

186. WE RECOMMEND THAT the security intelligence agency be directed to draft a policy for approval by the Minister to ensure the release of historical material, unless such release can be shown to endanger the security of Canada.

187. WE RECOMMEND THAT a proclamation invoking the War Measures Act be debated in Parliament forthwith if Parliament is in session or, if Parliament is not in session, within seven days of the proclamation. Parliament should be informed of the reasons for the invocation of the Act, either publicly in the House, in an *in camera* session or by means of consultation with the leaders of the opposition parties, or through a report to the Joint Parliamentary Committee on Security and Intelligence.

188. WE RECOMMEND THAT the War Measures Act limit the duration of a proclamation issued by the Governor in Council to a specific period not to exceed twelve months. Extensions for periods not to exceed twelve months should require further approval by Parliament.

189. WE RECOMMEND THAT orders and regulations to be brought into force when the War Measures Act is invoked be drafted in advance.

190. WE RECOMMEND THAT the War Measures Act be amended to provide that such draft orders and regulations be tabled and approved by Parliament prior to their being brought into force. Any orders and regulations under the War Measures Act which have not been so approved in advance of the emergency should have to be tabled forthwith and should expire 30 days after coming into force unless approved by Parliament in the meantime.

191. WE RECOMMEND THAT section 6(5) of the War Measures Act be amended to provide that powers that are to be permitted, notwithstanding the Canadian Bill of Rights, should be specifically identified in the legislation and approved by Parliament.

192. WE RECOMMEND THAT section 3(1)(b) of the War Measures Act be amended. There should be no executive power in emergencies to exile

or deport a Canadian citizen, nor should the Governor in Council have the power to revoke Canadian citizenship.

193. WE RECOMMEND THAT there be provision in the War Measures Act for:

(a) a Board of Detention Review to consider the circumstances of persons whose liberty has been restrained by actions taken or purported to have been taken under the War Measures Act; and

(b) a Compensation Tribunal to award compensation to persons whose rights have been infringed, without due cause, through the application of emergency legislation.

194. WE RECOMMEND THAT the War Measures Act be amended

(a) to prohibit prolonged detention after arrest without the laying of a charge; a charge should be laid as soon as possible and in any event not more than seven days after arrest;

(b) to prohibit the creation by the Governor in Council of new courts to handle charges laid under the Act and Regulations; and

(c) to provide that if, because of the volume of cases arising out of charges laid under the Act and regulations, the ordinary courts of criminal jurisdiction cannot handle the caseload, such courts should be enlarged or the jurisdiction of other existing courts should be extended to deal with the overload.

195. WE RECOMMEND THAT the War Measures Act be amended to provide that an arrest under the War Measures Act should not be based solely upon the fact of simple membership in an illegal organization.

196. WE RECOMMEND THAT:

(a) no regulations passed pursuant to the War Measures Act have a retroactive effect; and

(b) if the regulations proscribe a course of conduct which was not previously an offence, and the conduct began prior to the making of the regulations, a reasonable period of grace be granted during which any person may comply with the regulations.

197. WE RECOMMEND THAT certain fundamental rights and freedoms, such as those specified in the Public Order (Temporary Provisions) Act, those specified in Article 4 of the International Covenant on Civil and Political Rights, and the right of citizens not to be deprived of citizenship or exiled, not be abrogated or abridged by the War Measures Act or any other emergency legislation under any circumstances.

198. WE RECOMMEND THAT the government give immediate attention to the establishment of a Special Identification Programme.

199. WE RECOMMEND THAT the legislation dealing with national emergencies should prohibit the making of regulations which would provide for a system of detention upon order by a Minister or the Governor in Council. Any detention should be consequent upon arrest, trial and imprisonment in accordance with traditional judicial procedures.

200. WE RECOMMEND THAT the identification of dangerous individuals who should be arrested in situations of emergency of the kinds contemplated by the War Measures Act be carefully reviewed prior to the outbreak of any crisis by a Committee on Arrests in Emergencies external to the security intelligence agency. This Committee should be responsible to the Interdepartmental Committee on Security and Intelligence or the Interdepartmental Committee on Emergency Preparedness and should include representatives from the Department of the Solicitor General and the Department of Justice, with a member from the security intelligence agency serving in an advisory capacity. The responsible interdepartmental committee should annually submit a report on the arrests programme to the Cabinet Committee on Security and Intelligence.

201. WE RECOMMEND THAT members of the Committee review and record decisions on individual cases proposed for arrest or for extraordinary powers of search and seizure in case of an emergency.

202. WE RECOMMEND THAT the members of the Committee who review individual cases be fully briefed as to the methods used by the security intelligence agency to obtain the supporting evidence. This evidence should be discussed in the annual report to the Cabinet Committee on Security and Intelligence.

203. WE RECOMMEND THAT arrest lists be prepared only in respect of persons who are believed on reasonable grounds to be serious security threats in the event of emergency of the kinds contemplated by the War Measures Act such as those who, on reasonable grounds, are believed to be espionage agents, terrorists or saboteurs, or likely to become such.

204. WE RECOMMEND THAT the security intelligence agency have the responsibility to alert government to situations that might develop into emergencies that would threaten the internal security of the nation. Reports on such threats should be reviewed by the Solicitor General and the Intelligence Advisory Committee and used by the Bureau of Intelligence Assessments in preparing long-term, strategic assessments of security threats. Reports assessing the imminence and significance of threats should be submitted to the Cabinet at an appropriate time.

205 WE RECOMMEND THAT in times of national emergency, the security intelligence agency monitor all intelligence received from its own sources and from sources of other agencies, and provide assessments of such intelligence to the crisis centre established to co-ordinate the government's response to the crisis

206. WE RECOMMEND THAT in national emergencies the government seek the advice of the Director General of the security intelligence agency as to matters to which security intelligence collected by the agency would be relevant.

207. WE RECOMMEND THAT the responsibility for assessing the security requirements for vital points remain a protective security function of the federal police agency. The proper role of a security intelligence agency is to report intelligence that may be valuable towards ensuring that vital points are adequately protected.

208. WE RECOMMEND THAT during a national emergency involving terrorism or political violence the security intelligence agency be responsible for advising these officials on the security implications of media coverage of the crisis.

209. WE RECOMMEND THAT section 10 of the Official Secrets Act be repealed.

210. WE RECOMMEND THAT sections 5 and 6 of the Official Secrets Act not be retained in the new espionage legislation; if a general espionage offence is enacted, as recommended in the First Report (Recommendation 5), it will not be necessary to preserve the other particular espionage related offences in sections 3, 4, 5 and 6 of the Official Secrets Act.

211. WE RECOMMEND THAT there be no legislation requiring the registration of foreign agents or making it an offence to be a secret agent of a foreign power.

212. WE RECOMMEND THAT the seditious offences now found in the Criminal Code be abrogated.

---

213. WE RECOMMEND THAT the federal government establish the Office of Inspector of Police Practices, a review body to monitor how the R.C.M.P. handles complaints and, in certain circumstances, to undertake investigations of complaints on its own.

214. WE RECOMMEND THAT as alternatives to filing complaints directly with the R.C.M.P.,

(a) provincial police boards and commissions continue to receive complaints against the R.C.M.P., and to forward copies of them to the R.C.M.P. without revealing the name of the complainant if so requested by the complainant;

(b) the Inspector of Police Practices and local offices of the federal Department of Justice, receive complaints against the R.C.M.P. and forward copies of them to the R.C.M.P. without revealing the name of the complainant if so requested by the complainant.

These alternatives to sending a complaint directly to the R.C.M.P. should be widely publicized by the Solicitor General, by the Force, by the Office of Inspector of Police Practices and by provincial police boards and commissions.

215. WE RECOMMEND THAT the Federal Government request the courts to establish procedures whereby judges may send a formal report to the Commissioner of the R.C.M.P. of cases of suspected police misconduct.

216. WE RECOMMEND THAT the Inspector of Police Practices be authorized to receive allegations from members of the R.C.M.P. concerning improper or illegal activity on the part of other members of the Force.

217. WE RECOMMEND THAT the Inspector of Police Practices endeavour to keep secret the identities of R.C.M.P. members who report incidents of illegal or improper R.C.M.P. activity.

218. WE RECOMMEND THAT R.C.M.P. officers be proscribed from taking recriminatory personnel action against any member under their command by reason only that the member filed, or is suspected of having filed, an allegation of illegal or improper R.C.M.P. conduct with the Office of the Inspector of Police Practices.

219. WE RECOMMEND THAT members of the R.C.M.P. be under a specific statutory duty to report evidence of illegal or improper conduct on the part of members of the Force to their superiors. Where there is reason to believe that it would be inadvisable to report such evidence to their superiors they should be under a statutory duty to report it to the Inspector of Police Practices.

220. WE RECOMMEND THAT the R.C.M.P. retain the primary responsibility for investigating allegations of improper, as opposed to illegal, conduct lodged against its members.

221. WE RECOMMEND THAT the Inspector of Police Practices be empowered to undertake an investigation of an allegation of R.C.M.P. misconduct when

(a) the complaint involves a member of the R.C.M.P. senior to all members of the internal investigation unit;

(b) the complaint involves a member of the internal investigation unit;

(c) the complaint is related to a matter which the Inspector is already investigating;

(d) the Inspector is of the opinion that it is in the public interest that the complaint be investigated by him; or

(e) the Solicitor General requests the Inspector to undertake such an investigation.

222. WE RECOMMEND THAT the Inspector of Police Practices be empowered to monitor the R.C.M.P.'s investigations of complaints and to evaluate the R.C.M.P.'s complaint handling procedures. The Inspec-

tor should receive copies of all formal complaints of R.C.M.P. misconduct and reports from the R.C.M.P. of the results of its investigations.

223. WE RECOMMEND THAT, as part of his monitoring and evaluating role, the Inspector of Police Practices inquire into and review at his own discretion or at the request of the Solicitor General any aspect of R.C.M.P. operations and administration insofar as such matters may have contributed to questionable behaviour on the part of R.C.M.P. members.

224. WE RECOMMEND THAT copies of all allegations of illegal conduct on the part of R.C.M.P. members, which are received by any of the bodies authorized to receive the allegations, be forwarded to the appropriate law enforcement body for investigation and concurrently to the appropriate prosecutorial authorities.

225. WE RECOMMEND THAT the Solicitor General adopt the necessary administrative machinery to allow provincial attorneys general to direct at their discretion members of municipal or provincial police forces to investigate an allegation of criminal misconduct lodged against an R.C.M.P. member.

226. WE RECOMMEND THAT whenever the R.C.M.P. is the police force undertaking the investigation into an alleged offence committed by one of its members, a separate, special R.C.M.P. investigative unit be directed to investigate the matter for internal (non-prosecutorial) matters.

227. WE RECOMMEND THAT an R.C.M.P. internal investigation into alleged illegal conduct not be undertaken until the regular police investigation has been substantially completed, unless there are exceptional circumstances which warrant an immediate internal inquiry.

228. WE RECOMMEND THAT

(a) the Office of Inspector of Police Practices be empowered to conduct an investigation into allegations of illegal conduct;

(b) any criminal investigation take precedence over the Inspector's investigation;

(c) the R.C.M.P. halt any internal investigation that it is conducting for disciplinary purposes; and

(d) any relevant information discovered by the Inspector during the investigation be transmitted to the appropriate prosecutorial authorities.

229. WE RECOMMEND THAT criminal investigatory files continue to be used by the R.C.M.P. for internal investigations.

230. WE RECOMMEND THAT the R.C.M.P. advise complainants whether it has found the allegation to be founded, unfounded, or unsubstantiated.

231. WE RECOMMEND THAT complainants have the right to appeal to the Solicitor General if they are not satisfied with how the R.C.M.P. has handled their complaint.

232. WE RECOMMEND THAT, upon request, the Inspector of Police Practices advise the Solicitor General as to the quality and thoroughness of any investigation of a complaint undertaken by the R.C.M.P. The Inspector of Police Practices should also re-investigate a complaint at the request of the Solicitor General.

233. WE RECOMMEND THAT the Inspector of Police Practices report directly to the Solicitor General the results of his office's investigations of complaints alleging misconduct.

234. WE RECOMMEND THAT the Inspector of Police Practices, as part of his role of monitoring the complaint handling procedures of the R.C.M.P., bring to the attention of the Solicitor General any specific complaints which, in the opinion of the Inspector, have not been properly handled by the R.C.M.P.

235. WE RECOMMEND THAT any punishment given an R.C.M.P. member arising from a complaint not necessarily be communicated to the complainant. Rather, the Force should tell the complainant that it recognizes the error, that it apologizes for the misconduct of its member, that it has taken steps to ensure that the activity will not be repeated, and that in those cases where the complainant has suffered damage or loss it will make an *ex gratia* payment.

236. WE RECOMMEND THAT the Inspector of Police Practices periodically review and report on the appropriateness of the disciplinary measures taken by the R.C.M.P. in regard to questionable conduct on the part of a member which affects the public.

237. WE RECOMMEND THAT the Office of Inspector of Police Practices be established within the Department of Solicitor General and that the Inspector report directly to the Solicitor General.

238. WE RECOMMEND THAT the Inspector of Police Practices be an Order-in-Council appointment and that the following conditions of employment be included in the statute establishing the office:

(a) the Inspector should be subject to dismissal only for 'cause';

(b) 'cause' includes mental or physical incapacity; misbehaviour; bankruptcy or insolvency; or failure to comply with the provisions of the Act establishing the Office of Inspector of Police Practices;

(c) the Inspector should be appointed for a five-year term;

(d) no Inspector should serve for more than 10 years.

239. WE RECOMMEND THAT the Inspector of Police Practices have access to the Prime Minister on matters concerning improper behaviour

on the part of the Solicitor General in the performance of his duties vis-à-vis the R.C.M.P.

240. WE RECOMMEND THAT the Inspector of Police Practices be a lawyer who has at least 10 years standing at the Bar, and that he have a small staff with experience in the field of police administration or criminal justice.

241. WE RECOMMEND THAT the Inspector of Police Practices be empowered to obtain on secondment experienced police investigators and other experts to conduct investigations, when appropriate, of misconduct on the part of R.C.M.P. members.

242. WE RECOMMEND THAT the Inspector of Police Practices report regularly to the Solicitor General on the results of investigations and annually to the Solicitor General on significant activities of his Office during the year. The Solicitor General should table this report in Parliament.

243. WE RECOMMEND THAT, subject to the restrictions which we have proposed when the R.C.M.P. are carrying out duties relating to the mandate of the security intelligence agency, the R.C.M.P. and the Inspector of Police Practices provide each provincial attorney general and each provincial police board with the following:

(a) information about all serious complaints in their province;

(b) reports on the disposition of such complaints;

(c) statistical analyses of complaints regarding R.C.M.P. misconduct.

244. WE RECOMMEND THAT the Inspector of Police Practices should

(a) obtain on secondment staff from provincial police forces, police boards, or appropriate provincial government departments when forming task forces to investigate allegations of R.C.M.P. misconduct;

(b) normally consult the appropriate provincial officials on recommendations he proposes to make arising out of a serious allegation in that province.

245. WE RECOMMEND THAT the Solicitor General

(a) initiate the establishment of a regular forum for Provincial and Federal ministers and officials to discuss problems and share information concerning complaint handling procedures; and

(b) ensure that provincial inquiries into allegations of R.C.M.P. misconduct, to the extent of their constitutionally proper scope, receive the full co-operation of the R.C.M.P. and the Inspector of Police Practices.

246. WE RECOMMEND THAT the R.C.M.P. obtain all its legal advice relating to matters arising out of its administrative activities as an agency of the Government of Canada from the federal Department of Justice.

247. WE RECOMMEND THAT the R.C.M.P obtain all its legal advice with respect to its federal law enforcement role from the federal Department of Justice, and with respect to its law enforcement role pursuant to a provincial or municipal contract from the appropriate provincial attorney general.

248. WE RECOMMEND THAT if the R.C.M.P. is in doubt as to which governmental level is the appropriate one from which to seek its legal advice in a particular matter it should get an opinion from the federal Department of Justice as to which is the appropriate level and abide by that opinion.

249. WE RECOMMEND THAT the Department of Justice assign sufficient counsel to satisfy the requirements of the R.C.M.P.

250. WE RECOMMEND THAT there be no Legal Branch of the R.C.M.P.

251. WE RECOMMEND THAT THE R.C.M.P. continue to have within the Force regular members with law degrees and to assign a sufficient number of such members to work with the Department of Justice counsel to ensure that the R.C.M.P.'s needs are explained and interpreted to those counsel.

252. WE RECOMMEND THAT no member of the Force with a law degree be assigned to any duty requiring him to give a legal opinion to another member of the Force, with the exception of the normal assistance given by any superior to a subordinate in the course of the investigation of an alleged offence.

253. WE RECOMMEND THAT members with law degrees who are assigned to represent other members in disciplinary proceedings be supervised by Department of Justice counsel.

254. WE RECOMMEND THAT the Department of Justice counsel assigned to the Force have a specific duty to report to the Deputy Attorney General of Canada any past or future acts which he believes may be unlawful, of any past or present member of the Force.

255. WE RECOMMEND THAT the Deputy Solicitor General be considered as the deputy of the Solicitor General for all purposes related to the R.C.M.P. and that the Commissioner of the R.C.M.P. report directly to the Deputy Solicitor General rather than to the Solicitor General as at present.

256. WE RECOMMEND THAT the Solicitor General have full power of direction over the activities of the R.C.M.P., except over the 'quasi-judicial' police powers of investigation, arrest and prosecution in individual cases.

257. WE RECOMMEND THAT the Commissioner of the R.C.M.P. keep the Deputy Solicitor General, and through him the Solicitor General

fully informed of all policies, directions, guidelines and practices of the Force, including all operational matters in individual cases which raise important questions of public policy.

258. WE RECOMMEND THAT if the Commissioner considers that the Deputy Solicitor General is giving him direction based on partisan or political considerations, the Commissioner take the matter up directly with the Minister. We further recommend that if the Commissioner, after consultation with the Deputy Solicitor General, considers that the Solicitor General is giving him, the Commissioner, direction based on partisan or political considerations, he should take the matter up directly with the Prime Minister.

259. WE RECOMMEND THAT in the contracts with the provinces covering the provision of R.C.M.P. policing services, the respective roles of the responsible federal and provincial ministers be clarified, so that the R.C.M.P. members involved have an accurate understanding of the division of their obligations and duties vis-à-vis those ministers.

260. WE RECOMMEND THAT the contracts with the contracting provinces incorporate as far as possible the principles of ministerial direction recommended above for the federal level.

261. WE RECOMMEND THAT the Solicitor General, in concert with his counterparts in the provinces, initate a review of the current system of controls governing the use of the R.C.M.P.'s investigatory methods.

262. WE RECOMMEND THAT the Solicitor General refer to the Law Reform Commission of Canada the matter of whether or not the Criminal Code should be amended to allow peace officers in Canada, under defined circumstances and controls, to make surreptitious entries.

263. WE RECOMMEND THAT a committee be established with statutory powers to review the use of electronic surveillance by all police forces in Canada, including, but not limited to, the procedure by which authorizations are applied for.

264. WE RECOMMEND THAT section 178.2(1) of the Criminal Code be amended so that information obtained as a result of lawful electronic surveillance can be given to

(a) a foreign law enforcement agency;

(b) any person who is involved in the preparation of the Solicitor General's Annual Report to Parliament on the use of electronic surveillance;

(c) any person who is involved in the preparation of a provincial attorney general's Annual Report to a provincial legislature on the use of electronic surveillance; and

(d) any person authorized by federal legislation to review the use of this investigative technique.

265. WE RECOMMEND THAT section 178.13 of the Criminal Code be amended to permit peace officers executing authorizations under this section to take such steps as are reasonably necessary to enter premises or to remove property for the purpose of examining the premises or property prior to installing a device or for the purpose of installing, maintaining or removing an interception device, providing the judge issuing the authorization sets out in the authorization

(a) the methods which may be used in executing it,

(b) that there be nothing done that shall cause significant damage to the premises that remains unrepaired;

(c) that there be no use of physical force or the threat of such force against any person.

266. WE RECOMMEND THAT section 178.13 of the Criminal Code be amended to permit peace officers executing authorizations under this section to use the electrical power source available in the premises without compensation.

267. WE RECOMMEND THAT the Solicitor General seek the co-operation of the provinces to effect the necessary administrative and legislative changes to provincial and municipal regulations governing such matters as electrical installations, fire protection and construction standards in order to allow peace officers to install, operate, repair and remove electronic eavesdropping devices in a lawful manner.

268. WE RECOMMEND THAT, not withstanding the present provisions of the Post Office Act, R.C.M.P. peace officers be authorized by legislation to examine or photograph an envelope and to open mail in order to examine and test any substance found in the mail, subject to the following conditions:

(a) this power is exercisable only on judicial authorization, subject to the same safeguards as are now found in section 178 of the Criminal Code;

(b) the offences concerning which this power can be exercisable are limited to narcotic and drug offences;

(c) the reading of an accompanying written, printed or typewritten message other than a message accompanying an illicit drug or narcotic is an offence;

(d) there is a procedure established (such as a statutory declaration by the official supervising the opening of mail) to ensure that in executing the judicial authorization no one has unlawfully read any message contained in the mail. The declaration should be filed with the Solicitor General.

269. WE RECOMMEND THAT the Post Office Act should be amended so that it is clear that controlled deliveries of mail by R.C.M.P. peace officers or their agents may be made lawfully.

270. WE RECOMMEND THAT Schedule I of the Prohibited Mail Regulations be amended so that an article of mail is considered "non-mailable matter" if there are grounds for suspicion or reasonable belief that the article of mail contains an explosive.

271. WE RECOMMEND THAT

(a) legislation authorize the heads of federal government institutions to release information concerning an individual's name, address, phone number, date and place of birth, occupation and physical description on receiving a written request from the R.C.M.P. stating that such information is necessary for the purpose of conducting a criminal investigation.

(b) all other personal information held by the federal government with the exception of census information held by Statistics Canada, be accessible to the R.C.M.P. through a system of judicially granted authorizations subject to the same terms and conditions as are now found in section 178 of the Criminal Code with regard to electronic surveillance.

272. WE RECOMMEND THAT the R.C.M.P. obtain personal information held by government institutions under the jurisdiction of provincial governments only from persons legally authorized to release such information and that, with regard to any province in which there is no authorized means of access to information to which the Solicitor General of Canada considers that the R.C.M.P. should have access in order to discharge its policing responsibilities effectively, the Solicitor General should seek the co-operation of the province in amending its laws to make such access possible.

273. WE RECOMMEND THAT the amendments which we proposed in Part V, Chapter 4 to facilitate physical surveillance operations by the security intelligence agency be made applicable to physical surveillance in criminal investigations by the R.C.M.P.

274. WE RECOMMEND THAT the R.C.M.P. establish administrative guidelines concerning the use of undercover operatives in criminal investigations. These guidelines should be approved by the Solicitor General and should be publicly disclosed.

275. WE RECOMMEND THAT to facilitate the obtaining of false identification documents in a lawful manner for R.C.M.P. undercover operatives in criminal investigations, federal legislation be amended, and the co-operation of the provinces be sought in amending relevant provincial laws, in a similar manner to that recommended for the false identification needed in physical surveillance operations of both the security intelligence agency and the criminal investigation side of the R.C.M.P.

276. WE RECOMMEND THAT income tax legislation be amended to permit R.C.M.P. sources in criminal investigations not to declare as income payments received by them from the force and that other fiscal legislation requiring deduction and remittance by or on behalf of employees be amended to exclude R.C.M.P. sources.

277. WE RECOMMEND THAT section 383 of the Criminal Code of Canada concerning secret commissions be amended to provide that a person providing information to the R.C.M.P. in a duly authorized criminal investigation does not commit the offence defined in that section.

278. WE RECOMMEND THAT the R.C.M.P. develop a programme designed to assist its members who serve as undercover operatives in criminal investigations to overcome the personality disorders associated with long-term assignments in this role.

279. WE RECOMMEND THAT the R.C.M.P. develop reporting and review procedures both at the divisional and the national levels to enable an internal review of the following cases:

(a) when a conviction is obtained even though the accused's confession is held inadmissible;

(b) when counsel for the prosecution decides not to offer the confession because he feels that there would be little or no chance of its being held to be admissible, given the manner in which it had been obtained.

280. WE RECOMMEND THAT the R.C.M.P. adopt the following policies concerning interrogation:

(a) members of the Force have a duty to inform a person in custody, within a reasonable time after being taken into custody, of his right to retain counsel; and

(b) members of the Force should provide reasonable means to a person in custody to communicate with his counsel without delay upon the person making a request to do so.

281. WE RECOMMEND THAT the R.C.M.P. revise training materials and programmes relating to interrogation to include proper instructions on the right of an accused to retain and communicate with counsel.

282. WE RECOMMEND THAT members of the R.C.M.P. be required to advise persons in custody reasonably soon after their arrest that arrangements exist to enable them to apply for counsel, such counsel to be paid for by the state if they cannot afford to pay counsel.

283. WE RECOMMEND THAT the Criminal Code be amended to include the following provision:

(1) Evidence shall be excluded if it was obtained under such circumstances that its use in the proceedings would tend to bring the administration of justice into disrepute.

(2) In determining whether evidence should be excluded under this section, all the circumstances surrounding the proceedings and

the manner in which the evidence was obtained shall be considered, including:

(a) the extent to which human dignity and social values were breached in obtaining the evidence;

(b) whether any harm was inflicted on the accused or others;

(c) whether any improper or illegal act under (a) or (b) was done wilfully or in a manner that demonstrated an inexcusable ignorance of the law;

(d) the seriousness of any breach of the law in obtaining the evidence as compared with the seriousness of the offence with which the accused is charged;

(e) whether there were circumstances justifying the action, such as a situation of urgency requiring action to prevent the destruction or loss of evidence.

284. WE RECOMMEND THAT the Criminal Code be amended to include a defence of entrapment embodying the following principle:

The accused should be acquitted if it is established that the conduct of a member or agent of a police force in instigating the crime has gone substantially beyond what is justifiable having regard to all the circumstances, including the nature of the crime, whether the accused had a pre-existing intent, and the nature and extent of the involvement of the police.

285. WE RECOMMEND THAT the administrative guidelines concerning the use of undercover operatives in criminal investigations which we recommended earlier be established by the R.C.M.P., include a direction that no member of the R.C.M.P. and no agent of the R.C.M.P. counsel, incite or procure an unlawful act.

BIBLIOGRAPHY

A. ARTICLES

Andrew, Christopher. "Whitehall, Washington and the Intelligence Services." *International Affairs*, vol. 53, no. 3 (July, 1977).

Angell, John E. "The Democratic Model Needs a Fair Trial." *Criminology*, vol. 12, no. 4 (February, 1975).

_____. "Toward an Alternative to the Classic Police Organizational Arrangements: A Democratic Model." *Criminology*, vol. 9 (August-November, 1971).

Ashworth, A.J. "Defences of General Application: The Law Commission Report No. 83(3): Entrapment." *Criminal Law Review*, (March, 1978).

_____. "Excusable Mistake of Law." *Criminal Law Review*, (November, 1974).

Atkins, Les H. "The Parliamentary Process and the New Zealand Security Service: The Passage of the Security Intelligence Service Act - 1969." *New Zealand Politics: A Reader*, (1969).

Baldwin, A.W. "History of Freedom of Information in the House of Commons." *Canadian Political Science Bulletin*, vol. 7, no. 3 (January, 1978).

Baldwin, H.W. "The Future of Intelligence." *Strategic Review*, vol. 1, no. 3 (Summer, 1976).

Balls, Herbert R. "Decision-Making: The Role of the Deputy Minister." *Canadian Public Administration*, vol. 19, no. 3 (Fall, 1976).

Barlow, N.L.A. "Entrapment and the Common Law: Is There a Place for the American Doctrine of Entrapment?" *Modern Law Review*, vol. 41 (May, 1978).

_____. "Recent Developments in New Zealand In the Law Relating to Entrapment." *New Zealand Law Journal*, July 20, 1976.

Bell, Griffin. "Attorney General: The Federal Government's Chief Lawyer and Chief Litigator; or, One Among Many?" *Fordham Law Review*, vol. 46 (May, 1978).

Betts, Richard K. "Analysis, War and Decision: Why Intelligence Failures are Inevitable." *World Politics*, vol. 31, no. 1 (October, 1976).

Black, Warren. "Novel Features of the Immigration Act, 1976." *Canadian Bar Review*, vol. 56, no. 4 (December, 1978)

Bourne, Robin. "Government Police Responsibility, Political Responsibility and Accountability for Police Operation." Speech given at the First Reunion Dinner of a Government Expenditures Management Course, Touraine, Quebec, January 26, 1978.

E

TAB "E"

CSIS Act

Sections of the Act that either explicitly or implicitly relate to the role of the Secretariat include, inter alia:

6, **7,** 12, 13, 16, 17, 20, 21, 22, 30, 31, 32, 33.

CHAPTER C-23

An Act to establish the Canadian Security Intelligence Service

SHORT TITLE

Short title

1. This Act may be cited as the *Canadian Security Intelligence Service Act*. 1984, c. 21, s. 1.

INTERPRETATION

Definitions

2. In this Act,

"department" «*ministère*»

"department", in relation to the government of Canada or of a province, includes

(*a*) any portion of a department of the Government of Canada or of the province, and

(*b*) any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof;

"Deputy Minister" «*sous-ministre*»

"Deputy Minister" means the Deputy Solicitor General and includes any person acting for or on behalf of the Deputy Solicitor General;

"Director" «*directeur*»

"Director" means the Director of the Service;

"employee" «*employé*»

"employee" means a person who is appointed as an employee of the Service pursuant to subsection 8(1) or has become an employee of the Service pursuant to subsection 66(1) of the *Canadian Security Intelligence Service Act*, chapter 21 of the Statutes of Canada, 1984, and includes a person who is attached or seconded to the Service as an employee;

"foreign state" «*État...*»

"foreign state" means any state other than Canada;

"Inspector General" «*inspecteur...*»

"Inspector General" means the Inspector General appointed pursuant to subsection 30(1);

"intercept" «*intercepter*»

"intercept" has the same meaning as in section 183 of the *Criminal Code*;

CHAPITRE C-23

Loi constituant le Service canadien du renseignement de sécurité

TITRE ABRÉGÉ

Titre abrégé

1. *Loi sur le Service canadien du renseignement de sécurité*. 1984, ch. 21, art. 1.

DÉFINITIONS

Définitions

2. Les définitions qui suivent s'appliquent à la présente loi.

«comité de surveillance» "*Review...*"

«comité de surveillance» Le comité de surveillance des activités de renseignement de sécurité constitué par le paragraphe 34(1).

«directeur» "*Director*"

«directeur» Le directeur du Service.

«employé» "*employee*"

«employé» Personne nommée employé du Service en vertu du paragraphe 8(1) ou qui l'est devenue en vertu du paragraphe 66(1) de la *Loi sur le Service canadien du renseignement de sécurité*, chapitre 21 des Statuts du Canada de 1984. Sont comprises parmi les employés les personnes affectées au Service ou détachées auprès de lui à titre d'employé.

«État étranger» "*foreign...*"

«État étranger» État autre que le Canada.

«évaluation de sécurité» "*security...*"

«évaluation de sécurité» Évaluation de la loyauté d'un individu envers le Canada et, à cet égard, de sa fiabilité.

«inspecteur général» "*Inspector...*"

«inspecteur général» L'inspecteur général nommé en vertu du paragraphe 30(1).

«intercepter» "*intercept*"

«intercepter» S'entend au sens de l'article 183 du *Code criminel*.

«juge» "*judge*"

«juge» Juge de la Cour fédérale choisi pour l'application de la présente loi par le juge en chef de ce tribunal.

«lieux» "*place*"

«lieux» Sont assimilés à des lieux les moyens de transport.

"judge" «*juge*»
"judge" means a judge of the Federal Court designated by the Chief Justice thereof for the purposes of this Act;

"Minister" «*ministre*»
"Minister" means the Solicitor General of Canada;

"place" «*lieux*»
"place" includes any conveyance;

"Review Committee" «*comité...*»
"Review Committee" means the Security Intelligence Review Committee established by subsection 34(1);

"security assessment" «*évaluation...*»
"security assessment" means an appraisal of the loyalty to Canada and, so far as it relates thereto, the reliability of an individual;

"Service" «*Service*»
"Service" means the Canadian Security Intelligence Service established by subsection 3(1);

"threats to the security of Canada" «*menaces...*»
"threats to the security of Canada" means

(*a*) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,

(*b*) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,

(*c*) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state, and

(*d*) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (*a*) to (*d*). 1984, c. 21, s. 2.

«menaces envers la sécurité du Canada» *"threats..."*
«menaces envers la sécurité du Canada» Constituent des menaces envers la sécurité du Canada les activités suivantes :

a) l'espionnage ou le sabotage visant le Canada ou préjudiciables à ses intérêts, ainsi que les activités tendant à favoriser ce genre d'espionnage ou de sabotage;

b) les activités influencées par l'étranger qui touchent le Canada ou s'y déroulent et sont préjudiciables à ses intérêts, et qui sont d'une nature clandestine ou trompeuse ou comportent des menaces envers quiconque;

c) les activités qui touchent le Canada ou s'y déroulent et visent à favoriser l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens dans le but d'atteindre un objectif politique au Canada ou dans un État étranger;

d) les activités qui, par des actions cachées et illicites, visent à saper le régime de gouvernement constitutionnellement établi au Canada ou dont le but immédiat ou ultime est sa destruction ou son renversement, par la violence.

La présente définition ne vise toutefois pas les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord qui n'ont aucun lien avec les activités mentionnées aux alinéas *a*) à *d*).

«ministère» *"department"*
«ministère» Sont compris parmi les ministères :

a) tout secteur d'un ministère du gouvernement du Canada ou d'une province;

b) l'ensemble ou tout secteur d'un département d'État, d'une institution ou d'un autre organisme du gouvernement du Canada ou d'une province.

«ministre» *"Minister"*
«ministre» Le solliciteur général du Canada.

«Service» *"Service"*
«Service» Le Service canadien du renseignement de sécurité constitué par le paragraphe 3(1).

«sous-ministre» *"Deputy..."*
«sous-ministre» Le sous-solliciteur général ou toute personne qui agit en son nom. 1984, ch. 21, art. 2.

PART I

CANADIAN SECURITY INTELLIGENCE SERVICE

Establishment of Service

Establishment of Service

3. (1) The Canadian Security Intelligence Service is hereby established, consisting of the Director and employees of the Service.

Principal office

(2) The principal office of the Service shall be in the National Capital Region described in the schedule to the *National Capital Act*.

Other offices

(3) The Director may, with the approval of the Minister, establish other offices of the Service elsewhere in Canada. 1984, c. 21, s. 3.

Director

Appointment

4. (1) The Governor in Council shall appoint the Director of the Service.

Term of office

(2) The Director shall be appointed to hold office during pleasure for a term not exceeding five years.

Re-appointment

(3) Subject to subsection (4), the Director is eligible, on the expiration of a first or any subsequent term of office, to be re-appointed for a further term not exceeding five years.

Limitation

(4) No person shall hold office as Director for terms exceeding ten years in the aggregate.

Absence or incapacity

(5) In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint another person to hold office instead of the Director for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Director under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council. 1984, c. 21, s. 4.

Salary and expenses

5. (1) The Director is entitled to be paid a salary to be fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the Director in the performance of duties and functions under this Act.

Pension benefits

(2) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to the Director, except that a person appointed as Director from out-

PARTIE I

SERVICE CANADIEN DU RENSEIGNEMENT DE SÉCURITÉ

Constitution

Constitution

3. (1) Est constitué le Service canadien du renseignement de sécurité, composé de son directeur et de ses employés.

Siège

(2) Le siège du Service est fixé dans la région de la capitale nationale définie à l'annexe de la *Loi sur la capitale nationale*.

Bureaux

(3) Le directeur peut, avec l'approbation du ministre, établir des bureaux du Service ailleurs au Canada. 1984, ch. 21, art. 3.

Directeur

Nomination

4. (1) Le gouverneur en conseil nomme le directeur.

Mandat

(2) Le directeur occupe son poste à titre amovible pour une durée maximale de cinq ans.

Renouvellement

(3) Sous réserve du paragraphe (4), le mandat du directeur est renouvelable pour une durée maximale identique.

Durée limite

(4) La durée d'occupation maximale du poste de directeur par le même titulaire est de dix ans.

Absence ou empêchement

(5) En cas d'absence ou d'empêchement du directeur ou de vacance de son poste, le gouverneur en conseil peut nommer un intérimaire pour un mandat maximal de six mois; celui-ci exerce alors les pouvoirs et fonctions conférés au directeur en vertu de la présente loi ou de toute autre loi fédérale et reçoit la rémunération et les frais que fixe le gouverneur en conseil. 1984, ch. 21, art. 4.

Traitement et frais

5. (1) Le directeur a le droit de recevoir le traitement que fixe le gouverneur en conseil et est indemnisé des frais de déplacement et de séjour entraînés par l'exercice des fonctions qui lui sont conférées en application de la présente loi.

Régime de pension

(2) Les dispositions de la *Loi sur la pension de la fonction publique* qui ne traitent pas d'occupation de poste s'appliquent au directeur; toutefois, s'il est choisi en dehors de la fonction

side the Public Service, as defined in the *Public Service Superannuation Act*, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided by the *Diplomatic Service (Special) Superannuation Act*, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Director from the date of appointment and the provisions of the *Public Service Superannuation Act* do not apply. 1984, c. 21, s. 5.

publique, au sens de la loi mentionnée ci-dessus, il peut, par avis écrit adressé au président du Conseil du Trésor dans les soixante jours suivant sa date de nomination, choisir de cotiser au régime de pension prévu par la *Loi sur la pension spéciale du service diplomatique*; dans ce cas, il est assujetti aux dispositions de cette loi qui ne traitent pas d'occupation de poste. 1984, ch. 21, art. 5.

Management of Service

Gestion

Role of Director

6. (1) The Director, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

6. (1) Sous la direction du ministre, le directeur est chargé de la gestion du Service et de tout ce qui s'y rattache.

Rôle du directeur

Minister may issue directions

(2) In providing the direction referred to in subsection (1), the Minister may issue to the Director written directions with respect to the Service and a copy of any such direction shall, forthwith after it is issued, be given to the Review Committee.

(2) Dans l'exercice de son pouvoir de direction visé au paragraphe (1), le ministre peut donner par écrit au directeur des instructions concernant le Service; un exemplaire de celles-ci est transmis au comité de surveillance dès qu'elles sont données.

Instructions du ministre

Directions deemed not to be statutory instruments

(3) Directions issued by the Minister under subsection (2) shall be deemed not to be statutory instruments for the purposes of the *Statutory Instruments Act*. 1984, c. 21, s. 6.

(3) Les instructions visées au paragraphe (2) sont réputées ne pas être des textes réglementaires au sens de la *Loi sur les textes réglementaires*. 1984, ch. 21, art. 6.

Non-application de la *Loi sur les textes réglementaires*

Consultation with Deputy Minister

7. (1) The Director shall consult the Deputy Minister on

(*a*) the general operational policies of the Service; and

(*b*) any matter with respect to which consultation is required by directions issued under subsection 6(2).

7. (1) Le directeur consulte le sous-ministre sur les points suivants :

a) l'orientation générale des opérations du Service;

b) toute autre question à l'égard de laquelle les instructions visées au paragraphe 6(2) exigent une pareille consultation.

Consultation du sous-ministre

Idem

(2) The Director or any employee designated by the Minister for the purpose of applying for a warrant under section 21 or 23 shall consult the Deputy Minister before applying for the warrant or the renewal of the warrant.

(2) Le directeur ou un employé désigné par le ministre aux fins d'une demande de mandat en vertu des articles 21 ou 23 consulte le sous-ministre avant de présenter la demande de mandat ou de renouvellement du mandat.

Idem

Advice by Deputy Minister

(3) The Deputy Minister shall advise the Minister with respect to directions issued under subsection 6(2) or that should, in the opinion of the Deputy Minister, be issued under that subsection. 1984, c. 21, s. 7.

(3) Le sous-ministre conseille le ministre sur les instructions déjà données ou à donner, selon lui, en vertu du paragraphe 6(2). 1984, ch. 21, art. 7.

Conseils du sous-ministre

Powers and duties of Director

8. (1) Notwithstanding the *Financial Administration Act* and the *Public Service Employment Act*, the Director has exclusive authority to appoint employees and, in relation to the personnel management of employees,

8. (1) Par dérogation à la *Loi sur la gestion des finances publiques* et à la *Loi sur l'emploi dans la fonction publique*, le directeur a le pouvoir exclusif de nommer les employés et, en matière de gestion du personnel du Service, à

Pouvoirs et fonctions du directeur

other than persons attached or seconded to the Service as employees,

(*a*) to provide for the terms and conditions of their employment; and

(*b*) subject to the regulations,

(i) to exercise the powers and perform the duties and functions of the Treasury Board relating to personnel management under the *Financial Administration Act*, and

(ii) to exercise the powers and perform the duties and functions assigned to the Public Service Commission by or pursuant to the *Public Service Employment Act*.

l'exception des personnes affectées au Service ou détachées auprès de lui à titre d'employé :

a) de déterminer leurs conditions d'emploi;

b) sous réserve des règlements :

(i) d'exercer les pouvoirs et fonctions conférés au Conseil du Trésor en vertu de la *Loi sur la gestion des finances publiques* en cette matière,

(ii) d'exercer les pouvoirs et fonctions conférés à la Commission de la fonction publique en vertu de la *Loi sur l'emploi dans la fonction publique*.

Discipline and grievances of employees

(2) Notwithstanding the *Public Service Staff Relations Act* but subject to subsection (3) and the regulations, the Director may establish procedures respecting the conduct and discipline of, and the presentation, consideration and adjudication of grievances in relation to, employees, other than persons attached or seconded to the Service as employees.

(2) Par dérogation à la *Loi sur les relations de travail dans la fonction publique* mais sous réserve du paragraphe (3) et des règlements, le directeur peut établir des règles de procédure concernant la conduite et la discipline des employés, à l'exception des personnes affectées au Service ou détachées auprès de lui à titre d'employé, la présentation par les employés de leurs griefs, l'étude de ces griefs et leur renvoi à l'arbitrage.

Conduite des employés et griefs

Adjudication of employee grievances

(3) When a grievance is referred to adjudication, the adjudication shall not be heard or determined by any person, other than a full-time member of the Public Service Staff Relations Board established under section 11 of the *Public Service Staff Relations Act*.

(3) Les griefs renvoyés à l'arbitrage ne peuvent être entendus et tranchés que par un membre à temps plein de la Commission des relations de travail dans la fonction publique constituée par l'article 11 de la *Loi sur les relations de travail dans la fonction publique*.

Arbitrage

Regulations

(4) The Governor in Council may make regulations

(*a*) governing the exercise of the powers and the performance of the duties and functions of the Director referred to in subsection (1); and

(*b*) in relation to employees to whom subsection (2) applies, governing their conduct and discipline and the presentation, consideration and adjudication of grievances. 1984, c. 21, s. 8.

(4) Le gouverneur en conseil peut prendre des règlements :

a) pour régir l'exercice par le directeur des pouvoirs et fonctions que lui confère le paragraphe (1);

b) sur la conduite et la discipline des employés visés au paragraphe (2), la présentation de griefs par ceux-ci, l'étude de ces griefs et leur renvoi à l'arbitrage. 1984, ch. 21, art. 8.

Règlements

Process for resolution of disputes of support staff

9. (1) Notwithstanding the *Public Service Staff Relations Act*,

(*a*) the process for resolution of a dispute applicable to employees of the Service in a bargaining unit determined for the purposes of that Act is by the referral of the dispute to arbitration; and

(*b*) the process for resolution of a dispute referred to in paragraph (*a*) shall not be altered pursuant to that Act.

9. (1) Par dérogation à la *Loi sur les relations de travail dans la fonction publique* :

a) le mode de règlement des différends applicable aux employés qui font partie d'une unité de négociation déterminée pour l'application de cette loi est l'arbitrage;

b) cette loi ne peut être invoquée pour modifier le mode de règlement des différends visé à l'alinéa *a*).

Mode de règlement des différends : personnel de soutien

Public Service Superannuation Act

(2) Employees of the Service shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*. 1984, c. 21, s. 9.

Loi sur la pension de la fonction publique

(2) Les employés sont présumés faire partie de la fonction publique pour l'application de la *Loi sur la pension de la fonction publique*. 1984, ch. 21, art. 9.

Oaths

10. The Director and every employee shall, before commencing the duties of office, take an oath of allegiance and the oaths set out in the schedule. 1984, c. 21, s. 10.

Serments

10. Avant de prendre leurs fonctions, le directeur et les employés prêtent le serment d'allégeance ainsi que les serments mentionnés à l'annexe. 1984, ch. 21, art. 10.

Certificate

11. A certificate purporting to be issued by or under the authority of the Director and stating that the person to whom it is issued is an employee or is a person, or a person included in a class of persons, to whom a warrant issued under section 21 or 23 is directed is evidence of the statements contained therein and is admissible in evidence without proof of the signature or official character of the person purporting to have issued it. 1984, c. 21, s. 11.

Certificat

11. Le certificat censé être délivré par le directeur ou sous son autorité, où il est déclaré que son titulaire est un employé ou est une personne, ou appartient à une catégorie, destinataire d'un mandat décerné en vertu des articles 21 ou 23, fait foi de son contenu et est admissible en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle de la personne censée l'avoir délivré. 1984, ch. 21, art. 11.

Duties and Functions of Service

Fonctions du Service

Collection, analysis and retention

12. The Service shall collect, by investigation or otherwise, to the extent that it is strictly necessary, and analyse and retain information and intelligence respecting activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and, in relation thereto, shall report to and advise the Government of Canada. 1984, c. 21, s. 12.

Informations et renseignements

12. Le Service recueille, au moyen d'enquêtes ou autrement, dans la mesure strictement nécessaire, et analyse et conserve les informations et renseignements sur les activités dont il existe des motifs raisonnables de soupçonner qu'elles constituent des menaces envers la sécurité du Canada; il en fait rapport au gouvernement du Canada et le conseille à cet égard. 1984, ch. 21, art. 12.

Security assessments

13. (1) The Service may provide security assessments to departments of the Government of Canada.

Évaluations de sécurité

13. (1) Le Service peut fournir des évaluations de sécurité aux ministères du gouvernement du Canada.

Arrangements with provinces

(2) The Service may, with the approval of the Minister, enter into an arrangement with

(*a*) the government of a province or any department thereof, or

(*b*) any police force in a province, with the approval of the Minister responsible for policing in the province,

authorizing the Service to provide security assessments.

Ententes avec les provinces

(2) Le Service peut, avec l'approbation du ministre, conclure des ententes avec :

a) le gouvernement d'une province ou l'un de ses ministères;

b) un service de police en place dans une province, avec l'approbation du ministre provincial chargé des questions de police.

Ces ententes autorisent le Service à fournir des évaluations de sécurité.

Arrangements with foreign states

(3) The Service may, with the approval of the Minister after consultation by the Minister with the Secretary of State for External Affairs, enter into an arrangement with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof authorizing the Service to provide the government, institution or organization with security assessments. 1984, c. 21, s. 13.

Ententes avec des États étrangers

(3) Le Service peut, avec l'approbation du ministre, après consultation entre celui-ci et le secrétaire d'État aux Affaires extérieures, conclure avec le gouvernement d'un État étranger ou l'une de ses institutions, ou une organisation internationale d'États ou l'une de ses institutions, des ententes l'autorisant à leur fournir des évaluations de sécurité. 1984, ch. 21, art. 13.

Advice to Ministers

14. The Service may

(*a*) advise any minister of the Crown on matters relating to the security of Canada, or

(*b*) provide any minister of the Crown with information relating to security matters or criminal activities,

that is relevant to the exercise of any power or the performance of any duty or function by that Minister under the *Citizenship Act* or the *Immigration Act*. 1984, c. 21, s. 14.

Conseils aux ministres

14. Le Service peut :

a) fournir des conseils à un ministre sur les questions de sécurité du Canada;

b) transmettre des informations à un ministre sur des questions de sécurité ou des activités criminelles,

dans la mesure où ces conseils et informations sont en rapport avec l'exercice par ce ministre des pouvoirs et fonctions qui lui sont conférés en vertu de la *Loi sur la citoyenneté* ou de la *Loi sur l'immigration*. 1984, ch. 21, art. 14.

Investigations

15. The Service may conduct such investigations as are required for the purpose of providing security assessments pursuant to section 13 or advice pursuant to section 14. 1984, c. 21, s. 15.

Enquêtes

15. Le Service peut mener les enquêtes qui sont nécessaires en vue des évaluations de sécurité et des conseils respectivement visés aux articles 13 et 14. 1984, ch. 21, art. 15.

Collection of information concerning foreign states and persons

16. (1) Subject to this section, the Service may, in relation to the defence of Canada or the conduct of the international affairs of Canada, assist the Minister of National Defence or the Secretary of State for External Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of

(*a*) any foreign state or group of foreign states; or

(*b*) any person other than

(i) a Canadian citizen,

(ii) a permanent resident within the meaning of the *Immigration Act*, or

(iii) a corporation incorporated by or under an Act of Parliament or of the legislature of a province.

Assistance

16. (1) Sous réserve des autres dispositions du présent article, le Service peut, dans les domaines de la défense et de la conduite des affaires internationales du Canada, prêter son assistance au ministre de la Défense nationale ou au secrétaire d'État aux Affaires extérieures, dans les limites du Canada, à la collecte d'informations ou de renseignements sur les moyens, les intentions ou les activités :

a) d'un État étranger ou d'un groupe d'États étrangers;

b) d'une personne qui n'est :

(i) ni un citoyen canadien,

(ii) ni un résident permanent au sens de la *Loi sur l'immigration*,

(iii) ni une personne morale constituée en vertu d'une loi fédérale ou provinciale.

Limitation

(2) The assistance provided pursuant to subsection (1) shall not be directed at any person referred to in subparagraph (1)(*b*)(i), (ii) or (iii).

Restriction

(2) L'assistance autorisée au paragraphe (1) est subordonnée au fait qu'elle ne vise pas des personnes mentionnées aux sous-alinéas (1)*b*)(i), (ii) ou (iii).

Personal consent of Ministers required

(3) The Service shall not perform its duties and functions under subsection (1) unless it does so

(*a*) on the personal request in writing of the Minister of National Defence or the Secretary of State for External Affairs; and

(*b*) with the personal consent in writing of the Minister. 1984, c. 21, s. 16.

Consentement personnel des ministres

(3) L'exercice par le Service des fonctions visées au paragraphe (1) est subordonné :

a) à une demande personnelle écrite du ministre de la Défense nationale ou du secrétaire d'État aux Affaires extérieures;

b) au consentement personnel du ministre. 1984, ch. 21, art. 16.

Cooperation

17. (1) For the purpose of performing its duties and functions under this Act, the Service may,

Coopération

17. (1) Dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi, le Service peut :

(*a*) with the approval of the Minister, enter into an arrangement or otherwise cooperate with

(i) any department of the Government of Canada or the government of a province or any department thereof, or

(ii) any police force in a province, with the approval of the Minister responsible for policing in the province; or

(*b*) with the approval of the Minister after consultation by the Minister with the Secretary of State for External Affairs, enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof or an international organization of states or an institution thereof.

a) avec l'approbation du ministre, conclure des ententes ou, d'une façon générale, coopérer avec :

(i) les ministères du gouvernement du Canada, le gouvernement d'une province ou l'un de ses ministères,

(ii) un service de police en place dans une province, avec l'approbation du ministre provincial chargé des questions de police;

b) avec l'approbation du ministre, après consultation entre celui-ci et le secrétaire d'État aux Affaires extérieures, conclure des ententes ou, d'une façon générale, coopérer avec le gouvernement d'un État étranger ou l'une de ses institutions, ou une organisation internationale d'États ou l'une de ses institutions.

Copies of arrangements to Review Committee

(2) Where a written arrangement is entered into pursuant to subsection (1) or subsection 13(2) or (3), a copy thereof shall be given forthwith to the Review Committee. 1984, c. 21, s. 17.

Transmission des ententes au comité de surveillance

(2) Un exemplaire du texte des ententes écrites conclues en vertu du paragraphe (1) ou des paragraphes 13(2) ou (3) est transmis au comité de surveillance immédiatement après leur conclusion. 1984, ch. 21, art. 17.

Offence to disclose identity

18. (1) Subject to subsection (2), no person shall disclose any information that the person obtained or to which the person had access in the course of the performance by that person of duties and functions under this Act or the participation by that person in the administration or enforcement of this Act and from which the identity of

(*a*) any other person who is or was a confidential source of information or assistance to the Service, or

(*b*) any person who is or was an employee engaged in covert operational activities of the Service

can be inferred.

Infraction

18. (1) Sous réserve du paragraphe (2), nul ne peut communiquer des informations qu'il a acquises ou auxquelles il avait accès dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou lors de sa participation à l'exécution ou au contrôle d'application de cette loi et qui permettraient de découvrir l'identité :

a) d'une autre personne qui fournit ou a fourni au Service des informations ou une aide à titre confidentiel;

b) d'une personne qui est ou était un employé occupé à des activités opérationnelles cachées du Service.

Exceptions

(2) A person may disclose information referred to in subsection (1) for the purposes of the performance of duties and functions under this Act or any other Act of Parliament or the administration or enforcement of this Act or as required by any other law or in the circumstances described in any of paragraphs 19(2)(*a*) to (*d*).

Exceptions

(2) La communication visée au paragraphe (1) peut se faire dans l'exercice de fonctions conférées en vertu de la présente loi ou de toute autre loi fédérale ou pour l'exécution ou le contrôle d'application de la présente loi, si une autre règle de droit l'exige ou dans les circonstances visées aux alinéas 19(2)*a*) à *d*).

Offence

(3) Every one who contravenes subsection (1)

(*a*) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(*b*) is guilty of an offence punishable on summary conviction. 1984, c. 21, s. 18.

Infraction

(3) Quiconque contrevient au paragraphe (1) est coupable :

a) soit d'un acte criminel et passible d'un emprisonnement maximal de cinq ans;

b) soit d'une infraction punissable par procédure sommaire. 1984, ch. 21, art. 18.

Authorized disclosure of information

19. (1) Information obtained in the performance of the duties and functions of the Service under this Act shall not be disclosed by the Service except in accordance with this section.

Idem

(2) The Service may disclose information referred to in subsection (1) for the purposes of the performance of its duties and functions under this Act or the administration or enforcement of this Act or as required by any other law and may also disclose such information,

(*a*) where the information may be used in the investigation or prosecution of an alleged contravention of any law of Canada or a province, to a peace officer having jurisdiction to investigate the alleged contravention and to the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged contravention may be taken;

(*b*) where the information relates to the conduct of the international affairs of Canada, to the Secretary of State for External Affairs or a person designated by the Secretary of State for External Affairs for the purpose;

(*c*) where the information is relevant to the defence of Canada, to the Minister of National Defence or a person designated by the Minister of National Defence for the purpose; or

(*d*) where, in the opinion of the Minister, disclosure of the information to any minister of the Crown or person in the public service of Canada is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that minister or person.

Report to Review Committee

(3) The Director shall, as soon as practicable after a disclosure referred to in paragraph (2)(*d*) is made, submit a report to the Review Committee with respect to the disclosure. 1984, c. 21, s. 19.

Protection of employees

20. (1) The Director and employees have, in performing the duties and functions of the Service under this Act, the same protection under the law as peace officers have in performing their duties and functions as peace officers.

Unlawful conduct

(2) If the Director is of the opinion that an employee may, on a particular occasion, have acted unlawfully in the purported performance of the duties and functions of the Service under

Autorisation de communication

19. (1) Les informations qu'acquiert le Service dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ne peuvent être communiquées qu'en conformité avec le présent article.

Idem

(2) Le Service peut, en vue de l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou pour l'exécution ou le contrôle d'application de celle-ci, ou en conformité avec les exigences d'une autre règle de droit, communiquer les informations visées au paragraphe (1). Il peut aussi les communiquer aux autorités ou personnes suivantes :

a) lorsqu'elles peuvent servir dans le cadre d'une enquête ou de poursuites relatives à une infraction présumée à une loi fédérale ou provinciale, aux agents de la paix compétents pour mener l'enquête, au procureur général du Canada et au procureur général de la province où des poursuites peuvent être intentées à l'égard de cette infraction;

b) lorsqu'elles concernent la conduite des affaires internationales du Canada, au secrétaire d'État aux Affaires extérieures ou à la personne qu'il désigne à cette fin;

c) lorsqu'elles concernent la défense du Canada, au ministre de la Défense nationale ou à la personne qu'il désigne à cette fin;

d) lorsque, selon le ministre, leur communication à un ministre ou à une personne appartenant à l'administration publique fédérale est essentielle pour des raisons d'intérêt public et que celles-ci justifient nettement une éventuelle violation de la vie privée, à ce ministre ou à cette personne.

Rapport au comité de surveillance

(3) Dans les plus brefs délais possible après la communication visée à l'alinéa (2)*d*), le directeur en fait rapport au comité de surveillance. 1984, ch. 21, art. 19.

Protection des employés

20. (1) Le directeur et les employés bénéficient, dans l'exercice des fonctions conférées au Service en vertu de la présente loi, de la même protection que celle dont bénéficient, en vertu de la loi, les agents de la paix au titre de leurs fonctions.

Agissements illicites

(2) Le directeur fait rapport au ministre des actes qui peuvent avoir été accomplis selon lui illicitement, dans des cas particuliers, par des

this Act, the Director shall cause to be submitted a report in respect thereof to the Minister.

Report and comments to Attorney General of Canada

(3) The Minister shall cause to be given to the Attorney General of Canada a copy of any report that he receives pursuant to subsection (2), together with any comment that he considers appropriate in the circumstances.

Copies to Review Committee

(4) A copy of anything given to the Attorney General of Canada pursuant to subsection (3) shall be given forthwith to the Review Committee. 1984, c. 21, s. 20.

employés dans l'exercice censé tel des fonctions conférées au Service en vertu de la présente loi.

Transmission au procureur général

(3) Le ministre fait transmettre au procureur général du Canada un exemplaire des rapports qu'il reçoit en conformité avec le paragraphe (2), accompagnés des commentaires qu'il juge à propos.

Envoi au comité de surveillance

(4) Un exemplaire de tous les documents transmis au procureur général du Canada en conformité avec le paragraphe (3) est envoyé au comité de surveillance dès leur transmission au procureur général. 1984, ch. 21, art. 20.

PART II

JUDICIAL CONTROL

PARTIE II

CONTRÔLE JUDICIAIRE

Application for warrant

21. (1) Where the Director or any employee designated by the Minister for the purpose believes, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16, the Director or employee may, after having obtained the approval of the Minister, make an application in accordance with subsection (2) to a judge for a warrant under this section.

Demande de mandat

21. (1) Le directeur ou un employé désigné à cette fin par le ministre peut, après avoir obtenu l'approbation du ministre, demander à un juge de décerner un mandat en conformité avec le présent article s'il a des motifs raisonnables de croire que le mandat est nécessaire pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada ou d'exercer les fonctions qui lui sont conférées en vertu de l'article 16.

Matters to be specified in application for warrant

(2) An application to a judge under subsection (1) shall be made in writing and be accompanied by an affidavit of the applicant deposing to the following matters, namely,

(*a*) the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16;

(*b*) that other investigative procedures have been tried and have failed or why it appears that they are unlikely to succeed, that the urgency of the matter is such that it would be impractical to carry out the investigation using only other investigative procedures or that without a warrant under this section it is likely that information of importance with respect to the threat to the security of Canada or the performance of the duties and functions under section 16 referred to in paragraph (*a*) would not be obtained;

(*c*) the type of communication proposed to be intercepted, the type of information,

Contenu de la demande

(2) La demande visée au paragraphe (1) est présentée par écrit et accompagnée de l'affidavit du demandeur portant sur les points suivants :

a) les faits sur lesquels le demandeur s'appuie pour avoir des motifs raisonnables de croire que le mandat est nécessaire aux fins visées au paragraphe (1);

b) le fait que d'autres méthodes d'enquête ont été essayées en vain, ou la raison pour laquelle elles semblent avoir peu de chances de succès, le fait que l'urgence de l'affaire est telle qu'il serait très difficile de mener l'enquête sans mandat ou le fait que, sans mandat, il est probable que des informations importantes concernant les menaces ou les fonctions visées au paragraphe (1) ne pourraient être acquises;

c) les catégories de communications dont l'interception, les catégories d'informations, de documents ou d'objets dont l'acquisition, ou les pouvoirs visés aux alinéas (3)*a*) à *c*) dont l'exercice, sont à autoriser;

records, documents or things proposed to be obtained and the powers referred to in paragraphs (3)(*a*) to (*c*) proposed to be exercised for that purpose;

(*d*) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;

(*e*) the persons or classes of persons to whom the warrant is proposed to be directed;

(*f*) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;

(*g*) the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force that is applicable by virtue of subsection (5); and

(*h*) any previous application made in relation to a person identified in the affidavit pursuant to paragraph (*d*), the date on which the application was made, the name of the judge to whom each application was made and the decision of the judge thereon.

d) l'identité de la personne, si elle est connue, dont les communications sont à intercepter ou qui est en possession des informations, documents ou objets à acquérir;

e) les personnes ou catégories de personnes destinataires du mandat demandé;

f) si possible, une description générale du lieu où le mandat demandé est à exécuter;

g) la durée de validité applicable en vertu du paragraphe (5), de soixante jours ou d'un an au maximum, selon le cas, demandée pour le mandat;

h) la mention des demandes antérieures touchant des personnes visées à l'alinéa *d*), la date de chacune de ces demandes, le nom du juge à qui elles ont été présentées et la décision de celui-ci dans chaque cas.

Issuance of warrant

(3) Notwithstanding any other law but subject to the *Statistics Act*, where the judge to whom an application under subsection (1) is made is satisfied of the matters referred to in paragraphs (2)(*a*) and (*b*) set out in the affidavit accompanying the application, the judge may issue a warrant authorizing the persons to whom it is directed to intercept any communication or obtain any information, record, document or thing and, for that purpose,

(*a*) to enter any place or open or obtain access to any thing;

(*b*) to search for, remove or return, or examine, take extracts from or make copies of or record in any other manner the information, record, document or thing; or

(*c*) to install, maintain or remove any thing.

Délivrance du mandat

(3) Par dérogation à toute autre règle de droit mais sous réserve de la *Loi sur la statistique*, le juge à qui est présentée la demande visée au paragraphe (1) peut décerner le mandat s'il est convaincu de l'existence des faits mentionnés aux alinéas (2)*a*) et *b*) et dans l'affidavit qui accompagne la demande; le mandat autorise ses destinataires à intercepter des communications ou à acquérir des informations, documents ou objets. À cette fin, il peut autoriser aussi, de leur part :

a) l'accès à un lieu ou un objet ou l'ouverture d'un objet;

b) la recherche, l'enlèvement ou la remise en place de tout document ou objet, leur examen, le prélèvement des informations qui s'y trouvent, ainsi que leur enregistrement et l'établissement de copies ou d'extraits par tout procédé;

c) l'installation, l'entretien et l'enlèvement d'objets.

Matters to be specified in warrant

(4) There shall be specified in a warrant issued under subsection (3)

(*a*) the type of communication authorized to be intercepted, the type of information, records, documents or things authorized to be obtained and the powers referred to in

Contenu du mandat

(4) Le mandat décerné en vertu du paragraphe (3) porte les indications suivantes :

a) les catégories de communications dont l'interception, les catégories d'informations, de documents ou d'objets dont l'acquisition,

paragraphs (3)(*a*) to (*c*) authorized to be exercised for that purpose;

(*b*) the identity of the person, if known, whose communication is to be intercepted or who has possession of the information, record, document or thing to be obtained;

(*c*) the persons or classes of persons to whom the warrant is directed;

(*d*) a general description of the place where the warrant may be executed, if a general description of that place can be given;

(*e*) the period for which the warrant is in force; and

(*f*) such terms and conditions as the judge considers advisable in the public interest.

ou les pouvoirs visés aux alinéas (3)*a*) à *c*) dont l'exercice, sont autorisés;

b) l'identité de la personne, si elle est connue, dont les communications sont à intercepter ou qui est en possession des informations, documents ou objets à acquérir;

c) les personnes ou catégories de personnes destinataires du mandat;

d) si possible, une description générale du lieu où le mandat peut être exécuté;

e) la durée de validité du mandat;

f) les conditions que le juge estime indiquées dans l'intérêt public.

Maximum duration of warrant

(5) A warrant shall not be issued under subsection (3) for a period exceeding

(*a*) sixty days where the warrant is issued to enable the Service to investigate a threat to the security of Canada within the meaning of paragraph (*d*) of the definition of that expression in section 2; or

(*b*) one year in any other case. 1984, c. 21, s. 21.

Durée maximale

(5) Il ne peut être décerné de mandat en vertu du paragraphe (3) que pour une période maximale :

a) de soixante jours, lorsque le mandat est décerné pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada au sens de l'alinéa *d*) de la définition de telles menaces contenue à l'article 2;

b) d'un an, dans tout autre cas. 1984, ch. 21, art. 21.

Renewal of warrant

22. On application in writing to a judge for the renewal of a warrant issued under subsection 21(3) made by a person entitled to apply for such a warrant after having obtained the approval of the Minister, the judge may, from time to time, renew the warrant for a period not exceeding the period for which the warrant may be issued pursuant to subsection 21(5) if satisfied by evidence on oath that

(*a*) the warrant continues to be required to enable the Service to investigate a threat to the security of Canada or to perform its duties and functions under section 16; and

(*b*) any of the matters referred to in paragraph 21(2)(*b*) are applicable in the circumstances. 1984, c. 21, s. 22.

Renouvellement

22. Sur la demande écrite, approuvée par le ministre, que lui en fait une personne autorisée à demander le mandat visé au paragraphe 21(3), le juge peut le renouveler, pour une période n'excédant pas celle pour laquelle ce mandat peut être décerné en vertu du paragraphe 21(5), s'il est convaincu par le dossier qui lui est présenté sous serment, à la fois :

a) que le mandat reste nécessaire pour permettre au Service de faire enquête sur des menaces envers la sécurité du Canada ou d'exercer les fonctions qui lui sont conférées en vertu de l'article 16;

b) de l'existence des faits mentionnés à l'alinéa 21(2)*b*). 1984, ch. 21, art. 22.

Warrant authorizing removal

23. (1) On application in writing by the Director or any employee designated by the Minister for the purpose, a judge may, if the judge thinks fit, issue a warrant authorizing the persons to whom the warrant is directed to remove from any place any thing installed pursuant to a warrant issued under subsection 21(3) and, for that purpose, to enter any place or open or obtain access to any thing.

Mandat d'enlèvement de certains objets

23. (1) Sur la demande écrite que lui en fait le directeur ou un employé désigné à cette fin par le ministre, le juge peut, s'il l'estime indiqué, décerner un mandat autorisant ses destinataires à enlever un objet d'un lieu où il avait été installé en conformité avec un mandat décerné en vertu du paragraphe 21(3). À cette fin, le mandat peut autoriser, de leur part, l'accès à un lieu ou un objet ou l'ouverture d'un objet.

Matters to be specified in warrants

(2) There shall be specified in a warrant issued under subsection (1) the matters referred to in paragraphs 21(4)(*c*) to (*f*). 1984, c. 21, s. 23.

(2) Le mandat décerné en vertu du paragraphe (1) porte les indications mentionnées aux alinéas 21(4)*c*) à *f*). 1984, ch. 21, art. 23.

Contenu du mandat

Warrant to have effect notwithstanding other laws

24. Notwithstanding any other law, a warrant issued under section 21 or 23

(*a*) authorizes every person or person included in a class of persons to whom the warrant is directed,

(i) in the case of a warrant issued under section 21, to exercise the powers specified in the warrant for the purpose of intercepting communications of the type specified therein or obtaining information, records, documents or things of the type specified therein, or

(ii) in the case of a warrant issued under section 23, to execute the warrant; and

(*b*) authorizes any other person to assist a person who that other person believes on reasonable grounds is acting in accordance with such a warrant. 1984, c. 21, s. 24.

24. Par dérogation à toute autre règle de droit, le mandat décerné en vertu des articles 21 ou 23 :

a) autorise ses destinataires, en tant que tels ou au titre de leur appartenance à une catégorie donnée :

(i) dans le cas d'un mandat décerné en vertu de l'article 21, à employer les moyens qui y sont indiqués pour effectuer l'interception ou l'acquisition qui y est indiquée,

(ii) dans le cas d'un mandat décerné en vertu de l'article 23, à exécuter le mandat;

b) autorise quiconque à prêter assistance à une personne qu'il a des motifs raisonnables de croire habilitée par le mandat. 1984, ch. 21, art. 24.

Primauté des mandats

Crown Liability Act not to apply

25. No action lies under section 18 of the *Crown Liability Act* in respect of

(*a*) the use or disclosure pursuant to this Act of any communication intercepted under the authority of a warrant issued under section 21; or

(*b*) the disclosure pursuant to this Act of the existence of any such communication. 1984, c. 21, s. 25.

25. Il ne peut être intenté d'action sous le régime de l'article 18 de la *Loi sur la responsabilité de l'État* à l'égard :

a) de l'utilisation ou de la révélation faite en conformité avec la présente loi d'une communication dont l'interception a été autorisée par un mandat décerné en vertu de l'article 21;

b) de la révélation faite en conformité avec la présente loi de l'existence de cette communication. 1984, ch. 21, art. 25.

Non-application de la *Loi sur la responsabilité de l'État*

Exclusion of Part VI of *Criminal Code*

26. Part VI of the *Criminal Code* does not apply in relation to any interception of a communication under the authority of a warrant issued under section 21 or in relation to any communication so intercepted. 1984, c. 21, s. 26.

26. La partie VI du *Code criminel* ne s'applique pas à une interception de communication autorisée par un mandat décerné en vertu de l'article 21 ni à la communication elle-même. 1984, ch. 21, art. 26.

Non-application de la partie VI du *Code criminel*

Hearing of applications

27. An application under section 21, 22 or 23 to a judge for a warrant or the renewal of a warrant shall be heard in private in accordance with regulations made under section 28. 1984, c. 21, s. 27.

27. Une demande de mandat ou de renouvellement de mandat faite à un juge en vertu de l'article 21, 22 ou 23 est entendue à huis clos en conformité avec les règlements d'application de l'article 28. 1984, ch. 21, art. 27.

Audition des demandes

Regulations

28. The Governor in Council may make regulations

(*a*) prescribing the forms of warrants that may be issued under section 21 or 23;

(*b*) governing the practice and procedure of, and security requirements applicable to,

28. Le gouverneur en conseil peut, par règlement :

a) déterminer la forme des mandats décernés en vertu de l'article 21 ou 23;

b) prévoir les règles de pratique et de procédure, ainsi que les conditions de sécurité,

Règlements

hearings of applications for those warrants and for renewals of those warrants; and

(*c*) notwithstanding the *Federal Court Act* and any rules made thereunder, specifying the places where those hearings may be held and the places where, and the manner in which, records or documents concerning those hearings shall be kept. 1984, c. 21, s. 28.

applicables à l'audition d'une demande de mandat ou de renouvellement de mandat;

c) par dérogation à la *Loi sur la Cour fédérale* et aux règles établies sous son régime, préciser les lieux où peuvent se tenir les auditions et où doivent être conservés les archives et documents qui s'y rattachent, de même que leur mode de conservation. 1984, ch. 21, art. 28.

PART III

REVIEW

Interpretation

Definition of "deputy head"

29. In this Part, "deputy head" means, in relation to

(*a*) a department named in Schedule I to the *Financial Administration Act*, the deputy minister thereof,

(*b*) the Canadian Forces, the Chief of the Defence Staff,

(*c*) the Royal Canadian Mounted Police, the Commissioner,

(*d*) the Service, the Director, and

(*e*) any other portion of the public service of Canada, the person designated by order in council pursuant to this paragraph and for the purposes of this Part to be the deputy head of that portion of the public service of Canada. 1984, c. 21, s. 29.

Inspector General

Inspector General

30. (1) The Governor in Council shall appoint an officer to be known as the Inspector General, who is responsible to the Deputy Minister.

Functions

(2) The functions of the Inspector General are

(*a*) to monitor the compliance by the Service with its operational policies;

(*b*) to review the operational activities of the Service; and

(*c*) to submit certificates pursuant to subsection 33(2). 1984, c. 21, s. 30.

Access to information

31. (1) Notwithstanding any other Act of Parliament but subject to subsection (2), the Inspector General is entitled to have access to any information under the control of the Service that relates to the performance of the

PARTIE III

SURVEILLANCE

Définition

Définition de «administrateur général»

29. Dans la présente partie, «administrateur général» s'entend :

a) à l'égard d'un ministère mentionné à l'annexe I de la *Loi sur la gestion des finances publiques*, du sous-ministre;

b) à l'égard des Forces canadiennes, du chef d'état-major de la défense;

c) à l'égard de la Gendarmerie royale du Canada, du Commissaire;

d) à l'égard du Service, du directeur;

e) à l'égard d'un autre secteur de l'administration publique fédérale, de la personne désignée par décret, en vertu du présent alinéa, à titre d'administrateur général de ce secteur pour l'application de la présente partie. 1984, ch. 21, art. 29.

Inspecteur général

Inspecteur général

30. (1) Le gouverneur en conseil nomme un haut fonctionnaire, responsable devant le sous-ministre, en qualité d'inspecteur général.

Fonctions

(2) L'inspecteur général est chargé des fonctions suivantes :

a) suivre l'observation par le Service de ses règles générales en matière opérationnelle;

b) surveiller les activités opérationnelles du Service;

c) présenter les certificats visés au paragraphe 33(2). 1984, ch. 21, art. 30.

Accès aux informations

31. (1) Par dérogation à toute autre loi fédérale mais sous réserve du paragraphe (2), l'inspecteur général est autorisé à avoir accès aux informations qui se rattachent à l'exercice de ses fonctions et qui relèvent du Service; à cette

duties and functions of the Inspector General and is also entitled to receive from the Director and employees such information, reports and explanations as the Inspector General deems necessary for the performance of those duties and functions.

fin, il est aussi autorisé à recevoir du directeur et des employés les informations, rapports et explications dont il juge avoir besoin dans cet exercice.

Compelling production of information

(2) No information described in subsection (1), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies, may be withheld from the Inspector General on any grounds. 1984, c. 21, s. 31.

Production obligatoire

(2) À l'exception des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés par le paragraphe 39(1) de la *Loi sur la preuve au Canada*, aucune des informations visées au paragraphe (1) ne peut, pour quelque motif que ce soit, être refusée à l'inspecteur général. 1984, ch. 21, art. 31.

Compliance with security requirements

32. The Inspector General shall comply with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule. 1984, c. 21, s. 32.

Conditions de sécurité

32. L'inspecteur général se conforme aux conditions de sécurité applicables aux employés en vertu de la présente loi et prête le serment de secret mentionné à l'annexe. 1984, ch. 21, art. 32.

Periodic reports by Director

33. (1) The Director shall, in relation to every period of twelve months or such lesser period as is specified by the Minister, submit to the Minister, at such times as the Minister specifies, reports with respect to the operational activities of the Service during that period, and shall cause the Inspector General to be given a copy of each such report.

Rapports périodiques

33. (1) Pour chaque période de douze mois d'activités opérationnelles du Service ou pour les périodes inférieures, et aux époques, que précise le ministre, le directeur présente à celui-ci des rapports sur ces activités; il en fait remettre un exemplaire à l'inspecteur général.

Certificates of Inspector General

(2) As soon as practicable after receiving a copy of a report referred to in subsection (1), the Inspector General shall submit to the Minister a certificate stating the extent to which the Inspector General is satisfied with the report and whether any act or thing done by the Service in the course of its operational activities during the period to which the report relates is, in the opinion of the Inspector General,

(*a*) not authorized by or under this Act or contravenes any directions issued by the Minister under subsection 6(2); or

(*b*) involves an unreasonable or unnecessary exercise by the Service of any of its powers.

Certificat de l'inspecteur général

(2) Dans les plus brefs délais possible après réception du rapport, l'inspecteur général remet au ministre un certificat où il indique dans quelle mesure le rapport lui paraît acceptable et où il fait état des cas où, selon lui, le Service a, lors de ses activités opérationnelles pendant la période considérée :

a) accompli des actes qui n'ont pas été autorisés en vertu de la présente loi ou ont contrevenu aux instructions données par le ministre en vertu du paragraphe 6(2);

b) exercé ses pouvoirs d'une façon abusive ou inutile.

Transmission to Review Committee

(3) As soon as practicable after receiving a report referred to in subsection (1) and a certificate of the Inspector General referred to in subsection (2), the Minister shall cause the report and certificate to be transmitted to the Review Committee. 1984, c. 21, s. 33.

Transmission au comité de surveillance

(3) Le ministre fait transmettre au comité de surveillance le rapport du directeur et le certificat de l'inspecteur général dans les plus brefs délais possible après leur réception. 1984, ch. 21, art. 33.

Security Intelligence Review Committee

Comité de surveillance des activités de renseignement de sécurité

Security Intelligence Review Committee

34. (1) There is hereby established a committee, to be known as the Security Intelligence Review Committee, consisting of a Chairman and not less than two and not more than four other members, all of whom shall be appointed by the Governor in Council from among members of the Queen's Privy Council for Canada who are not members of the Senate or the House of Commons, after consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House.

Constitution du comité de surveillance

34. (1) Est constitué le comité de surveillance des activités de renseignement de sécurité, composé du président et de deux à quatre autres membres, tous nommés par le gouverneur en conseil parmi les membres du Conseil privé de la Reine pour le Canada qui ne font partie ni du Sénat ni de la Chambre des communes. Cette nomination est précédée de consultations entre le premier ministre du Canada, le chef de l'opposition à la Chambre des communes et le chef de chacun des partis qui y disposent d'au moins douze députés.

Term of office

(2) Each member of the Review Committee shall be appointed to hold office during good behaviour for a term not exceeding five years.

Durée du mandat

(2) Les membres du comité de surveillance sont nommés à titre inamovible pour une durée maximale de cinq ans.

Re-appointment

(3) A member of the Review Committee is eligible to be re-appointed for a term not exceeding five years.

Renouvellement

(3) Le mandat des membres du comité de surveillance est renouvelable pour une durée maximale identique.

Expenses

(4) Each member of the Review Committee is entitled to be paid, for each day that the member performs duties and functions under this Act, such remuneration as is fixed by the Governor in Council and shall be paid reasonable travel and living expenses incurred by the member in the performance of those duties and functions. 1984, c. 21, s. 34.

Rémunération et frais

(4) Les membres du comité de surveillance ont le droit de recevoir, pour chaque jour qu'ils exercent les fonctions qui leur sont conférées en vertu de la présente loi, la rémunération que fixe le gouverneur en conseil et sont indemnisés des frais de déplacement et de séjour entraînés par l'exercice de ces fonctions. 1984, ch. 21, art. 34.

Chairman of the Review Committee

35. (1) The Chairman of the Review Committee is the chief executive officer of the Committee.

Premier dirigeant

35. (1) Le président est le premier dirigeant du comité de surveillance.

Acting Chairman of the Review Committee

(2) The Chairman of the Review Committee may designate another member of the Committee to act as the Chairman in the event of the absence or incapacity of the Chairman and, if no such designation is in force or the office of Chairman is vacant, the Minister may designate a member of the Committee to act as the Chairman. 1984, c. 21, s. 35.

Suppléance

(2) Le président peut désigner un membre du comité de surveillance pour assumer la présidence en cas d'absence ou d'empêchement de sa part; à défaut d'une telle désignation préalable ou en cas de vacance du poste de président, le ministre désigne le président suppléant parmi les autres membres. 1984, ch. 21, art. 35.

Staff of Review Committee

36. The Review Committee may, with the approval of the Treasury Board,

(*a*) engage a secretary and such other staff as it requires; and

(*b*) fix and pay the remuneration and expenses of persons engaged pursuant to paragraph (*a*). 1984, c. 21, s. 36.

Personnel du comité de surveillance

36. Le comité de surveillance peut, avec l'approbation du Conseil du Trésor :

a) engager un secrétaire et le personnel dont il a besoin;

b) fixer et verser la rémunération et les frais des personnes visées à l'alinéa *a*). 1984, ch. 21, art. 36.

Compliance with security requirements

37. Every member of the Review Committee and every person engaged by it shall comply

Conditions de sécurité

37. Les membres du comité de surveillance et les personnes qu'il engage se conforment aux

with all security requirements applicable by or under this Act to an employee and shall take the oath of secrecy set out in the schedule. 1984, c. 21, s. 37.

conditions de sécurité applicables aux employés en vertu de la présente loi et prêtent le serment de secret mentionné à l'annexe. 1984, ch. 21, art. 37.

Functions of Review Committee

38. The functions of the Review Committee are

(*a*) to review generally the performance by the Service of its duties and functions and, in connection therewith,

(i) to review the reports of the Director and certificates of the Inspector General transmitted to it pursuant to subsection 33(3),

(ii) to review directions issued by the Minister under subsection 6(2),

(iii) to review arrangements entered into by the Service pursuant to subsections 13(2) and (3) and 17(1) and to monitor the provision of information and intelligence pursuant to those arrangements,

(iv) to review any report or comment given to it pursuant to subsection 20(4),

(v) to monitor any request referred to in paragraph 16(3)(*a*) made to the Service,

(vi) to review the regulations, and

(vii) to compile and analyse statistics on the operational activities of the Service;

(*b*) to arrange for reviews to be conducted, or to conduct reviews, pursuant to section 40; and

(*c*) to conduct investigations in relation to

(i) complaints made to the Committee under sections 41 and 42,

(ii) reports made to the Committee pursuant to section 19 of the *Citizenship Act* or sections 39 and 81 of the *Immigration Act*, and

(iii) matters referred to the Committee pursuant to section 45 of the *Canadian Human Rights Act*. 1984, c. 21, s. 38.

Fonctions du comité de surveillance

38. Le comité de surveillance a les fonctions suivantes :

a) surveiller la façon dont le Service exerce ses fonctions et, à cet égard :

(i) examiner les rapports du directeur et les certificats de l'inspecteur général qui lui sont transmis en conformité avec le paragraphe 33(3),

(ii) examiner les instructions que donne le ministre en vertu du paragraphe 6(2),

(iii) examiner les ententes conclues par le Service en vertu des paragraphes 13(2) et (3) et 17(1), et surveiller les informations ou renseignements qui sont transmis en vertu de celles-ci,

(iv) examiner les rapports et commentaires qui lui sont transmis en conformité avec le paragraphe 20(4),

(v) surveiller les demandes qui sont présentées au Service en vertu de l'alinéa 16(3)*a*),

(vi) examiner les règlements,

(vii) réunir et analyser des statistiques sur les activités opérationnelles du Service;

b) effectuer ou faire effectuer des recherches en vertu de l'article 40;

c) faire enquête sur :

(i) les plaintes qu'il reçoit en vertu des articles 41 et 42,

(ii) les rapports qui lui sont transmis en vertu de l'article 19 de la *Loi sur la citoyenneté* ou des articles 39 et 81 de la *Loi sur l'immigration*,

(iii) les affaires qui lui sont transmises en vertu de l'article 45 de la *Loi canadienne sur les droits de la personne*. 1984, ch. 21, art. 38.

Committee procedures

39. (1) Subject to this Act, the Review Committee may determine the procedure to be followed in the performance of any of its duties or functions.

Procédure

39. (1) Sous réserve des autres dispositions de la présente loi, le comité de surveillance peut déterminer la procédure à suivre dans l'exercice de ses fonctions.

Access to information

(2) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (3), the Review Committee is entitled

Accès aux informations

(2) Par dérogation à toute autre loi fédérale ou toute immunité reconnue par le droit de la preuve, mais sous réserve du paragraphe (3), le comité de surveillance :

(*a*) to have access to any information under the control of the Service or of the Inspector General that relates to the performance of the duties and functions of the Committee and to receive from the Inspector General, Director and employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions; and

(*b*) during any investigation referred to in paragraph 38(*c*), to have access to any information under the control of the deputy head concerned that is relevant to the investigation.

a) est autorisé à avoir accès aux informations qui se rattachent à l'exercice de ses fonctions et qui relèvent du Service ou de l'inspecteur général et à recevoir de l'inspecteur général, du directeur et des employés les informations, rapports et explications dont il juge avoir besoin dans cet exercice;

b) au cours des enquêtes visées à l'alinéa 38*c*), est autorisé à avoir accès aux informations qui se rapportent à ces enquêtes et qui relèvent de l'administrateur général concerné.

Idem

(3) No information described in subsection (2), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies, may be withheld from the Committee on any grounds. 1984, c. 21, s. 39.

Idem

(3) À l'exception des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés par le paragraphe 39(1) de la *Loi sur la preuve au Canada*, aucune des informations visées au paragraphe (2) ne peut, pour quelque motif que ce soit, être refusée au comité. 1984, ch. 21, art. 39.

Review

40. For the purpose of ensuring that the activities of the Service are carried out in accordance with this Act, the regulations and directions issued by the Minister under subsection 6(2) and that the activities do not involve any unreasonable or unnecessary exercise by the Service of any of its powers, the Review Committee may

(*a*) direct the Service or Inspector General to conduct a review of specific activities of the Service and provide the Committee with a report of the review; or

(*b*) where it considers that a review by the Service or the Inspector General would be inappropriate, conduct such a review itself. 1984, c. 21, s. 40.

Recherches

40. Afin de veiller à ce que les activités du Service soient conduites conformément à la présente loi, à ses règlements et aux instructions du ministre visées au paragraphe 6(2), et qu'elles ne donnent pas lieu à l'exercice par le Service de ses pouvoirs d'une façon abusive ou inutile, le comité de surveillance peut :

a) soit faire effectuer par le Service ou l'inspecteur général des recherches sur certaines activités du Service et exiger d'eux qu'ils lui en fassent rapport;

b) soit effectuer ces recherches lui-même s'il juge qu'il serait contre-indiqué de les faire effectuer par le Service ou l'inspecteur général. 1984, ch. 21, art. 40.

Complaints

Plaintes

Complaints

41. (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if

(*a*) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and

Plaintes

41. (1) Toute personne peut porter plainte contre des activités du Service auprès du comité de surveillance; celui-ci, sous réserve du paragraphe (2), fait enquête à la condition de s'assurer au préalable de ce qui suit :

a) d'une part, la plainte a été présentée au directeur sans que ce dernier ait répondu dans un délai jugé normal par le comité ou ait fourni une réponse qui satisfasse le plaignant;

b) d'autre part, la plainte n'est pas frivole, vexatoire, sans objet ou entachée de mauvaise foi.

(*b*) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Other redress available

(2) The Review Committee shall not investigate a complaint in respect of which the complainant is entitled to seek redress by means of a grievance procedure established pursuant to this Act or the *Public Service Staff Relations Act*. 1984, c. 21, s. 41.

Restriction

(2) Le comité de surveillance ne peut enquêter sur une plainte qui constitue un grief susceptible d'être réglé par la procédure de griefs établie en vertu de la présente loi ou de la *Loi sur les relations de travail dans la fonction publique*. 1984, ch. 21, art. 41.

Denial of security clearance

42. (1) Where, by reason only of the denial of a security clearance required by the Government of Canada, a decision is made by a deputy head to deny employment to an individual or to dismiss, demote or transfer an individual or to deny a promotion or transfer to an individual, the deputy head shall send, within ten days after the decision is made, a notice informing the individual of the denial of the security clearance.

Refus d'une habilitation de sécurité

42. (1) Les individus qui font l'objet d'une décision de renvoi, de rétrogradation, de mutation ou d'opposition à engagement, avancement ou mutation prise par un administrateur général pour la seule raison du refus d'une habilitation de sécurité que le gouvernement du Canada exige doivent être avisés du refus par l'administrateur général; celui-ci envoie l'avis dans les dix jours suivant la prise de la décision.

Idem

(2) Where, by reason only of the denial of a security clearance required by the Government of Canada to be given in respect of an individual, a decision is made to deny the individual or any other person a contract to provide goods or services to the Government of Canada, the deputy head concerned shall send, within ten days after the decision is made, a notice informing the individual and, where applicable, the other person of the denial of the security clearance.

Idem

(2) Dans le cas où, pour la seule raison du refus d'une habilitation de sécurité que le gouvernement du Canada exige à l'égard d'un individu, celui-ci ou une autre personne fait l'objet d'une décision d'opposition à un contrat de fourniture de biens ou de services à ce gouvernement, l'administrateur général concerné envoie dans les dix jours suivant la prise de la décision un avis informant l'individu, et s'il y a lieu l'autre personne, du refus.

Receipt and investigation of complaints

(3) The Review Committee shall receive and investigate a complaint from

(*a*) any individual referred to in subsection (1) who has been denied a security clearance; or

(*b*) any person who has been denied a contract to provide goods or services to the Government of Canada by reason only of the denial of a security clearance in respect of that person or any individual.

Réception des plaintes et enquêtes

(3) Le comité de surveillance reçoit les plaintes et fait enquête sur les plaintes présentées par :

a) les individus visés au paragraphe (1) à qui une habilitation de sécurité est refusée;

b) les personnes qui ont fait l'objet d'une décision d'opposition à un contrat de fourniture de biens ou de services pour la seule raison du refus d'une habilitation de sécurité à ces personnes ou à quiconque.

Time within which complaint is to be made

(4) A complaint under subsection (3) shall be made within thirty days after receipt of the notice referred to in subsection (1) or (2) or within such longer period as the Review Committee allows. 1984, c. 21, s. 42.

Délai

(4) Les plaintes visées au paragraphe (3) sont à présenter dans les trente jours suivant la réception de l'avis mentionné aux paragraphes (1) ou (2) ou dans le délai supérieur accordé par le comité de surveillance. 1984, ch. 21, art. 42.

Member of the Committee authorized to act alone

43. A member of the Review Committee may exercise any of the powers or perform any of the duties or functions of the Committee under this Part in relation to complaints. 1984, c. 21, s. 43.

Délégation de compétence

43. Un membre du comité de surveillance peut, à l'égard des plaintes dont celui-ci est saisi, exercer les pouvoirs et fonctions que la présente partie confère au comité. 1984, ch. 21, art. 43.

Complaints submitted on behalf of complainants

44. Nothing in this Act precludes the Review Committee from receiving and investigating complaints described in sections 41 and 42 that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized. 1984, c. 21, s. 44.

Représentants

44. Le comité de surveillance peut recevoir les plaintes visées aux articles 41 et 42 par l'intermédiaire d'un représentant du plaignant. Dans les autres articles de la présente loi, les dispositions qui concernent le plaignant concernent également son représentant. 1984, ch. 21, art. 44.

Written complaint

45. A complaint under this Part shall be made to the Review Committee in writing unless the Committee authorizes otherwise. 1984, c. 21, s. 45.

Plaintes écrites

45. Les plaintes visées à la présente partie sont à présenter par écrit au comité de surveillance, sauf autorisation contraire de celui-ci. 1984, ch. 21, art. 45.

Statement and notice of hearing to be sent to the complainant

46. The Review Committee shall, as soon as practicable after receiving a complaint made under section 42, send to the complainant a statement summarizing such information available to the Committee as will enable the complainant to be as fully informed as possible of the circumstances giving rise to the denial of the security clearance and shall send a copy of the statement to the Director and the deputy head concerned. 1984, c. 21, s. 46.

Résumé au plaignant

46. Afin de permettre au plaignant d'être informé de la façon la plus complète possible des circonstances qui ont donné lieu au refus d'une habilitation de sécurité, le comité de surveillance lui envoie, dans les plus brefs délais possible après réception d'une plainte présentée en vertu de l'article 42, un résumé des informations dont il dispose à ce sujet; il envoie un exemplaire du résumé au directeur et à l'administrateur général concerné. 1984, ch. 21, art. 46.

Investigations

Enquêtes

Notice of intention to investigate

47. Before commencing an investigation of a complaint referred to in paragraph 38(*c*) other than an investigation under section 41, the Review Committee shall notify the Director and, where applicable, the deputy head concerned of its intention to carry out the investigation and shall inform the Director and the deputy head of the substance of the complaint. 1984, c. 21, s. 47.

Avis d'enquête

47. Le comité de surveillance, avant de procéder aux enquêtes visées à l'alinéa 38*c*), autres que celles faites en vertu de l'article 41, avise le directeur et, s'il y a lieu, l'administrateur général concerné de son intention d'enquêter et leur fait connaître l'objet de la plainte. 1984, ch. 21, art. 47.

Investigations in private

48. (1) Every investigation of a complaint under this Part by the Review Committee shall be conducted in private.

Secret

48. (1) Les enquêtes sur les plaintes présentées en vertu de la présente partie sont tenues en secret.

Right to make representations

(2) In the course of an investigation of a complaint under this Part by the Review Committee, the complainant, deputy head concerned and the Director shall be given an opportunity to make representations to the Review Committee, to present evidence and to be heard personally or by counsel, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Review Committee by any other person. 1984, c. 21, s. 48.

Droit de présenter des observations

(2) Au cours d'une enquête relative à une plainte présentée en vertu de la présente partie, le plaignant, le directeur et l'administrateur général concerné doivent avoir la possibilité de présenter des observations et des éléments de preuve au comité de surveillance ainsi que d'être entendu en personne ou par l'intermédiaire d'un avocat; toutefois, nul n'a le droit absolu d'être présent lorsqu'une autre personne présente des observations au comité, ni d'en recevoir communication ou de faire des commentaires à leur sujet. 1984, ch. 21, art. 48.

Canadian Human Rights Commission may comment

49. In the course of an investigation of a complaint under this Part, the Review Commit-

Commentaires de la Commission canadienne des droits de la

49. Au cours d'une enquête relative à une plainte présentée en vertu de la présente partie,

tee shall, where appropriate, ask the Canadian Human Rights Commission for its opinion or comments with respect to the complaint. 1984, c. 21, s. 49.

le comité de surveillance demande, si cela est opportun, à la Commission canadienne des droits de la personne de lui donner son avis ou ses commentaires sur la plainte. 1984, ch. 21, art. 49.

Powers of Review Committee

50. The Review Committee has, in relation to the investigation of any complaint under this Part, power

(*a*) to summon and enforce the appearance of persons before the Committee and to compel them to give oral or written evidence on oath and to produce such documents and things as the Committee deems requisite to the full investigation and consideration of the complaint in the same manner and to the same extent as a superior court of record;

(*b*) to administer oaths; and

(*c*) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Committee sees fit, whether or not that evidence or information is or would be admissible in a court of law. 1984, c. 21, s. 50.

Pouvoirs du comité de surveillance

50. Le comité de surveillance a, dans ses enquêtes sur les plaintes présentées en vertu de la présente partie, le pouvoir :

a) d'assigner et de contraindre des témoins à comparaître devant lui, à déposer verbalement ou par écrit sous serment et à produire les pièces qu'il juge indispensables pour instruire et examiner à fond les plaintes, de la même façon et dans la même mesure qu'une cour supérieure d'archives;

b) de faire prêter serment;

c) de recevoir des éléments de preuve ou des informations par déclaration verbale ou écrite sous serment ou par tout autre moyen qu'il estime indiqué, indépendamment de leur admissibilité devant les tribunaux. 1984, ch. 21, art. 50.

Evidence in other proceedings

51. Except in a prosecution of a person for an offence under section 133 of the *Criminal Code* (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings. 1984, c. 21, s. 51.

Inadmissibilité de la preuve dans d'autres procédures

51. Sauf les cas où une personne est poursuivie pour une infraction visée à l'article 133 du *Code criminel* (fausses déclarations dans des procédures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, les dépositions faites au cours de procédures prévues par la présente partie ou le fait de l'existence de ces procédures ne sont pas admissibles contre le déposant devant les tribunaux ni dans aucune autre procédure. 1984, ch. 21, art. 51.

Report of findings

52. (1) The Review Committee shall,

(*a*) on completion of an investigation in relation to a complaint under section 41, provide the Minister and the Director with a report containing the findings of the investigation and any recommendations that the Committee considers appropriate; and

(*b*) at the same time as or after a report is provided pursuant to paragraph (*a*), report the findings of the investigation to the complainant and may, if it thinks fit, report to the complainant any recommendations referred to in that paragraph.

Rapport et recommandation

52. (1) Le comité de surveillance :

a) à l'issue d'une enquête sur une plainte présentée en vertu de l'article 41, envoie au ministre et au directeur un rapport contenant ses conclusions et les recommandations qu'il juge indiquées;

b) en même temps ou plus tard, fait parvenir au plaignant les conclusions de son enquête; s'il le juge à propos, il peut y joindre tout ou partie des recommandations mentionnées à l'alinéa *a*).

Idem

(2) On completion of an investigation in relation to a complaint under section 42, the Review Committee shall provide the Minister, the Director, the deputy head concerned and

Idem

(2) À l'issue d'une enquête sur une plainte présentée en vertu de l'article 42, le comité de surveillance envoie au ministre, au directeur, à l'administrateur général concerné et au plai-

the complainant with a report containing any recommendations that the Committee considers appropriate, and those findings of the investigation that the Committee considers it fit to report to the complainant. 1984, c. 21, s. 52.

gnant un rapport des recommandations qu'il juge indiquées et des conclusions qu'il juge à propos de communiquer au plaignant. 1984, ch. 21, art. 52.

Reports

Rapports

Annual reports

53. The Review Committee shall, within three months after the end of each fiscal year, submit to the Minister a report of the activities of the Committee during that year and the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it. 1984, c. 21, s. 53.

Rapport annuel

53. Dans les trois premiers mois de chaque exercice, le comité de surveillance présente au ministre son rapport d'activité pour l'exercice précédent. Le ministre le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception. 1984, ch. 21, art. 53.

Special reports

54. The Review Committee may, on request by the Minister or at any other time, furnish the Minister with a special report concerning any matter that relates to the performance of its duties and functions. 1984, c. 21, s. 54.

Rapports spéciaux

54. Le comité de surveillance peut en outre, de sa propre initiative ou à la demande du ministre, présenter à celui-ci un rapport spécial sur toute question qui relève de sa compétence. 1984, ch. 21, art. 54.

Protection of confidential information

55. The Review Committee shall consult with the Director in order to ensure compliance with section 37 in preparing

(*a*) a statement under section 46 of this Act, subsection 45(6) of the *Canadian Human Rights Act*, subsection 19(5) of the *Citizenship Act* or subsection 39(6) or 81(5) of the *Immigration Act*; or

(*b*) a report under paragraph 52(1)(*b*), subsection 52(2) or section 53 of this Act, subsection 46(1) of the *Canadian Human Rights Act*, subsection 19(6) of the *Citizenship Act* or subsection 39(10) or 81(8) of the *Immigration Act*. 1984, c. 21, s. 55.

Protection des renseignements confidentiels

55. Le comité de surveillance consulte le directeur en vue de l'observation de l'article 37 pour l'établissement :

a) des résumés visés à l'article 46 de la présente loi, au paragraphe 45(6) de la *Loi canadienne sur les droits de la personne*, au paragraphe 19(5) de la *Loi sur la citoyenneté* ou aux paragraphes 39(6) ou 81(5) de la *Loi sur l'immigration*;

b) des rapports visés à l'alinéa 52(1)*b*), au paragraphe 52(2) ou à l'article 53 de la présente loi, au paragraphe 46(1) de la *Loi canadienne sur les droits de la personne*, au paragraphe 19(6) de la *Loi sur la citoyenneté* ou aux paragraphes 39(10) ou 81(8) de la *Loi sur l'immigration*. 1984, ch. 21, art. 55.

PART IV

REVIEW BY PARLIAMENT

PARTIE IV

EXAMEN PARLEMENTAIRE

Review of Act after five years

56. (1) After July 16, 1989, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the House of Commons or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Examen de la loi après cinq ans

56. (1) Après le 16 juillet 1989, un examen complet des dispositions et de l'application de la présente loi doit être fait par le comité, soit de la Chambre des communes, soit mixte, que le Parlement désigne ou constitue à cette fin.

Report to Parliament

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within

Rapport au Parlement

(2) Dans l'année qui suit le début de son étude ou dans le délai supérieur que le Parlement lui accorde, le comité visé au paragraphe

such further time as Parliament may authorize, submit a report on the review to Parliament including a statement of any changes the committee recommends. 1984, c. 21, s. 69.

(1) remet son rapport, accompagné des modifications qu'il recommande, au Parlement. 1984, ch. 21, art. 69.

SCHEDULE

(Sections 10, 32 and 37)

OATH OF OFFICE

I, ..., swear that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director, an employee) of the Canadian Security Intelligence Service. So help me God.

OATH OF SECRECY

I, ..., swear that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Canadian Security Intelligence Service or by reason of any office or employment held by me pursuant to the *Canadian Security Intelligence Service Act*. So help me God.

1984, c. 21, Sch.

ANNEXE

(articles 10, 32 et 37)

SERMENT PROFESSIONNEL

Je, ..., jure que je remplirai avec fidélité, impartialité et dans toute la mesure de mes moyens les fonctions qui m'incombent en qualité (de directeur *ou* d'employé) du Service canadien du renseignement de sécurité. Ainsi Dieu me soit en aide.

SERMENT DE SECRET

Je, ..., jure que, sauf autorisation régulièrement donnée, je ne révélerai rien de ce qui sera parvenu à ma connaissance dans l'exercice de mes fonctions pour le compte ou sous la direction du Service canadien du renseignement de sécurité ou en raison des charges ou de l'emploi que je détiens sous le régime de la *Loi sur le Service canadien du renseignement de sécurité*. Ainsi Dieu me soit en aide.

1984, ch. 21, ann.

QUEEN'S PRINTER FOR CANADA © IMPRIMEUR DE LA REINE POUR LE CANADA
OTTAWA, 1985.

SCHEDULE (*Continued*)

Chapter	*Title of Act*	*Extent of Repeal*
	STATUTES OF CANADA (*Continued*)	
	1980-81-82-83 (*Concluded*)	
173	Appropriation Act No. 3, 1983-84	Schedule Public Works vote 6b "amendments to section 26 of the *Adjustment of Accounts Act*"
	1984	
1	An Act to amend the statute law relating to income tax and to make related amendments to the Canada Pension Plan and the Unemployment Insurance Act, 1971	Sections 117, 120, 122-124
3	Appropriation Act No. 4, 1983-84	Schedule Communications vote 2c "amendment to section 23 of the *Adjustment of Accounts Act*"; Schedule Transport vote 6c "amendment to section 30 of the *Adjustment of Accounts Act*"
6	Canada Health Act	The whole, except ss. 20(4), 31
7	An Act to amend the Prairie Grain Advance Payments Act	The whole
8	An Act to amend the Coastal Fisheries Protection Act	The whole
9	An Act to amend the Currency and Exchange Act	The whole, except ss. 7, 9
10	An Act to amend the Yukon Quartz Mining Act	The whole
12	Asia-Pacific Foundation of Canada Act	The whole
13	An Act to amend the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977	The whole, except s. 2"2(2)" (line 1) reference to Part V
15	An Act to amend the Senate and House of Commons Act	The whole
17	Customs and Excise Offshore Application Act	The whole, except s. 5(3); s. 5(4) words "or (3)"; ss. 9(2)(*b*), 15
18	Cree-Naskapi (of Quebec) Act	Part XX, except ss. 207, 217
19	An Act to amend the War Veterans Allowance Act, the Civilian War Pensions and Allowances Act and certain other Acts in relation thereto	The whole, except ss. 1(2)(4)(8)(9)(11), 2(1)(3), 3, 4(3), 5, 6, 11, 15(1),(3)-(7),(11), 16"23(2)", 18 "29(5)", 23; s. 24"Schedule" words "* Until April 1, 1986, less any amount payable under the *Family Allowances Act, 1973* in respect of the child"; ss. 30, 32(4)(5)
21	Canadian Security Intelligence Service Act	The whole, except s. 9(2) words "Subject to subsection 66(4),"; ss. 62-64, 65(1)(2), 66-68
22	An Act to amend the Customs Tariff	The whole, except ss. 10, 11
23	An Act to amend the Radiation Emitting Devices Act	The whole
24	Western Arctic (Inuvialuit) Claims Settlement Act	Section 7
25	Special Import Measures Act	The whole, except ss. 108, 109

ANNEXE (*suite*)

Chapitre	*Titre de la loi*	*Abrogation*
	STATUTS DU CANADA (*suite*)	
	1980-81-82-83 (*fin*)	
173	Loi n° 3 de 1983-84 portant affectation de crédits	Annexe Travaux publics crédit 6b «modifications à l'article 26 de la *Loi sur la régularisation des comptes*»
	1984	
1	Loi modifiant la législation relative à l'impôt sur le revenu et effectuant des modifications corrélatives au Régime de pensions du Canada et à la Loi de 1971 sur l'assurance-chômage	Articles 117, 120, 122-124
3	Loi n° 4 de 1983-84 portant affectation de crédits	Annexe Communications crédit 2c «modification à l'article 23 de la *Loi sur la régularisation des comptes*»; annexe Transports crédit 6c «modification à l'article 30 de la *Loi sur la régularisation des comptes*»
6	Loi canadienne sur la santé	En entier, sauf art. 20(4), 31
7	Loi modifiant la Loi sur les paiements anticipés pour le grain des Prairies	En entier
8	Loi modifiant la Loi sur la protection des pêcheries côtières	En entier
9	Loi modifiant la Loi sur la monnaie et les changes	En entier, sauf art. 7, 9
10	Loi modifiant la Loi sur l'extraction du quartz dans le Yukon	En entier
12	Loi sur la Fondation Asie-Pacifique du Canada	En entier
13	Loi modifiant la Loi de 1977 sur les accords fiscaux entre le gouvernement fédéral et les provinces et sur le financement des programmes établis	En entier, sauf art. 2«2(2)» (ligne 1) renvoi à la partie V
15	Loi modifiant la Loi sur le Sénat et la Chambre des communes	En entier
17	Loi sur la compétence extracôtière du Canada pour les douanes et l'accise	En entier, sauf art. 5(3); art. 5(4) les mots «ou (3)»; art. 9(2)*b*), 15
18	Loi sur les Cris et les Naskapis du Québec	Partie XX, sauf art. 207, 217
19	Loi modifiant la Loi sur les allocations aux anciens combattants, la Loi sur les pensions et allocations de guerre pour les civils ainsi que certaines autres lois de façon corrélative	En entier, sauf art. 1(2)(4)(8)(9)(11), 2(1)(3), 3, 4(3), 5, 6, 11, 15(1),(3)-(7),(11), 16«23(2)», 18 «29(5)», 23; art. 24«annexe» les mots « * Jusqu'au 1er avril 1986, moins tout montant payable à l'égard de l'enfant aux termes de la *Loi de 1973 sur les allocations familiales.*»; art. 30, 32(4)(5)
21	Loi sur le Service canadien du renseignement de sécurité	En entier, sauf art. 9(2) les mots «Sous réserve du paragraphe 66(4),»; art. 62-64, 65(1)(2), 66-68
22	Loi modifiant le Tarif des douanes	En entier, sauf art. 10, 11
23	Loi modifiant la Loi sur les dispositifs émettant des radiations	En entier
24	Loi sur le règlement des revendications des Inuvialuit de la région ouest de l'Arctique	Article 7
25	Loi sur les mesures spéciales d'importation	En entier, sauf art. 108, 109

R.S., c. C-10 *Canadian National Railways Act* *Loi sur les Chemins de fer nationaux du Canada* S.R., ch. C-10

1984, c. 31, s. 14 (Sch. II, item 16(3))

11. Subsection 7(1) of the *Canadian National Railways Act* is repealed and the following substituted therefor:

11. Le paragraphe 7(1) de la *Loi sur les Chemins de fer nationaux du Canada* est abrogé et remplacé par ce qui suit :

1984, ch. 31, art. 14, ann. II, par. 16(3)

Appointment of President

"**7.** (1) An officer, to be known as the President of the National Company, shall be appointed by the Governor in Council to hold office during pleasure for such term as the Governor in Council considers appropriate."

«**7.** (1) Un dirigeant qui a pour titre président de la Compagnie du National est nommé par le gouverneur en conseil à titre amovible pour le mandat que celui-ci juge indiqué.»

Président

1984, c. 21 *Canadian Security Intelligence Service Act* *Loi sur le Service canadien du renseignement de sécurité* 1984, ch. 21

12. Section 53 of the *Canadian Security Intelligence Service Act* is repealed and the following substituted therefor:

12. L'article 53 de la *Loi sur le Service canadien du renseignement de sécurité* est abrogé et remplacé par ce qui suit :

Annual reports

"**53.** The Review Committee shall, not later than September 30 in each fiscal year, submit to the Minister a report of the activities of the Committee during the preceding fiscal year and the Minister shall cause each such report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it."

«**53.** Au plus tard le 30 septembre, le comité de surveillance présente au ministre son rapport d'activité pour l'exercice précédant cette date. Le ministre le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.»

Rapport annuel

1986, c. 22 *Commercial Arbitration Act* *Loi sur l'arbitrage commercial* 1986, ch. 22

13. (1) The definition "department" in section 2 of the *Commercial Arbitration Act* is repealed.

13. (1) La définition de «ministère», à l'article 2 de la *Loi sur l'arbitrage commercial*, est abrogée.

(2) Section 2 of the said Act is further amended by adding thereto, in alphabetical order within the section, the following definition:

(2) L'article 2 de la même loi est modifié par insertion, suivant l'ordre alphabétique, de ce qui suit :

"departmental corporation" «*établissement...*»

" "departmental corporation" means a departmental corporation as defined in section 2 of the *Financial Administration Act*."

«établissement public» S'entend au sens de la définition de cette expression à l'article 2 de la *Loi sur l'administration financière*.»

«établissement public» "*departmental corporation*"

14. Subsection 5(2) of the said Act is repealed and the following substituted therefor:

14. Le paragraphe 5(2) de la même loi est abrogé et remplacé par ce qui suit :

Limitation to certain federal activities

"(2) The Code applies only in relation to matters where at least one of the parties to the arbitration is Her Majesty in right of Canada, a departmental corporation or

«(2) Le Code ne s'applique qu'au cas d'arbitrage où l'une des parties au moins est Sa Majesté du chef du Canada, un établissement public ou une société d'État ou qu'aux questions de droit maritime.»

Restriction

F

TAB "F"

Recommendations (34) of Profile and Process in Transition,

SUMMARY OF RECOMMENDATIONS

PEOPLE - VISION AND CHANGE

Leadership and Organizational Structure

1. Changes should be made to the organization and to the management committee structures of CSIS which will strengthen the leadership of the Director in the corporate policy, planning, and human resource management of the Service, as follows:

   - the Director's office include a Secretariat responsible for corporate policy, planning, coordination, and communications;

   - the Director personally chair the key internal management committees of CSIS and ensure broad representation from all parts of the Service;

   - the Director establish and chair a Human Resource Management Committee to provide a better focus on human resource management issues; and,

   - the Director appoint a Deputy Director (Personnel) who would be responsible for all Personnel Services, Training and Development, and Official Languages.

Human Resource Management

2. A human resource management plan must be developed and implemented to improve the skills mix at all levels of the Service, to redress representational imbalances, to refine and implement the Service's bilingualism program, and to respond to the recommendations on training and career development made in this report. It must be supported by a strong internal communications package, and should include specific goals by which to measure progress.

3. Comprehensive personnel management information systems, now under development in CSIS, must be completed as soon as possible in order to provide human resource planners and management with the comprehensive human resource information necessary for decision-making.

4. CSIS, in consultation with the Ministry Secretariat, should prepare for submission to the Governor-in-Council a series of regulations governing human resource management, in accordance with section 8(4) of the CSIS Act.

Recruitment, Training and Career Development

5. Annual attrition should be used as a basis for an intensive program of interdisciplinary recruitment at all levels of the Service, aimed at balancing the skills mix and representation of women, francophones and minorities in the Service.

6. The Sir William Stephenson Academy must be re-established by September 1, 1988 as a permanent training facility at a site which provides an appropriate bilingual learning milieu offering a full range of residential and non-residential training and professional development courses for employees at all levels of the Service.

7. A new entry program must be designed considering the following provisions and should be in place by April 1, 1988:

   - the curricula previously offered at the Academy for new recruits and the Intensive Basic Course should be realigned and modularized as a single entry program so that all recruits at every level attend the same program;

   - the new entry program should be designed and managed by training specialists who ensure that the curriculum is responsive to operational needs and reflects the results of the validation exercise currently being conducted on the first three academy courses and on the Intensive Basic Course;

   - the new entry program must include basic sessions and sessions which are tailored to the needs of individuals with two backgrounds: those with and those without investigative experience. The basic sessions should focus on a comprehensive understanding of the CSIS Act, security and intelligence methods and practices, and the organization, role and operations of CSIS. The tailored sessions should deal with analytical, investigative and trade skills; and,

- basic sessions should be scheduled in conjunction with recruitment activities so that all new recruits attend immediately upon appointment; the tailored sessions should be offered after completion of six months of on-the-job training.

8. All employees should participate in a new, revised CSIS orientation program, commencing immediately.

9. All newly appointed senior management staff should be obliged to participate in the Public Service Commission's Management Orientation Program. Those already in a position to do so should attend, on a priority basis, within twenty-four months.

10. The career paths of CSIS staff should provide for movement within both the security intelligence community and the public service generally when their qualifications are appropriate to the positions/opportunities available, and in particular,

    - senior management personnel should be rotated out to other public service duties every five to six years of their service in CSIS. This should be undertaken as a personal responsibility by both the Director, CSIS and the Chairman of the Public Service Commission.

THE INTELLIGENCE PRODUCT

11. The three components of the research and analysis function (operational analysis, strategic analysis, and reference information) must be placed under one functional direction.

12. Reference centres should be staffed only with properly qualified research assistants and equipped with extensive reference material in both official languages.

13. CSIS should continue to improve the quality of its threat assessments and make every effort to enhance its use of open information. On balance we remain convinced that important threat assessments, certainly at the strategic or environmental level, could be completed primarily on the basis of open information.

14. CSIS must develop a strategic plan for intelligence production. The plan would be based on Government intelligence priorities and reflect an integrated approach to the collection, analysis, and dissemination tasks.

COUNTER-SUBVERSION - THE SECURITY INTELLIGENCE NET

15. The Counter-Subversion Branch should be eliminated and its duties and functions reassigned. Foreign influenced activities detrimental to the interests of Canada should become the responsibility of the counter-intelligence function while surveillance of acts of serious violence for the purpose of achieving political objectives should be assigned to the counter-terrorism function.

16. The residue of activities that fall under section 2(d) of the CSIS Act should normally be assessed through the use of open information; recourse to highly intrusive techniques should be available when dictated by the severity of the threat, but on a very limited basis and subject to the revised targetting and warrant review processes.

17. The Ministry Secretariat, in collaboration with CSIS, should develop, in the form of a Ministerial directive, the policy standards and "operational interpretations" necessary to establish an operational framework for section 2(a) to (d) of the CSIS Act.

18. A comprehensive legal/policy framework relating to section 12 of the CSIS Act should be completed by the Ministry Secretariat on an urgent basis, in consultation with CSIS and the Inspector General and referred to the Department of Justice for review. The framework should establish standards to permit CSIS to define the linkage between the "strictly necessary" criteria of the section and the targetting and intelligence-gathering processes.

19. The scope and intensity of the security intelligence net should be the subject of a ministerial directive to CSIS.

20. The Ministry Secretariat and CSIS should collaborate in the preparation of a comprehensive ministerial directive on the principles and policies governing the conduct of CSIS investigations.

21. CSIS should complete the redrafting of its targetting policy; the policy must be based on the principles, enunciated by the McDonald Commission, underlying the system of powers and controls for intelligence gathering.

22. We support the CSIS effort to reduce the number of investigative and authorization levels to implement investigations. We also support the Service's efforts to achieve a better balance in the range of intrusive investigative techniques provided for at each level.

23. The Director must chair both the Warrant Review Committee and the Target Approval and Review Committee, thereby setting the tone and direction for the Service.

24. The membership of the Warrant Review Committee should be expanded to include representation from the Privy Council Office or the Department of Justice at the Assistant Secretary/Assistant Deputy Minister level. The Ministry Secretariat should be represented by the Assistant Deputy Solicitor General, Police and Security Branch.

25. The warrant review process should include a fully independent warrant review function staffed by Counsel directly responsible to the Deputy Solicitor General. Counsel should have unrestricted access to CSIS/Ministry Secretariat information relevant to the proposed investigation in order to challenge the reliability of operational information supporting warrant applications.

26. CSIS human source operations should be governed by comprehensive, ministerially approved direction to the Service. The use of this very intrusive investigative technique must be centrally directed and controlled by the Director, CSIS.

THE SECURITY INTELLIGENCE FRAMEWORK

27. A reconfirmation of the roles and responsibilities and an assessment of the expectations of the roles to be played by the major office holders in the national security framework are required. In particular, the primacy of the role of the political executive in the provision of direction in the national security framework must be re-emphasized, as follows:

- CSIS, in close collaboration with the Ministry Secretariat and after interdepartmental consultation (Interdepartmental Committee on Security and Intelligence), should prepare an annual overview of the threat to the security of Canada for submission to the Solicitor General;

- the annual threat overview should be reviewed by Cabinet, thereby formally establishing national security intelligence priorities;

- the Solicitor General must issue broad security intelligence priorities to CSIS; and,

- the Ministry Secretariat and CSIS should collaborate in the preparation of a comprehensive ministerial direction (section 6(2), CSIS Act) to ensure that the Solicitor General has full accountability for the policy, program and expenditure planning process; the corporate management review and decision-making process; and the review and approval of operational activities as required by statute and policy.

OTHER MATTERS

28. A complete review of CSIS capital and operating resource requirements should be completed by March 31, 1988 in order to determine a baseline from which to set reasonable and adequate resource levels for the Service.

29. A Long Term Capital Plan must be prepared at once as part of this review, in order to address necessary capital requirements of the Service in such areas as physical accommodation, EDP support, and trade-craft technology.

30. An immediate solution to the CSIS accommodation problem must be found, bringing all headquarters functions together in a building that can be adapted to meet the needs of CSIS, both human and technological.

31. The requirements of the Ministry Secretariat to support the Solicitor General in the administration of the CSIS Act and in other security responsibilities should be determined on a priority basis and adequate resources provided.

32. In a process similar to that so effectively used by the Auditor General, SIRC should inform the Service in advance of the content of its Annual Report and offer the opportunity for CSIS to initiate appropriate corrective action or to clarify or explain its position; SIRC could then acknowledge and publish any corrective action or CSIS statement of clarification or explanation.

33. In relation to CSIS' responsibility to provide security assessments (for security clearance purposes), we recommend that:

- arrangements for the supply of security assessments by CSIS to the departments of the Secretary of State and Employment and Immigration be formalized in accordance with section 17 of the CSIS Act;

- the present policy on the processing of objections on security grounds be revised to allow review by the Solicitor General of these objections before they are transmitted to the Secretary of State or the Minister of Employment and Immigration. Objections on security grounds should be accorded the same rigor of review as warrant applications;

- sufficient additional resources be applied to clear the security assessment backlog by March 31, 1988; and,

- a detailed study be made within CSIS of the security assessment process with a view to streamlining its operation.

34. A major public awareness/information initiative should be undertaken by the Ministry Secretariat and by CSIS itself to improve Canadian understanding of the purposes, processes and means by which our national security concerns are met and to remove from the popular lexicon many of the myths that have characterized the debate in recent years.

TAB "G"

Observations and Recommendations of the Report of the Senate Special Committee on Terrorism and the Public Safety.

CSIS and the RCMP: Since the intelligence-gathering and analysis relating to national security was moved to CSIS from the RCMP, there have been indications of a lack of cooperation between the two agencies. Some of the problems are structural--for example the RCMP's refusal or inability to give CSIS direct access to the Canadian Police Information Centre (CPIC) data banks. Other problems are issue specific--inadequate cooperation between CSIS and the RCMP to avert a specific terrorist incident. Recently, CSIS and the RCMP have established a senior level liaison committee and have each appointed "liaison officers", whereby a senior RCMP officer works in CSIS representing the RCMP and a senior CSIS official works in the RCMP representing CSIS, in order to enhance cooperation and communication. CSIS and the RCMP also cooperate with respect to specific operations and may from time to time, conduct joint operations.

The Interdepartmental Terrorist Alert System (ITAS): An interdepartmental terrorist alert system has been developed as an important device for coordinating the activation of the federal crisis management apparatus in response to apprehended or actual terrorist incidents. Based on available intelligence and information on a particular threat or incident, the Solicitor General will declare a threat at the appropriate level, thereby automatically triggering pre-arranged, appropriate responses by relevant organizations across the Government of Canada.

Special Threat Assessment Group (STAG): Created in 1976, STAG is an interdepartmental committee of public servants, chaired by an official of the Department of Health and Welfare and comprised of medical professionals and scientists with special qualifications to assess, prevent, contain or otherwise assist in the response to terrorist threats and incidents involving the use of nuclear, biological or chemical agents. It provides a scientific or medical assessment of a threat's credibility, feasibility, magnitude and potential or likely consequences and helps to identify the medical and physical resources required to cope with the situation. In doing so, it acts in support of intelligence-gathering agencies, the RCMP, provincial or municipal police forces.

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

One government official appearing before the Committee characterized the government's counter-terrorism an anti-terrorism structure as a "brick wall": Each brick represents a different department or agency of the federal government having its own tasks and perspective. In the Committee's view, all the "bricks" are there. When taken individually each department or agency

appears to have clearly-identified roles, responsibilities. When taken as a whole, however, the Committee is not convinced that the structure can operate effectively and efficiently, particularly in response to crises. There appears to be considerable potential for counter-productive and inefficient effort, duplications, overlaps, inconsistencies and "turf battles".

The Committee was impressed with the organizational charts and explanations provided by officials on the structure and how it is supposed to work. The Committee is aware, however, that in two recent terrorist incidents (the Air India crash and the Turkish Embassy incident), the structure and process that was set out on paper was largely ignored or short-circuited. The Committee, therefore, is forced to one of two conclusions: Either the structure cannot respond effectively; or Ministers have arbitrarily ignored the structure when faced with a crisis.

The Committee sees several defects in the current structure.

The Separation of "Emergency Preparedness"* and Terrorist Crisis Management

There is within the Government of Canada an organization known as Emergency Preparedness Canada. It stems from a civil defence organization created in 1948, which eventually evolved into the National Emergency Planning Establishment with responsibility for peacetime and wartime civil emergency planning. Through the years, functional responsibilities for emergency planning for peace and war were decentralized to departments and Emergency Planning Canada (EPC) became responsible for coordinating the emergency planning of federal departments, agencies and Crown corporations and effecting provincial liaison.

EPC reports to Parliament through the Associate Minister of Defence and receives administrative support from DND. It coordinates the planning of the federal government's preparations to respond to major disasters whether natural, manmade or resulting from war or insurrection, encourages emergency preparedness across Canada through its Joint Emergency Preparedness Program with the provinces and works closely with Canada's NATO allies in the area of civil emergency planning. EPC has no specific mandate to counter

* Prior to July 1, 1986 known as "Emergency Planning Canada".

terrorism except through its Vital Points Program* which identifies key installations across Canada crucial to the functioning of the nation, province or territory and recommends suitable security arrangements to protect them. EPC operates a Situation/Operations Centre which can be placed at the disposal of any department.

The Committee recognizes that the response to a terrorist incident will vary in material respects from the response to disaster, war or insurrection. Even at that, the Committee fails to appreciate the logic behind such a clear separation between the two functions and the commitment of resources to two functions which are, in essence, very similar. **Accordingly, the Committee recommends the amalgamation of the federal government's coordination and response mechanisms for terrorist incidents and disasters, war and insurrection.**

"Crisis Management Centres"

The Committee was struck by the number of "situation centres", "operation rooms" or "crisis management centres" that would come into operation to respond to a terrorist incident in Canada. For example, an incident involving an aircraft could involve or bring into operation crisis centers in DND, at the relevant airport, in the Department of Transport in Ottawa, in the Department of the Solicitor General and perhaps in External Affairs. The Committee is concerned that several of these crisis management centres are redundant and could easily be counter-productive in the quick and effective resolution of a terrorist incident. The number and layers of crisis management centres could also obscure accountability and responsibility and confuse and delay communications.

The Committee recommends that there be one central, crisis management centre for the federal government, staffed and in operation on a continuous basis. This centre would be occupied by officials of the appropriate departments in response to a specific incident requiring extensive intra-government coordination. The Committee recommends that this crisis management centre be located in the Privy Council Office.

---

* The Advisory Committee on Vital Points, chaired by Emergency Preparedness Canada, manages the Vital Points Ledger. Vital points fall into two categories: Category I--critical to the entire nation, confined to federal vital points, protection for which the RCMP, through the Solicitor General of Canada, is responsible in the crisis. Category II--may be either federal or provincial and be a resource of facility whose disruption would adversely affect the security and efficient functioning of the nation, province or territory. Security inspections of vital points are undertaken by the RCMP or the provincial police and a report is generated containing a critical analysis of the site and its protection, along with advice to management on present security conditions and further measures needed to ensure its security in time of crisis. Follow-up inspections are carried out every three years.

Intelligence-Gathering and Threat Analysis

Effective intelligence-gathering, threat analysis and dissemination is the first line of defence against terrorism. The extent, nature and quality of information/intelligence-gathering and analysis is, therefore, central to an assessment of the adequacy of the government's counter-terrorism and anti-terrorism efforts. The Committee has no basis on which to do an independent evaluation of the threat analysis or intelligence-gathering capabilities of the Government of Canada with respect to terrorism. The Committee heard from several objective witnesses, however, who expressed very positive views about Canada's intelligence-gathering and threat analysis ability in general. The Committee, however, also heard expressions of concern from several witnesses, that the transfer of security intelligence-gathering from the RCMP to CSIS in 1984 had resulted in an erosion of Canada's intelligence-gathering capability from foreign sources. The concern was that it would take time for CSIS officers to establish links and relationships of confidence with their opposite numbers in other countries.

Although there may well have been temporary adjustment problems when CSIS was established, the Committee heard no evidence that problems persist or that CSIS's intelligence-gathering system is less effective than the system previously in place. In any event, it is probably too soon to judge. Any problems that have beset CSIS were predictable. It will probably be another three to five years before CSIS can reasonably be expected to realize its full potential.

The Committee did note, however, that CSIS has no covert intelligence gathering capability to collect intelligence abroad on a clandestine basis. This could well erode CSIS' currency with the foreign intelligence gathering agencies with which it relates and with whom it must share intelligence. The issue of Canada having a foreign secret service is far beyond the Committee's mandate. The Committee is of the view, however, that from an organizational point-of-view, grafting a clandestine foreign intelligence branch on CSIS, at this time, could easily impair CSIS in the pursuit of its current mandate.

What did become of concern to the Committee is the degree to which intelligence is shared within the federal government. There are a number of federal departments and agencies routinely involved in intelligence- gathering, analysis, threat assessment and dissemination, including CSIS, the RCMP, External Affairs, DND, AECB and CEIC, each within its own mandate and perspective. A Canadian Mission abroad may have, for example, up to four separate centres of information and intelligence-gathering: the External Affairs officers who, in the normal course of their work, assess political and government issues and trends and their implications for Canada's foreign policy; a CSIS liaison officer who, through liaison with the home

government's intelligence-gathering agencies, gathers intelligence relating to Canada's security in defence and foreign policy areas and with respect to counter-terrorism; an RCMP officer who will liaise with local police authorities and obtain intelligence on police and criminal matters; a military attaché who liaises with the home government's military establishments and will obtain information on military and defence matters on a cooperative basis.

The Committee heard testimony that all intelligence gathered at a Canadian post would be consolidated by the Head of Post and passed on to External Affairs. Urgent matters, of course, would be communicated direct to CSIS, DND or the RCMP. On the other hand, the Committee heard from Heads of Post that intelligence consolidation is at the discretion of the Head of Post and may not happen at the Mission.

The Intelligence Advisory Committee is the closest Canada comes to having a single focus for the gathering, analysis, discussion and dissemination of defence and security information and intelligence. The IAC, however, is an interdepartmental committee relying on other departments and agencies for threat analysis and dissemination. **The Committee recommends that the Security and Intelligence Secretariat of the Privy Council Office be expanded and strengthened to provide a single focus for the gathering of intelligence and assessments from federal departments and agencies for review by the IAC and for dissemination to the relevant federal departments and agencies.** Consolidation, in this manner, would parallel initiatives in other countries, such as the United States, Australia, New Zealand and the United Kingdom.

The "Domestic/International" Distinction for Crisis Management

The Department of the Solicitor General performs the lead role for coordinating the response to terrorist incidents occurring in Canada, while External Affairs performs the lead role for incidents outside of Canada. This split in responsibility parallels the U.S. structure, where the FBI is responsible for domestic incidents and the Department of the Secretary of State is responsible for coordinating the response to offshore incidents. It should be emphasized, however, that the preponderance of terrorist incidents affecting U.S. interests occur abroad; only a relatively tiny number now occur within U.S. territory. This phenomenon perhaps explains the need for the U.S. government to establish a crisis management apparatus geared exclusively to terrorist incidents occurring offshore.

The phenomenon does not apply to Canada. There have been very few terrorist incidents abroad that have targeted Canadians or Canadian establishments and none that have required a Canadian crisis management response during the incident. Although the focus is often abroad, Canada's terrorist threat is largely internal.

Further, the Committee sees a clear distinction between terrorist incidents abroad which target Canadians or Canadian establishments and require or may require a direct Canadian response and terrorist incidents abroad that involve Canadians only incidentally and require only monitoring, or consultation by Canada.* In the former instance, the Committee feels that the crisis management capability should be consolidated with that for domestic incidents. For the latter--which is a different function--the Committee feels that External Affairs should retain the lead role.

Finally, as was demonstrated before the Committee, the split in crisis management responsibility could result in a change in leadership between External Affairs and the Department of the Solicitor General during the incident. For example, aircraft hijacked abroad, entering Canadian airspace (and perhaps landing at a Canadian airport) and leaving would result, under the current arrangement, in a switch of leadership back and forth between External Affairs and the Department of the Solicitor General.

In summary, the Committee feels that to keep direction, communication and accountability linkages as simple and "linear" as possible, to maintain continuity of management and consistency of responses and to maximize the use of collective experience and expertise, responsibility for crisis management for domestic and offshore terrorist incidents must be consolidated.

Responsibility for Crisis Management

The Committee does not feel that responsibility for the management of the government's response to a specific terrorist incident or threat should reside with the Department of the Solicitor General, or with any other "line" department or agency. There are two factors that are essential to an effective government response. First, the communication and command structure should be as direct, simple

---

* The Egypt Air hijacking that resulted in an armed assault by Egyptian forces on Malta in November, 1986 involved Canadians, but incidentally, and Canada did not play a major role in defining the response. The crash of Air India flight 186 required immediate government action to inform families of the victims and initiate an investigation, but there was no crisis to manage in the sense employed here.

and linear as possible. Second, the highest political level (the Prime Minister and senior Cabinet Ministers) has to be fully and continuously informed and participate in the major decisions.

The Committee reviewed practice in other countries. Although not conclusive, the Committee noted that crisis management in Britain and New Zealand involve the direct participation of the Prime Minister. The Committee also notes that the government's response to the Turkish Embassy incident and the Air India crash was managed by the PMO/PCO. Furthermore, several government witnesses appearing before the Committee stated that direct access to the Prime Minister and Cabinet was vital in crisis management and, in this regard, the coordinating role of the Department of the Solicitor General was a "nuisance".

Accordingly, the Committee recommends that responsibility for coordinating the federal government's responses to specific terrorist threats and incidents be managed by the PCO under the direct supervision and control of the Cabinet Committee on Security and Intelligence and the interdepartmental committee structure already in place.

CSIS/RCMP

The Committee has reviewed evidence and testimony alleging ineffective liaison (and perhaps organizational jealousies) between CSIS and the RCMP. The Committee believes that in at least one instance, more timely communication between the two agencies would have averted a terrorist incident. The Committee has been assured, however, that since that incident actions have been taken to avoid a recurrence and to enhance coordination and cooperation between CSIS and the RCMP. A basic reform has been the appointment of liaison officers between the two agencies. Further, in discussions with CSIS and RCMP officers, Committee members have concluded that RCMP/CSIS coordination works quite well at the working level. To the extent that coordination problems persist, they tend to be at the more senior levels and relate to continuing frictions over the transfer of the security service to CSIS in 1984.

At the time of writing this Report, there was one major RCMP/CSIS coordination issue unresolved: CSIS' access to the Canadian Police Information Centre (CPIC) data banks. CPIC contains criminal intelligence accumulated by Canadian and foreign police forces. Before the Committee, the RCMP maintained that the information contained in CPIC is, in effect, the property of the police forces and could not be released to CSIS without their approval.

The Committee very much supports the view of the Security Intelligence Review Committee that this issue must be resolved quickly. If agreements with police forces are necessary, those agreements should be consummated soon. Agreements with Canadian police forces could constitute part of the agreements now being negotiated between the RCMP and provincial and local police forces pursuant to Part IV of the **Canadian Security Intelligence Service Act.**

The Special Emergency Response Team (SERT)

According to testimony before the Committee, Cabinet asked both DND and the RCMP to prepare proposals on the organizational location and operation of an anti-terrorist emergency response team. Although neither agency particularly wanted the function, the RCMP proposal was accepted and SERT is located within the RCMP.

It must be emphasized that Canada's decision to locate SERT within the national police force is certainly not unprecedented. The Committee reviewed the practice of 24 Western and other governments in the location of their national terrorist emergency response teams. The countries were chosen by virtue of the past exposure to and direct experience with terrorist attacks. As can be seen from Figure 5, in 14 countries the principal responsibility is housed within the armed forces, in six countries it is located within the national police and a hybrid location has been adopted by three countries.

These results should be carefully analyzed. Some countries, such as the U.S. and France, have two emergency response teams; one in the military and one under the national police. Some teams are located in the police, but the police force is "militarized" (eg. West Germany) and in some cases, fall under the responsibility of the Minister of Defence (eg. France). In Belgium, the "gendarmerie" not only reports to the Minister of Defence, but is considered one of the armed forces. In some cases the location of the emergency response team was based on other than strategic reasons. For example, a consideration behind West Germany's choice of the police force was to avoid comparisons with Hitler's S.S. In the U.S., constitutional considerations (*posse commitatuss)* led to the use of the FBI to handle terrorist incidents within the United States.

Although there appears to be a preference internationally for the location of ERT's within the military, the preference need not be conclusive in itself. Perhaps of greater significance is that, of the national ERT's usually ranked in the top ten in terms of efficiency, five are located in the military, three are located within militarized police forces (of which one reports to the Minister of Defence) and two are located within national police forces.

Figure 5

Assault Forces

Country	Name	Location
Argentina	"Halcon 8"	Armed Forces
Australia	Special Air Service (SAS)	Armed Forces
Austria	Gendarmerieeinsatzkommando (Cobra Unit)	Police
Belgium	Escadron Special d'Intervention (ESI)	Militarized Police (under Defence)
Brazil	Special Forces	Armed Forces
Denmark		Armed Forces
	Politiets Efterretningstjeneste (PET)	Police Intelligence Service
Egypt	Force 777	Armed Forces
Finland	Osasto Karhu	Helsinki Police
France	Groupe D'Intervention de la Gendarmerie Nationale (GIGN)	Militarized Police Force (under Defence)
	Regiment Etranger de Parachutistes	Armed Forces
India	Special Counter-terrorist Unit (SCTU)	Armed Forces
Ireland	Special Branch	National Police
	Special Ranger Unit	Armed Forces
Israel	Israeli Paratroop Battalion	Armed Forces
	Sayaret Matkal	Intelligence
Italy	Groupe Intervention Speciale (GIS)	National Police
	Nucleo Operativo Centrale di Sicurezza (NOCS)	National Police
Netherlands	"Whiskey Company"	Royal Dutch Marines
New Zealand	Special Air Service (SAS)	Armed Forces
Norway	Beredskapstrop	National Police
Pakistan	Special Services Group (SSG)	Armed Forces
Spain	Grupo Especial de Operacions (GEO)	National Police
	Unidad Especial de Intervencion (UEI)	Civil Guard
Sri Lanka	Army Commando Squadron	Armed Forces
Sweden	Sakerhets Polisen (SAPO)	National Police
United Kingdom	"Special Air Service"(SAS)	Armed Forces
	Comacchio Company	Royal Marines
	DII Unit	London Metro Police
United States	Delta Force (international)	Army
	Hostage Response Team (HURT)	National Police
	Nuclear Emergency Search Team	Department of Energy
	Counter Assault Team (CAT)	Secret Service
	Special Emergency Tactic Team (SETT)	National Park Police
USSR	Spetsnaz	Army
West Germany	Grenzschutzgruppe-9 (GSG-9)	Militarized Border Police

The Committee understands that the government's decision to locate SERT within the RCMP was made in light of the following policy considerations:

- RCMP forces across Canada have established emergency or "SWAT" teams for armed intervention in hostage/barricade situations involving criminal elements or disturbed persons. These teams are not, however, equipped or organized to deal with especially skilled terrorists in difficult tactical situations. Establishing SERT within the RCMP, therefore, was an incremental measure to provide a capability to deal with the full range of terrorist actions in evidence worldwide;

- The RCMP had created the HART team for the 1981 Summit Seven Conference. Former members of HART constitute the nucleus for the RCMP SERT;

- Assault actions to rescue hostages from terrorists represents an extreme end of the law enforcement continuum in response to what is essentially a criminal act;

- While it is true that an anti-terrorist assault requires a combat- like operation, the development by Canadian and other countries' police forces (including the RCMP) of specialized tactical units recognizes that, given the trend in criminal activity, such operations are no longer the sole preserve of the military;

- Terrorist acts in Canada fall within civil law enforcement authority and within the responsibility of police forces under the **Criminal Code;**

- Under the **Canadian Security Intelligence Service Act** the RCMP play the principal role in the operational response to "security offences" under the **Security Act;**

- Placing SERT within the RCMP simplifies the communications, direction and accountability links. With SERT in the RCMP the Solicitor General, as the Minister responsible for coordinating the government's response to terrorism, has under his direct ministerial control all the mechanisms of response. With SERT in DND, responsibility and accountability for the response would be split; the lines of decision-making and communication would become more complicated and less "linear";

- With SERT within the RCMP the military can still be held in reserve to respond to an extraordinary terrorist incident in aid of the civil power.

The Committee does not find these considerations compelling and feels it is more logical to locate SERT within DND. Accordingly, the Committee proposes that Cabinet reconsider the 1986 decision.

The Committee's reasoning is as follows:

- The RCMP will continue to rely on transportation, logistical, training and other support from DND;

- To be effective, SERT must have an internal intelligence gathering and research capability to evaluate and apply new assault tactics, weapons, explosives and equipment technology. These functions could logically be provided by the military;

- To be effective, the SERTeam must be trained to and be capable of killing terrorists. The Committee doubts that this is a function that sits well with peace officers trained to protect life and property within a community. The Committee feels that the training of SERTeam members is a logical extension of military training and that an anti-terrorist SERT operation is more akin to a military operation than a police one;

- The police forces of most large municipalities and Ontario and Quebec have their own emergency response teams. The Committee fails to see the logic of one police emergency team (the RCMP) being available to supplant another police emergency response team (the provincial or local police);

- The Committee notes the plethora of ERT teams in many locations and is concerned that this may not be the most effective use of scarce resources. An incident in Toronto, for example, could be handled by the Metro Toronto Police ERT, the Ontario Provincial Police ERT, the RCMP ERT or the RCMP SERT;

- The Committee doubts that SERT could effectively respond to two or more terrorist incidents happening coincidentally across Canada. In fact, unless the incident is protracted, a SERTeam located in Ottawa would often be unable to arrive in time to have an impact.*

---

* Terrorist incidents appear to be resolved very quickly, or to be protracted. Skilled negotiators can, if necessary, help to "string out" an incident to allow an emergency response team time to arrive and prepare itself. The major terrorist incidents internationally to which emergency response teams have responded--Djibouti, Entebbe, Depunt Train and Bovensnilde School (Netherlands), Mogadishu, Prince's Gate (U.K.)--were several days in duration.

The Committee makes its recommendation with the full knowledge that substantial resources have been committed to the establishment and training of the RCMP SERTeam. To avoid unnecessary disruption and waste of these resources, the Committee recommends that the RCMP officers trained for SERT be seconded to the DND SERT until their normal tour of SERT duty has been completed. Over time, therefore, the SERTeam would gradually comprise only armed forces personnel.

Role of the Department of the Solicitor General

In evaluating, the role of the Department of the Solicitor General in coordinating the counter-terrorism activities of the federal government, the Committee reviewed the approach of several other countries, including Australia, New Zealand, the U.S. and the U.K. The main objective was to test whether this coordination function should best be conducted in a "line" department, or by an organization reporting to the head of government (Prime Minister or President). In fact, practice and experience varies.

The Committee is concerned about how effectively the Department of the Solicitor General can coordinate the counter-terrorism structure. The abilities of successive solicitors general notwithstanding, the portfolio is a junior one, having less prominence and power within Ottawa than many of the departments it is supposed to coordinate. Second, although CSIS and the RCMP report to the Minister, the Department has no operational role *per se* in implementing counter-terrorism policies. (A senior official of the Department appearing before the Committee described the Department as providing the "mortar between the bricks"; the bricks representing the individual operational departments.) Finally, the coordinating role of the Department is inadequately recognized or comprehended by other departments and agencies within the federal government, particularly by the Department of External Affairs.

In spite of these misgivings the Committee has concluded that, from a government organization perspective, the Department of the Solicitor General is the proper location for coordinating the federal counter-terrorism structure. The Department must, however, reinforce its efforts to organize itself and commit the necessary personnel and resources to fulfill this function.

The designation of the Department as the coordinator makes sense for the following reasons:

- It reflects the fact that the response to terrorism as it affects Canada is largely a function of internal security;

- CSIS and the RCMP, the two principal counter-terrorist agencies, report to the Solicitor General;

- The Prime Minister, PMO/PCO, the Cabinet and the interdepartmental committee structure should be left in reserve to monitor the overall performance of the structure (including the effectiveness of the Department of the Solicitor General) and to respond to specific terrorist threats and incidents;

- Leaving responsibility with a "line" department avoids contributing to the excessive workload already carried by the Canadian Prime Minister and avoids increasing the centralization of power and responsibility with the Prime Minister and a few "central agencies".

If the Department of the Solicitor General is to be an effective coordinator, it is essential that it strengthen its resources and its credibility within the federal government. The Prime Minister, senior Ministers and the interdepartmental committee structure should also do more to ensure that the role of the Department is communicated to and acknowledged by other departments and agencies.

Formality and Political Oversight

The Committee was struck by several elements of the practical, day-to-day operation of the federal government's counter-terrorism structure:

- The Cabinet Committee on Security and Intelligence meets only three or four times each year;

- The Secretary to the Cabinet (the senior public servant and the senior bureaucratic advisor to the Prime Minister) chairs the Interdepartmental Committee on Security and Intelligence less than one-third of the time, even though he is the nominal chairman; and

- The counter-terrorism structure is largely bureaucratic, based on administrative arrangements and agreements with no legal force or effect that have grown up over time. For example, the coordinating role of the Department of the Solicitor General was agreed to by the (bureaucratic) Interdepartmental Committee on Security and Intelligence and has been referred to subsequently by Cabinet decisions and in Prime Ministerial mandate letters. The Committee understands, however, that the role was never reviewed, or approved by Cabinet *per se*.

In the Committee's view, Ministers (and particularly the Prime Minister) and their most senior bureaucratic advisors must take a direct role in overseeing the government's counter-terrorism policies and initiatives and the operation of the structure. The Committee has noted the abundant potential for duplication, overlap and "turf battles" in the bureaucratic structure. Only direct involvement by Ministers, especially the Prime Minister, can ensure that the structure performs to expectations. Without continuous involvement by Ministers to ensure timely transfer of security intelligence to the relevant departments, agencies and police forces the counter-terrorism structure will falter. Further, the Tower Commission of Inquiry into the U.S. government's involvement in the sale of arms to Iran indicates, perhaps in the extreme, what can happen when a bureaucratic structure begins to weave its own web of policies and procedures due to inadequate political oversight.

The Committee is also concerned about the apparent "informality" of the structure. If a department or agency is to perform a "lead" role in coordinating the counter-terrorism or anti-terrorism establishment, this role should be specified in legislation, as should the roles of other departments and agencies playing an important function in the government's counter-terrorism and anti-terrorism establishment. The administrative agreements between departments and agencies within the structure should also be available for review and comment by the relevant parliamentary committees. The current complexity and informality of the structure and process obscures--and could confuse--responsibility and accountability to Parliament and to the public.

H

TAB "H"

Observations and Recommendations of the Report of the Second Special Committee on Terrorism and Public Safety.

Preamble

The First Senate Special Committee

The first Senate Special Committee on Terrorism and Public Safety was established in October, 1986. After research, analysis and hearings that extended until May, 1987, the Committee released its Report in July of that year.

In essence, that Report concluded that the Canadian government was not as prepared as it could or should be to respond to terrorist threats and incidents occurring in Canada or involving Canadian or Canadian interests abroad. Deficiencies identified related to the organization and co-ordination of federal departments and agencies having a role in counter-terrorism and crisis management; co-ordination and co-operation between levels of government, particularly between the RCMP on one hand and provincial and municipal police forces on the other; and the federal government's immigration policies and procedures. The Committee also reviewed and commented on the role of the media -- primarily the broadcast media -- in covering terrorist threats and incidents and concluded that better police-media relations and media guidelines were required to reduce the risk of media coverage jeopardizing the resolution of terrorist incidents and perhaps endangering lives.

On April 7th, 1989, a bus with 11 passengers on board was hi-jacked in Montreal and ended up on Parliament Hill in Ottawa. Although the incident was brought to a speedy and bloodless solution, the handling of the incident prior to the bus' arrival on Parliament Hill indicated that certain of the deficiencies noted by the Committee two years earlier persisted and important work remained to be done. While not wishing to diminish the RCMP's success, the Committee notes that good fortune may also have come into play. There was an unusual police and security presence on Parliament Hill that day for the state visit of the President of Costa Rica. A legitimate question is whether the RCMP could have reacted as quickly to isolate the incident otherwise.

On that basis, on May 9, 1989 the Senate approved a Motion that another Committee of the same name be established to review developments and progress and any

response to the first Committee's recommendations over the past two years. After a preliminary period of research and analysis, the Committee began hearings on June 12.

The Committee's investigation did not extend, in any detail, to the events of April 7th. The Solicitor General has directed the Commissioner of the RCMP to undertake an investigation, in consultation with the Sûreté du Québec and the other police forces involved. The Committee decided not to do anything that would duplicate that investigation but looks forward to the results of the Commissioner's review.

Government Response to the First Committee's Report

There is no question in the Committee's mind that the government treated the Report of the first Commitee seriously and responded effectively to a number of the Committee's observations and recommendations.

On September 15, 1987, on the initiative of the Privy Council Office, it was decided to set up a Counter-Terrorism Task Force. The Task Force would operate under the auspices of the Privy Council Office and the Ministry of the Solicitor General and would respond to the Committee's recommendations relating to the machinery of government issues, co-ordination and co-operation within the federal government and to federal-provincial-municipal co-ordination and co-operation. The full text of the Task Force's terms of reference is set out in the note on page 6. The Task Force consisted of individuals seconded from those departments and agencies having a major role to play in counter-terrorism and crisis management, namely the Privy Council Office, National Defence, Transport Canada, the Canadian Security Intelligence Service, the RCMP, the Department of the Solicitor General, External Affairs and the Communications Security Establishment.

In December of that year, Major General G. R. Cheriton (Ret'd) was appointed to head the Task Force and in January, 1988 work got underway. An interim report was submitted in April, 1988 to the Interdepartmental Committee on Security and Intelligence (ICSI) and ICSI directed that the Task Force continue its work and prepare, as well, a draft "National Counter-Terrorism Plan". In January, 1989 the Plan was approved by ICSI and is being implemented on an administrative basis, pending Cabinet approval expected sometime this summer. After Cabinet approval, the Plan will form the basis for discussions with the provinces leading ultimately to their integration into the Plan and its implementation.

The Committee is generally pleased with the Cheriton Task Force Report, as far as it goes. In a general sense, the Committee wonders why another bureaucratic exercise

over 18 months was necessary essentially to confirm the Committee's observations and findings and why, more importantly, Cabinet has yet to review and approve the Plan. In the first Committee's Report, the Committee expressed concerns over the lack of political oversight of the federal government's counter-terrorism policies and establishment. The apparent lack of direct political involvement in the Cheriton Task Force process and the fact that Cabinet approval remains outstanding, indicate that Ministers and their senior political advisors remain reluctant to involve themselves directly in this important aspect of government. As long as this situation persists, counter-terrorism policies and procedures will not receive the attention and priority they deserve.

The Committee also has concerns or reservations about several specific recommendations in the Task Force report. These will be noted at appropriate points in the following Report.

In its 1987 Report, the Committee reviewed Canada's immigration policies and procedures in the context of counter-terrorism. Since then, the government has proposed and Parliament has approved amendments to the *Immigration Act* (Bills C-55 and C-84) that should go a long way to resolving many of the deficiencies identified by the Senate Committee. Given the extensive debate on that subject during the two Bills' review by Parliament and since it is too soon to judge their operational impact, the Committee did not revisit the subject of immigration policies and procedures.

The Report that follows sets out the Committee's understanding of developments and changes, including the response to the Committee's Report, in the other areas reviewed by the Committee in 1986-1987. The Report begins, however, with a brief on the extent and nature of the terrorist threat to Canada, focusing on any trends or developments over the past two years since the first Committee's last set of hearings.

In its Report released in July 1987, the Committee took pains to describe in some detail the background to and structure of the various aspects the Committee was reviewing. This Report does not duplicate those descriptions. Instead, the first page of each Part of this Report gives the reader the relevant page reference in the first Committee's Report for the descriptive background.

Note - Counter-Terrorism Task Force

Terms of Reference

"... a counter-terrorism Task Force is established for the purpose of planning and putting in place a comprehensive counter-terrorism contingency planning and crisis management capability for the federal government. The Task Force shall perform this task within the framework of approved government policies on counter-terrorism and existing Ministerial responsibilities for this subject.

Specifically, the Task Force shall address:

- the required interdepartmental policies, plans and procedures to ensure that the government is well equipped to respond in a coordinated and effective way to terrorist threats to Canada and Canadian interests and to manage terrorist related incidents effectively and efficiently;
- the means and resources required to test and maintain these capabilities;
- the required improvements in federal-provincial-municipal police and intergovernmental relationships in the counter-terrorism area, both government-wide and between individual agencies;
- the need for counter-terrorism research and development; and
- the need for policy development or actions by individual departments, in areas of government-wide impact.

The Task Force is to perform these functions in two phases; the planning of the capability should be completed by the end of January 1988. Implementation of the plan shall be completed by the end of 1988."

PART I

The Nature and Extent of the Terrorist Threat to Canada[1]

Summary

The number of terrorist incidents in Canada or affecting Canadians has fallen since the first Committee's Report. This is due to a number of factors, including a change in tactics by the major group in Canada responsible for "international" terrorist activities. That group has shifted away from terrorist threats and incidents in Canada to fund-raising for arms and operations for incidents mounted elsewhere. Improved security intelligence and law enforcement work also appear to be major contributing factors, although it is always difficult to make a direct causal connection. As one representative of CSIS said before the Committee: "It's always easy to know when we've failed. It's not as easy to demonstrate where we've been successful because nothing happens".

International terrorism continues to be the major terrorist threat to Canada, but the Committee notes the concern that domestic terrorism may once again be on the rise. "Narco-terrorism" and "mercenary terrorism" which are on the rise world-wide, have yet to make a significant impact on Canada.

Background

In the few years prior to the first Committee's Report, there had been a series of incidents in Canada or involving Canadians that appeared to indicate that Canada's relative immunity to the scourge of terrorism was over. These incidents included two attacks by Armenian nationalist groups on Turkish diplomats in Ottawa, one resulting in death and the other in long-term paralysis (1986); the attempted assassination of a Punjabi Cabinet Minister on Vancouver Island by Sikh extremists (1986); an attack on the Turkish Embassy in Ottawa by Armenian nationalists that led to the death of the security guard (1986); a hostage-taking at the Bahamian High Commission in Ottawa (1986); a bomb-threat

1. Corresponds to INTRODUCTION pages 1 through 17 of first Commitee's Report.

involving the Toronto Transit Commission subway system; and of course, the sabotage of Air India flight 182 that caused 329 deaths.

Since 1987 and inspite of Canada acting as the host of four major international events that would be expected to attract terrorists' attention, the actual incidence of terrorism in Canada or affecting Canadians is down. There have, however, been a few incidents that demonstrate we can no longer be sanguine on the question: The editor of the *Indo-Canadian Times* in Surrey, B. C. was gunned down by Sikh extremists in August, 1988. In handing down his sentence, the judge termed the incident "a political act". Two Canadians were on board Pan Am flight 103 when it was blown apart over Lockerbie, Scotland. They, of course, were innocent bystanders in the event, caught in the cross-fire of an act apparently aimed at the U.S.. The April 7th bus hi-jacking falls within the definition of terrorism, but was quickly and effectively resolved by the police authorities. Otherwise, there have been a number of incidents of slogan-painting, vandalism, fire-bombing and so on that cross back and forth the boundaries between dissent, common-garden criminality and terrorism. These incidents have been linked to extreme elements of groups concerned about language issues in Quebec, animal rights or animal liberation, or "white supremacy".

The evident decrease in terrorist activity in Canada may be due to any number of factors including effective security intelligence and law enforcement work in Canada and abroad, the hardening of targets world-wide particularly in the developed countries, the continuing focus on Western Europe because of the relative ease of movement from country to country, the fact that terrorism generally seems to be moving to the under-developed countries who lack the resources to maintain sophisticated security systems and to harden their targets and tactical adjustments by certain groups who remain active in Canada.

The first Committee was surprised to discover during its hearings that no department or agency of the federal government maintained an accurate or up-to-date inventory of terrorist incidents for trend analysis purposes, or otherwise to assist policy makers in counter-terrorism. Since then, work on compiling such an inventory has been undertaken within the Department of the Solicitor General from public sources. The results were presented to the Committee and are reproduced, in part, in Appendix A to this Report.

That analysis and testimony from other sources indicates that the trend identified by the Committee in 1987 continues: Although the number of incidents is down

overall, international terrorism[2] continues to be the major threat to Canada. The three groups referred to in the first Committee's Report continue to be the major source of such terrorism, with the first group constituting, by far, the most serious threat.

Tactical Adjustments

One of the reasons for the number of terrorist incidents affecting Canada having declined since the first Committee's Report is that tactics and strategies have changed somewhat. The group responsible for the largest number of incidents of international terrorism in Canada had, prior to 1987, mounted a number of actions in Canada and Canadians or people resident in Canada had been killed or injured.

Since 1987, this group has used Canada more as a venue for fund-raising activities to purchase arms and otherwise finance terrorism elsewhere; as a sanctuary for members of the group implicated in terrorist acts; and sometimes as a place of tranquillity to plan terrorist actions. This situation may mislead Canadians into feeling that terrorism is of little or no concern to them, because the threat from actual incidents in Canada is reduced. In fact, terrorist activity is on-going within Canada and it is part of our international responsibilities to continue to be vigilant against it, even when it does not impact directly on Canada or Canadians.

New Trends

The Committee was advised of two disturbing trends in international terrorism. The first is "narco-terrorism": the development of symbiotic relationships between terrorists and major illicit drug empires. For the terrorist, the relationship provides a source of financing for arms and operations. For the drug lords, the relationship provides protection. The two also have many logistical and tactical problems and approaches in common. The second is "mercenary terrorism": terrorist groups or individuals who have outgrown or outlived a particular cause and are now available for hire to apply their skills and experience to any group that can pay the price. Mercenary terrorism was a concern expressed by the first Committee in its Report.

According to security intelligence and law enforcement officials, neither trend has yet been evidenced in Canada to any significant degree.

---

2. Defined by the first Committee as terrorism motivated by issues or grievances springing from past or current actions or situations in another country and the ultimate focus is on that other country's people and government.

Although international terrorism remains for the foreseeable future the principal threat to Canada and Canadians, evidence by security intelligence and law enforcement officials indicated that they are concerned about what may be a re-emergence of "domestic"[3] terrorism.

Domestic terrorism reached its zenith in Canada in the late 1960's and early 1970's due largely to the activities of the FLQ in Quebec. There was a surge of domestic terrorism once again in the period 1979 to 1983, due to the activities of a number of groups, many of whom were identified with left-wing causes. Domestic terrorism was clearly on the wane, however, since 1983. Language issues, native concerns, and groups associated with the animal rights or animal liberation movement and "white power" groups may provide the level of emotionalism and radicalism that will attract to their fringes people who will be inclined to engage in terrorist activity.

Responding to and curtailing the threat from international terrorism puts particular emphasis on our relationships and co-operation with law enforcement and security intelligence agencies of foreign governments, on immigration policy and procedures and on security at borders and other points of entry, such as airports. Domestic terrorism puts more emphasis on CSIS' own intelligence-gathering and threat assessment capability and on co-operation and co-ordination with law enforcement agencies within Canada.

The extent to which the federal counter-terrorism establishment has been improved to respond to the threat identified in 1987 and to the change in tactics and the re-emergence of domestic terrorism will be reviewed in the following two Parts of this Report.

---

3. Defined by the first Committee as terrorism motivated by Canadian issues, or concerns and focusing ultimately on Canadian governments, wholly or in part.

PART II

The Federal Government's Counter and Anti-Terrorism Establishment[1]

Summary

A number of reforms have been implemented on an administrative basis that respond to the first Committee's Report. The Committee believes, however, that a fundamental structural problem persists: The continuation of the Ministry of the Solicitor General as the "Lead Ministry" for responding to terrorist crises. The Committee persists in the view that the Ministry has neither the resources, the stature nor the statutory authority in order to effect this role as a matter of practice. The Committee recommends that a generic "crisis management" function be created within the PCO.

By their nature, airports and aircrafts will continue to be vulnerable points in our counter-terrorist defence system. The Committee recognizes that progress has been made, but supports the commitment of increased resources and priority to airport security.

Background

The Cheriton Task Force Recommendations

In its report to ICSI, the Counter-Terrorism Task Force listed four major shortcomings of relevance to this Part in the federal government's counter-terrorism policy planning and crisis management. Some of these shortcomings had been identified by the first Committee in its Report. The shortcomings related to lack of an effective organization (in resource, location and mandate terms) to co-ordinate the development of a counter-terrorism program and to manage the program, a need for improved integration and co-ordination of government policy direction and police operations during a specific incident, a requirement for enhanced intelligence support in the management of a crisis and a need to regularly test and improve the system through training and exercises.

---

1. Corresponds to **PART II**, pages 45 through 70 of first Committee's Report.

Three basic solutions were proposed: First the creation of a central co-ordinating body within the Police and Security Branch of the Ministry of the Solicitor General. This body, called the National Security Co-ordination Centre (NSCC) was established in March, 1989 and has a total of 14 people assigned to it on a full-time basis.[2] In essence, its mandate is to handle the strategic management of the national counter-terrorism program and to co-ordinate the response to a terrorist incident within Canada. It includes an operations centre, manned during working hours and otherwise accessible through a duty officer, that would be fully activated in the event of a terrorist threat or incident occurring within Canada. (The Committee was advised that up to 35 people would be working in the NSCC during an actual incident.) In responding to such an incident, the NSCC becomes the National Policy Centre, co-ordinating and integrating government policy with police operational requirements. Also attached to the NSCC is an Operations and Exercises Division to continually test and refine the system through training and exercises.

Second, the creation of a central Plan for dealing with terrorism and responding to a terrorist incident. The National Counter-Terrorism Plan which now awaits Cabinet review and approval is the product of discussions and negotiations among the key federal departments and agencies. After Cabinet approval, consultations will begin with the provinces with a view to integrating them into the Plan and -- in specific response to the first Committee's recommendation -- the extension of the federal government's Interdepartmental Terrorist Alert System (ITAS) to law enforcement agencies at all levels.

Third, joint intelligence cells, each having specific intelligence responsibilities, will be created for each terrorist crisis to support the police commander at the scene and the policy-makers at the NSCC.

Committee Observations and Recommendations

The "Lead Minister" Concept

In the federal government, no one department or agency has had the breadth of powers and duties to be able to deal alone with terrorism or a terrorist incident. Powers and duties are, in fact, shared among a number of departments and agencies as set out in the first Committee's Report.

---

2. Compared to 13 assigned to its predecessor the Security Planning and Co-ordination Directorate.

Because of the distribution of duties and powers, a co-ordinator is needed. For counter-terrorism policy planning in general, that co-ordinator is the Department of the Solicitor General, namely the new NSCC. As in its 1987 Report, the Committee agrees with this designation and hopes that the implementation of the organizational and other reforms proposed by the Cheriton Task Force will help the Department fulfil its mandate more effectively than has been the case in the past.

For the management of the response to actual terrorist crises, the co-ordinator becomes the lead Minister or Ministry. As in 1987, the lead Minister for the response to terrorist incidents involving Canadians or Canadian interests in a foreign country is External Affairs; for a terrorist incident involving a Canadian carrier in international or Canadian airspace or waters, the lead Ministry is Transport; for a terrorist incident within Canada, the lead Ministry is the Solicitor General.

To the Committee's understanding in 1987, the "lead Ministry concept" meant that the Ministry had the co-ordination responsibilities, but also by statute, international treaty or whatever, had the power in the absence of a consensus, to make or force a decision. This was subject only perhaps to the Prime Minister's concurrence for certain actions and in recognition, as for any government action, that as events and their implications expand, other decision-makers will be involved and perhaps the locus of decision-making would move upwards. While witnesses appearing before the Committee had varying definitions or explanations of the concept, in the cases of External Affairs and Transport they appear to be lead Ministries in the way the concept was originally understood by the Committee.

The lead Ministry concept appears to be materially different in the case of the Department of the Solicitor General in response to a domestic terrorist incident. In this circumstance, the Department seems more akin to a "convener", making sure that all the necessary decision-makers are gathered, requisite information and intelligence provided, a consensus encouraged and decisions communicated to the operational people. When a consensus is reached, the process works. When a consensus is not reached, the Solicitor General appears to lack either the statutory or conventional power to force or make a decision at virtually any stage or level. In such a case, the Privy Council Office becomes the de facto lead Ministry (as originally understood by the Committee), either forcing a decision, or taking the matter to higher political levels where a decision will be made. In fact, the NSCC and the National Counter Terrorism Plan explicitly provide for the locus of decision-making moving upwards in such instances or in response to very serious incidents. Certain

initiatives, such as the deployment of the RCMP SERT, cannot be taken without the Prime Minister's direct involvement.

The Committee concludes that this situation is a natural function of the relatively junior status of the Solicitor General and his Department and, unlike Transport and External, the absence of clear statutory powers and obligations. It is perhaps simplistic, but the operations centres of the Ministry of Transport and the Department of External Affairs are larger, more sophisticated and have substantially more experience in responding to a range of crises than the NSCC in the Department of the Solicitor General.

Defenders of the Solicitor's General and Department's role claim that over time with training, exercises and experience the system will be proved to work, officials will become comfortable in and confident of the Plan and the role of the Solicitor General and both will become accepted and entrenched. While the Committee recognizes the merit behind this approach, it also recognizes that constant turnover in personnel will vitiate its chances of success. In this regard, the Committee has noted that since tabling its Report in July, 1987 virtually all of the senior security and intelligence personnel in Solicitor General's, PCO, External, RCMP, CSIS and Immigration have changed. The Committee recognizes that this personnel fluidity is, to a considerable degree, a function of the job. Unless one is committed to a career in the security intelligence and law enforcement field, these positions do not hold much attraction in bureaucratic terms other than as short-term postings. Constant personnel turn-over will continue to be the rule, enhancing the importance of agreements and understandings that do not rely solely, or even largely, on personalities and inter-personal relationships.

The Committee reaffirms the concern expressed in the first Committee's Report about the ability of the Department of the Solicitor General to effectively manage the government's response to a terrorist emergency. The Committee persists in the belief that the proper location of this function -- for all terrorist incidents involving Canadians or Canadian interests -- is in the PCO. Once again, the Committee was faced with the opposition by the PCO to assuming this role for the reasons set out in the first Committee's Report. In all candour, however, the PCO's objective in maintaining the function in the Department of the Solicitor General seems to be to keep the function at arm's-length from the Prime Minister and the PCO, but still easily within their grasp. The rationale behind the PCO's position is not to overburden the Prime Minister with responsibility for the on-going management of the system, but to give him the ability to take control if and when he wishes. This begs the question of whether the PCO is equipped or otherwise adequately prepared to manage a response to a major terrorist crisis.

In this situation the Committee has two alternate recommendations:

Either develop in the PCO a general crisis management centre with the mandate and capability to respond to a wide range of crises from terrorist incidents, through natural disasters to major political crises under the direction of the Prime Minister and Cabinet. The development of an infrastructure around the centre, plus the wide range of uses to which it would be put would give it the relevant experience and credibility to respond to terrorist incidents as one type of crisis management within its mandate;

Or, at a minimum, vest the Solicitor General and the Department of the Solicitor General with clear statutory powers that give it the ability to force or make decisions, within the general framework of the Cabinet government, in response to a terrorist emergency.

In any event, the Committee recommends that the Solicitor General be given clear statutory powers to be the de jure lead Ministry within the federal government on counter-terrorism policy and planning.

CSIS

CSIS evidently has made progress in stabilizing its operations and in establishing good working relationships with foreign security intelligence agencies. All this is important in the fight against terrorism. While resources committed to the Counter-Terrorism Branch have remained constant, there has been an increase in the number of CSIS personnel committed to Canadian missions abroad.

After the first Committee's Report, CSIS reviewed its internal contingency planning for terrorism. Of particular interest to the Committee is CSIS' apparent increased commitment to analytical resources, including the hiring or secondment of outside experts to assist in the interpretation of events around the world that may be of relevance to Canada in our fight against terrorism. This was an area of concern identified in the first Committee's Report.

CSIS and the RCMP

The Committee is pleased at the evident progress made in working relations between CSIS and the RCMP in the last few years. Joint exercises and operations have obviously helped considerably. The Committee remains concerned, however, that CSIS is

still denied full access to CPIC, but has been assured that full on-line access is scheduled for completion by December, 1989.

SERT

The RCMP Special Emergency Response Team (SERT) appears to be gaining recognition by its foreign peers as a well-trained, highly competent and able unit.

While witnesses indicated that some consideration had been given to the question, the Committee notes again with concern that no policy decision has been made or legal authority yet exists for the deployment of SERT in international waters or in foreign territory in response to a request from a foreign government to assist in the response to a terrorist incident that involves Canadians or Canadian interests abroad. The Committee points out again that policies should be defined and the necessary legal framework in place in advance of such incidents so that Canada at least has the option to respond quickly if asked.

The Committee reserves its comments on joint training between SERT and provincial and municipal police forces for Part III of this Report.

Intelligence-Gathering and Threat Analysis

Little attention appears to have been given, by the Cheriton Task Force or otherwise, to the concerns raised by the first Committee about the gathering, co-ordination and dissemination of intelligence and threat analyses, within the federal government by the myriad departments and agencies engaged in this activity.

The Committee wonders whether intelligence from these sources within and outside the federal government is gathered, co-ordinated, analyzed and disseminated quickly and effectively. The Committee refers to the recommendation in the first Committee's Report to expand and enhance the Security and Intelligence Secretariat of the PCO for this purpose and suggests this option be given further consideration.

Transport and Air Security

The Committee is pleased at the evident progress made by the Ministry of Transport, particularly in the area of airport security, but much work remains to be done. In the first Committee's Report the Committee noted that RCMP detachments assigned to federal airports reported to the airport manager. However, the practical reporting relationships to both the airport manager and RCMP headquarters had real potential for

confusion. Now, the RCMP detachment works under a contract with the airport manager that specifies performance deliverables relating to security matters. Transport has also initiated a number of exercises involving the RCMP, airport personnel and the police forces of local jurisdiction.

One area of persistent concern, however, relates to the security clearances of airport personnel. In the first Committee's Report, the Committee noted that regulations were being prepared to allow for security clearances of airport personnel such as private security personnel working under contract, cleaners and so on. Such individuals are now going through the security clearance process operated by CSIS, but the time being taken in individual cases averages out to about 60 days. In the meantime, the individual may work at the airport, but must be accompanied at all times until fully cleared. Because of the transitory nature of the workforce involved, a large percentage of those on duty at any one time will not have been cleared for security purposes. Although the escort system helps, it does not guard effectively against security risks using their access to reconnoiter or infiltrate airports and sensitive areas.

To a considerable degree, the problem is insoluble since many of the people concerned are immigrants from countries that are unable to respond quickly and effectively to security clearance requests from CSIS and it would be impractical -- and perhaps unconstitutional -- to deny them the right to work until they had been cleared.

Under the circumstances, the Committee can only encourage CSIS to give priority to the security clearance of airport personnel and to use every available means to process the clearances expeditiously.

The Committee was also concerned about the apparent continued vulnerability of the system, as displayed through Transport Canada's own tests. New leading edge but proven technology is required together with a closer examination of passengers prior to boarding and, in general, an increased commitment of resources to the security of airports under federal control. The Committee urges the government to give particular attention to the requirements of airport security in the transfer of any airports to municipal, provincial or private sector ownership and control.

PART III

Intergovernmental Arrangements and Co-operation [1]

Summary

In its Report, the first Committee was concerned at the state of federal-provincial-municipal co-operation in counter-terrorism policy planning and in crisis management. Since then, considerable progress has been made, but some of the apparent progress may be counter-productive.

The Committee is concerned about the 61(2) agreements negotiated between the RCMP and certain other police forces in that they may erode the RCMP's "primary responsibility" and may continue uncertainty over "who is in charge" during an incident. The Committee is also very concerned that a basic 61(2) agreement is still not in place with the Government of Quebec, a full five years after the *Security Offences Act* was passed.

The Committee also notes that much more could be done in joint training and exercises between the RCMP (particularly the RCMP SERT) and provincial and local police emergency response teams.

Background

As was reflected in the first Committee's Report, the Committee was very concerned about the extent of co-operation and co-ordination between the federal government and provincial and municipal agencies in counter-terrorism policy planning and in crisis management. Of particular concern to the Committee were relations between the RCMP and provincial and municipal police forces.

Under the *Security Offences Act* (Section 61(1)), Parliament has given the RCMP "primary responsibility" in the response to security offences as defined under the Act. Even at that, it is difficult to imagine a terrorist incident that involves only the RCMP. The local and perhaps the provincial police force will also be engaged. In fact, the local police force will usually be the first on the scene and will assume responsibility for at least the

---

1. Corresponds to **Intergovernmental Arrangements and Cooperation**: Crisis Management, pages 36 through 42 in first Committee's Report.

initial response. As a consequence, good working relationships, joint exercises and training and mutual agreements that are clearly, mutually understood for the inter-force handling of terrorist incidents are critical.

There is no doubt, from testimony heard by the Committee, that much progress has been made in inter-police relations since the first Committee's Report. It is also evident that much work remains to be done. Some of the problems that persist were illustrated by the police response to the April 7th bus hi-jacking incident. The Committee feels a certain amount of impatience, wondering what or how long it will take to address these issues.

The Cheriton Task Force

The Cheriton Task Force identified three major shortcomings of relevance to intergovernmental co-ordination and co-operation. They were the absence of a national contingency plan and common procedures at the national and provincial levels; the lack of federal-provincial consultations and agreement on counter-terrorism arrangements; and the failure to test the crisis management system with provincial and municipal players.

The Task Force has produced the National Counter Terrorism Plan which now awaits Cabinet approval. That Plan was characterized to the Committee as a fluid document that will be regularly up-dated to reflect experience, changing circumstances and requirements. The Plan will eventually include provincial participation as an integral part of the response and one assumes that the fluidity of the document is, in large part, to accommodate consultations, negotiations and arrangements with the provinces.

It was clearly part of the Task Force's mandate to address the requisite improvements in federal-provincial-municipal police and inter-governmental relationships in the counter-terrorism area. Yet the Plan, as now cast, was prepared with little or no provincial consultation or contribution. Those responsible for the Plan say that it was necessary for the federal government to get its own house in order before approaching the provinces and municipalities. Recognizing that there is a certain logic in this position and recognizing the complexities of federal-provincial relations, the Committee is concerned that this strategy will be seen by the provinces as a continuation of the paternalistic attitude which has too often characterized the federal approach to counter-terrorism policy planning issues in the past and will delay or frustrate provincial incorporation into the Plan. The Committee encourages the government to proceed with all possible haste to consult the provinces and achieve their integration into the Plan.

Committee Observations and Recommendations

Subsection 61(2) Agreements

Subsection 61(2) of the *Security Offences Act* authorizes the Solicitor General, with the approval of the Governor in Council, (i.e. federal Cabinet) to enter into arrangements with the provinces concerning the responsibilities of the RCMP and provincial and municipal police forces to assist the RCMP in its execution of its primary responsibility under the Act. In the first Committee's Report, the Committee noted that agreements were in place with all provinces except Ontario and Quebec and that the agreements in place were broad and vague and amounted essentially to a restatement of the *Security Offences Act* (Section 57).

Since 1987, Ontario has signed an agreement. Although an agreement exists with New Brunswick, certain issues apparently remain outstanding. No agreement exists with Quebec, although high-level discussions on a draft agreement are currently underway. There is reason to believe that the lack of a 61(2) agreement with Quebec may have been a factor in the apparent communications break-down between the RCMP and the Sûreté du Québec during the early stages of the April 7th bus hi-jacking incident.

Further, the quality of the agreements has not improved since 1987. While the formal requirement for agreements has been met, the Committee has little faith in their practical or operational utility.

The Committee's evaluation of the 61(2) agreements was not seriously attacked by witnesses before the Committee and was, in fact, supported by the Cheriton Task Force. Several witnesses explained, however, that the 61(2) agreements' essential purpose was to allow for bi-lateral agreements between the RCMP and provincial and local police forces which are much more important from a practical and operational point-of-view. The Committee accepted this logic, at least in part, and turned, therefore, to an evaluation of the police arrangements.

Inter-Police Force Agreements

Bi-lateral agreements between the RCMP on one hand and provincial and municipal police forces on the other, subsidiary to the federal-provincial 61(2) agreements,

exist with: the Metro Toronto Police Force, the Peel Regional Police Force, the Ottawa Police Force [2], the Calgary Police Force and the Edmonton Police Force. Accordingly, with several notable exceptions such as Vancouver, Montreal, Quebec and Halifax, agreements with the larger metropolitan police forces are now in place.

The RCMP and the Department of the Solicitor General negotiated an agreement with the Metro Toronto Police (MTP) first and used that agreement as a model for and as leverage with other police forces. The strategy appears to have worked. Based on the Toronto precedent, other police forces, including Windsor and London, Ontario have indicated a willingness to follow suit.

The Committee, however, has grave reservations about the content of these arrangements, particularly from the perspective of RCMP primacy. As indicated earlier, Parliament, through the *Security Offences Act*, has unambiguously vested "primary responsibility" with the RCMP in the resolution of "security offences" as defined by section 57 of the Act. In the Committee's mind, that statutory responsibility imposed on the RCMP is clear and cannot be abrogated or delegated.

Yet, in the agreements reached to date, the RCMP appears to have done just that. Pursuant to the agreement entered into with the Metro Toronto Police Force, the approach to a security incident unfolds as follows:

- The first police force to respond (RCMP, OPP or MTP) takes all necessary steps to isolate the incident, safeguard human life, prevent destruction of property and prevent continuation of the offence.

- If the first police force to respond is other than the RCMP, the police force immediately advises the RCMP "of the circumstances and status relative to the situation".

- As other police forces arrive, the original police force continues to exercise "lead responsibility" unless and until the lead responsibility is transferred to one of the other forces (not necessarily the RCMP) by mutual agreement of the police forces of jurisdiction who have responded to the incident. Agreement emanates from the "management team" set up at the site consisting of representatives of all police forces

---

2. Known only as "Working Arrangements to Facilitate Enforcement of the Security Offences Act Within Ottawa".

at the site. The "management team" also decides "...duties and responsibilities under which each police force will act". In the case of an incident in Metro Toronto, the "management team" could consist of one representative from each of the RCMP, OPP and MTP, meaning that the OPP and MTP would have the *de facto* power to decide which force assumes "lead responsibility".

Although the agreements vary in detail and specifics, the "mutual agreement" principal is common to all of them.

In the first Committee's Report, the Committee expressed two generic concerns about the federal primacy formulation in the *Security Offences Act*: First, that it may be operationally impractical recognizing that the local police force would almost always be first on the scene and would wish to carry through with the resolution. Second, that federal primacy may be taken literally by the RCMP, requiring a "hand-off" from one police force to the RCMP at some point during the incident, thereby running the risk of confusing or jeopardizing resolution of the incident. The Committee recommended joint, co-operative police responses, underwritten by extensive joint training, joint exercises and prior operational agreements and understandings.

RCMP witnesses appearing before the Committee argued that under the new agreements responses would be joint, that transitions of lead responsibility (if any) would be handled smoothly and that nothing in the agreements would prejudice the exercise of federal primacy.

Other police force witnesses were not as comforting. It appears that if the "management team" could not reach agreement on who would exercise lead responsibility, the decision would be referred to a higher level, ultimately to the provincial Attorney General and the federal Solicitor General. This is no improvement on the situation described in the first Committee Report and is unacceptable in responding to a rapidly-unfolding, emergency situation. The RCMP, if they are to effect their "primary responsibility", must have the means to delegate operational command or assume operational command themselves, at the site and with no argument. There is nothing in the agreements that clearly allows the RCMP to do so, in fact quite the contrary, and this represents a serious deficiency.

In fact, local police forces seem to believe that the RCMP can delegate its primary responsibility to them and that such a decision could be made by mutual agreement within the "management team". Witness, for example, an excerpt from Standing Order

No. 70 of the Metro Toronto Police (November 7, 1988) which endeavours to interpret for operational purposes the RCMP-MTP agreement:

> Section 61(1) of the *Security Offences Act* provides that members of the Royal Canadian Mounted Police have primary responsibility to perform the duties that are assigned to peace officers in relation to any offence referred to in Section 57 of the *Security Offences Act.*
>
> However, by agreement of the federal and provincial Solicitor Generals (sic) this responsibility can be specifically ceded to local authorities. (emphasis added)

The Committee has been consistently concerned that confusion over "who is in charge" at a terrorist incident can endanger life and property, frustrate resolution of the incident and militate against the impression that must be generated that the authorities and not the terrorist are in control of the situation. The Committee feels that the RCMP - local police agreements, rather than clarifying the situation, have only papered over and may continue the confusion and "turf wars" which the Committee witnessed two years ago. The Committee also points out, that regardless of the merits of the primary responsibility formulation in the *Security Offences Act*, no one short of Parliament may cede that responsibility to any other police force, regardless of the circumstances.

The Committee strongly recommends that all RCMP - local police agreements contain a clause that clearly and unambiguously allows the RCMP, at its own discretion to exert "operational command and primary responsibility" at any time in the response to a terrorist incident, recognizing that the response will, in most cases, continue as a joint force operation.

Joint Force Training and Exercises

Given the practical realities of responding to a terrorist incident, in virtually all imaginable cases, the response will involve two or more police forces. It is imperative, therefore, that police forces learn to work together and that is best accomplished through joint training and exercises. In the first Committee's Report, the Committee expressed grave concerns about the lack of joint training and exercises and the impact this could have on the effective response to an incident.

Much progress has been made in this regard since 1987. The Commonwealth Heads of Government Meeting, the Conference of La Francophonie in Quebec City, the

Calgary Olympics and the Economic Conference in Toronto have each acted as catalysts for police forces to plan and work together. These have been set-piece exercises, however, for which it was possible to have extensive planning. The response to an actual crisis is different in many respects and puts the response system to its maximum test. There have also been several major exercises involving the RCMP, provincial, municipal and foreign police forces, including a major international exercise this June. All this has greatly improved understandings, co-operation and co-ordination among police forces as evidenced in testimony before the Committee.

A consistent plea made by representatives of provincial and local police forces appearing before the Committee, however, was for more joint training and exercises, particularly with the RCMP SERT. The Committee has heard that while the RCMP SERT has held joint training and exercises with analogous foreign units such as the British SAS and the US Delta Force, it has held no joint training or exercises with other Canadian police forces' emergency response teams. While Peel Regional Police and Metro Toronto Police have had joint training and operations with the RCMP ERT, nothing has occurred with the RCMP SERT. Further, to-date, SERT has not been called upon to respond to any terrorist incidents, while since its creation in 1982, the Metro Toronto ERT has responded to 1,400 situations involving firearms, explosives or hostages.

In the Committee's view, the benefits of joint training and exercises are self-evident. The Committee cannot understand the RCMP's apparent reluctance to engage in more joint training, especially involving the SERT. Before the first Committee, the RCMP expressed a somewhat condescending attitude to local and provincial police ERTs as a reason for their reluctance to engage in joint training. At that time, their argument was somewhat circular: The SERT should be located with the RCMP because it is essentially a police operation. But joint training was eschewed because the RCMP SERT was qualitatively different in its response to that of local and provincial police forces. The Committee trusts that this attitude no longer prevails and that joint training and exercises will proceed and will be extended to other police forces and the commitment of the necessary resources will occur in order to allow this to happen.

Co-ordination Between CSIS and Crown Prosecutors

In the first Committee's Report, the Committee noted the frustration that some Crown prosecutors had in prosecuting alleged terrorists without benefit of witnesses or information from CSIS. The Committee was of the view that this frustration originated due to a lack of understanding of CSIS' role: CSIS has no mandate to gather evidence to support

criminal prosecutions and must protect its sources in order not to prejudice on-going investigations.

The Committee was pleased to hear that CSIS has embarked on a program of consultations with Crown prosecutors to open channels of communication and to inform them of the limitations imposed by CSIS' mandate.

CSIS and Local Police Forces

Since the transfer of the security intelligence function from the RCMP to CSIS, CSIS has encountered problems in obtaining the requisite degree of co-operation and communication with provincial and municipal police forces. Much of this is due to CSIS not being a "police force" and to difficulty some police forces have in categorizing CSIS and understanding and appointing its role.

CSIS witnesses before the Committee claimed that CSIS has enhanced its liaison with provincial and local police forces and smooth working relationships now exist with police in dealing with terrorism. Although some progress has been made, the view from the other side is not quite as encouraging. Some local police forces continue to have difficulty relating with CSIS and more work remains to be done.

PART IV

The Role of the Media[1]

Summary

As explained in the first Committee's Report, live media broadcasts of a terrorist incident have great potential for harm. In its 1987 Report, the Committee was equally critical of the media and the police for its handling of terrorist incidents from the media perspective.

While the major media outlets and personalities seem to be more sensitive and have adjusted policies and actions accordingly, they have done so largely without assistance from the police, in particular the RCMP. Although the RCMP has taken some actions to consult with the media, the RCMP simply must do more to acquaint the media with the operational requirements and limitations of the police during an incident and to work towards jointly-agreed and understood guidelines and a framework for the conduct of police-media relations. Since personalities change, this will be a continuous exercise by the RCMP and the media.

Background

In the first Committee's Report, the Committee reviewed the role of the media in its coverage of terrorist threats and incidents and police-media relations during and immediately after an incident. It is not possible to study terrorism without some look at the media because the essential purpose of terrorism is to draw attention to a cause or a grievance and the most effective way for a terrorist to do so is through the media.

From testimony before the first and this Committee, it is clear that the media can and does perform a beneficial role in the handling of terrorist incidents. For example, media cameras can provide police and security officials with pictures that are useful for operational purposes; media coverage can provide a safety-valve, demonstrating to a terrorist that his cause or grievance has been aired and there is no purpose served by

---

1. Corresponds to **PART IV**, pages 97 through 114 in first Committee's Report.

prolonging the incident, or by increasing the level of violence; media coverage can also communicate an important message to the public that police and government officials are in control of the incident, not the terrorist; and media coverage will also be the most effective mechanism through which police and law enforcement officials can be brought to account and their performance judged.

It was, however, clear to the first Committee (from testimony provided by law enforcement officials) that media coverage can also be harmful, in some cases prejudicing the resolution of the incident and jeopardizing the lives of hostages and police officers. The first Committee examined, with law enforcement and media representatives, media coverage of the Turkish Embassy incident which occurred in Ottawa on April 1, 1986. It appeared that coverage of that incident by the broadcast media jeopardized or potentially jeopardized the operation in three generic areas:

> First, the media physically or by telephoto lenses penetrated the police cordon set up around the site.
>
> Second, until police belatedly cut the lines, the media contacted the terrorists directly by telephone, tying up phone lines into the site and communicating who the terrorists were and their demands.
>
> Third, coverage disclosed the location of the police operations centre, police sharpshooters, the disposition of SWAT teams and their likely mode and point of entry into the Embassy and the hiding-place of the Ambassador who was the principal target of the terrorists.

The first Committee was also critical of the police in their handling of media relations during the incident. Some sensitive information was actually disclosed by police officers to the media and the general conduct of police-media relations did not maintain a high level of professionalism.

The first Committee made several recommendations relating to police-media relations and the preparation of guidelines jointly by the police and media for the coverage of terrorist threats and incidents.

The major challenge facing the first Committee was to find a balance between the media's beneficial role --particularly the accountability function --and the potentially harmful role.

Committee Observations and Recommendations

Based on prior research, discussions with the RCMP and on a review of some of the tapes of media coverage of the April 7th bus hi-jacking incident, several Committee members were prepared to be quite critical of the media's performance. It appeared that the same generic problems identified in the Turkish Embassy incident had occurred again: Journalists had penetrated the police cordon and had continued to stay inside that cordon; media coverage had appeared to disclose the strategic movements of police officers and SWAT teams and the position and relative vulnerability of hostages and the hostage-taker.

In informal discussions and in *in camera* hearings with RCMP representatives, they expressed concerns, giving examples of media coverage that was potentially harmful. Yet, RCMP testimony also indicated that there was no facility currently available to monitor all media broadcasts "in real time" during a terrorist incident to determine if coverage was harmful or potentially harmful, nor to-date has there been *post facto* analysis of coverage of the April 7th incident to arrive at any conclusions in this regard. Then during the public segment of hearings, the RCMP could not or would not give any examples of media coverage that caused or could have caused operational problems on April 7th.

Journalists appearing before the Committee who were involved in the April 7th coverage were impressive in their testimony and suggested that the April 7th incident was considerably different from the Turkish Embassy incident: The April 7th incident took place on Parliament Hill in full view of thousands of spectators; the hostage-taker had a wide range of view to see for himself the movement of police and SWAT teams; although police removed personnel from the adjoining buildings, they made no attempt to move a media car located some 30 yards from the bus from which live broadcasts emanated; no deaths or injuries had occurred and at all times police appeared to be in full control of the operation and no armed police assault seemed to be in prospect; and the media had, in fact, withheld information from broadcasts that they thought might reasonably be expected to harm the operation in some fashion. As one witness stated: "The media has a right to know, but (this) is not paramount to the safety and security of the police or hostages". The CBC, in particular, appears to have substantially altered its approach to coverage over that of the Turkish Embassy incident.

It is the Committee's opinion based on a common-sense point-of-view that some live broadcasts from the scene had the potential to cause operational problems or jeopardize lives. Live coverage did disclose the location and movement of police officers including SWAT team members, it did disclose that negotiations had reached a decision to wait the hostage-taker out and not attempt an armed assault, it did disclose that a change in dress by the hostage-taker had made him less visible to sharp-shooters and others watching his movements and, as occurred with the Turkish Embassy incident, reporters broadcast information that they had picked up by eavesdropping on conversations between police officers.

The Committee rejects the argument that the hi-jacker himself had a full field of vision from which he could view officers' movements. At any one time, he could not be looking in all directions and one would assume that personnel tactical movements would take place when the subject was looking elsewhere or otherwise occupied.

Furthermore, if the media witnesses themselves claim an understandable ignorance of police operational tactics, they are poor judges of what can be broadcast and what cannot from the perspective of harming those tactics.

The Public Affairs Function

The first Committee expressed concerns and reservations about the role and management of the public affairs function and the type of people who staff the function, particularly in the RCMP. The Committee was concerned that police-media relations, in general and during a terrorist incident, would not be placed on the best possible footing unless changes were made. These concerns and reservations persist. In areas of direct concern to the Committee, the public affairs function appears to have been overly reactive, tentative and to a considerable degree ineffective in meeting the concerns and recommendations of the first Committee. Public affairs officers from the RCMP appearing before the Committee gave testimony that was often conflicting and confusing. Because this particular session was held in public, the Committee also concluded that these particular RCMP witnesses were engaging in a public affairs exercise, indicating that they were making every effort to improve police-media relations while only rarely addressing this relationship in analytical or experiential terms during the course of an actual incident. When operational questions were asked relative to media coverage, the RCMP witnesses demurred, suggesting they lacked the operational experience to respond.

The Committee can only recommend again that the RCMP and the Department of the Solicitor General take a fresh and objective look at the staffing, mandate and management of their public affairs areas. The effective operation of this area is critical to an improvement in police-media relations generally, towards the development of practicable guidelines and to a good working relationship with the media during a terrorist incident.

Media Guidelines

Within hours of the first Committee releasing its Report, the then Solicitor General stated that neither he nor his Department would initiate discussions with the media towards the preparation of guidelines on the handling of a terrorist threat or incident.

Since 1987, however, several quarters of the media have made substantial progress in preparation or improvement of their own guidelines. They must have done so in a considerable vacuum, however. Media witnesses appearing before the Committee on the April 7th incident claimed an understandable ignorance of police tactics during a terrorist incident and in what fashion or to what extent they might be prejudiced by media coverage. The media witnesses held that it was up to the police to advise the media on when live broadcast might undermine those tactics.

On May 25th, the Commissioner of the RCMP met with senior managers responsible for policy matters within the principal Canadian media organizations to review, in part, media coverage of the April 7th incident. Arising out of that meeting, according to RCMP witnesses before the Committee, was agreement from the media organizations represented to cease live coverage of a terrorist incident if such was necessary in the view of the RCMP for the safety of individuals and the successful handling of the incident. A larger symposium between the RCMP and media representatives will be held within three to four months to continue this discussion.

The Committee welcomes this initiative. The Committee notes, however, that the May 25th meeting obviously occurred after the April 7th incident and was, therefore, a reaction driven by the incident rather than the issue. The Committee all along has tried to convince government and police officials to take a pro-active, rather than a reactive, stance to terrorism in order to be in a better position to respond.

Further, from testimony from media witnesses, it is clear that the RCMP and other police agencies have a lot more to do in acquainting the media with their operational limitations and requirements. In this regard, the Committee heard from media witnesses

that the CBC made proposals relating to media coverage and police-media relations to the RCMP and Ottawa Police Force after the Turkish Embassy incident. While the Ottawa Police Force responded, the RCMP has not. The Committee is clearly disappointed with the RCMP's apparent reluctance or inability to respond and can only encourage and support the RCMP to accelerate its discussions with the media towards guidelines that balance the needs and circumstances of the media and the police.

Police-Media Relations

Improvements have evidently been made in the conduct of police-media relations during a terrorist incident since the first Committee's Report.

During the April 7th incident police cordoned off the area quickly, even though the objective was considerably neutralized by high-rise buildings in close proximity that afforded journalists and cameras excellent vantage-points; a briefing room and regular half-hour briefings were provided by the police to the media while the incident was still going on; an RCMP corporal was provided to give the briefings and to respond to questions from the media; RCMP and Ottawa police officers provided a full briefing to the press after the incident. No pool arrangements were set up, however, that would have allowed a few journalists a vantage point over the site to record --and in some instances broadcast --the event as it unfolded. Nor did the police counsel the media on what was acceptable to broadcast from an operational point-of-view and what was not. The Committee agrees with a media witness' testimony that the police cannot count on an institutional memory within media organizations. Accordingly, the police have to take the initiative to counsel journalists on what can be broadcast with impunity and what cannot prior to, during and after an incident.

The Committee believes it essential that the RCMP establish a facility for monitoring local radio and television coverage in real time during a terrorist incident in order to be able to counsel media on coverage and, in severe situations, to ask a particular outlet or outlets to cease their live broadcasts or to modify those broadcasts to the extent police believe information is being broadcast that can reasonably be expected to jeopardize lives or prejudice the operation. This means having the technical and manpower capability to monitor continuously each radio and television outlet whose signal can be received by the terrorist, with a facility to communicate directly with each newsroom in order to advise on information or activities that should not be broadcast live.

The Committee also finds it difficult to comprehend why the RCMP did not move the television journalists parked in a clearly-marked television car parked within 30

yards of the bus. The journalists within that car clearly had the means to broadcast live commentary from the scene that could have jeopardized the operation. Yet the RCMP made no attempt to move either the car or its occupants[2].

Finally, the Committee urges reconsideration of a pool arrangement for journalists selected by lot to be allowed access to film events and question operational people. The resultant footage would be made available for live broadcast through all outlets for those portions that do not cause operational problems or potential problems and for complete broadcast after the event for historical and accountability purposes.

Conclusion

The Committee feels that police actions and police-media relations during a terrorist incident should follow the following generic principals and procedures:

First, the police should not frustrate, but instead try to facilitate within reasonable bounds, media monitoring of the incident for historical and *post facto* accountability purposes.

Second, the police have an obligation as a first priority, to minimize the risk to life and property and bring the incident to a quick close.

Third, the police have a duty and a right to secure the area for operational purposes by establishing a police cordon, cutting telephone or other communication lines into the terrorist and so on. The media have an obligation to respect the police cordon.

Fourth, the police should set up a briefing room and arrange for regular briefings for the media by a knowledgeable, senior, police officer experienced in media relations.

Fifth, depending on the location of the incident, the police should provide for a vantage-point from which journalists selected on a pool basis could provide continuous monitoring of the incident and police operations. Some of the coverage could be broadcast

---

2. On this matter, there was some confusion in testimony before the Committee. One RCMP representative said the RCMP thought the car was empty; another RCMP officer said they knew the car was occupied and had a communications facility, but decided the dangers in moving the car outweighed the risk in leaving it there; the journalist said he knew the RCMP was aware he was there from 3:30 on, yet he postponed his broadcast until 6:00 to avoid prompting the RCMP to move him.

live; other, on the advice of the police, would have to be withheld until the incident had terminated.

Sixth, the RCMP must have a facility to monitor live media coverage "in real time" and must be able to communicate directly with newsrooms in broadcast outlets during an incident. This would allow the police to advise those responsible for the broadcasts on material that should not be transmitted live for operational purposes and to advise the station(s) on broadcasts of information that could be jeopardizing operations. A post facto analysis of all broadcasts and communication of problem areas to the relevant stations is also important.

Seventh, the RCMP should undertake on-going education and communication programs with the media to acquaint them with the operational problems that may be caused for the police by live broadcasts during a terrorist incident. The focus of these programs should be at the producer or editor level, the people who decide what goes on the air during such live broadcasts. The Committee hopes that the media would be receptive to and attend such briefings.

TAB "I"

Recommendations (117) of the Special Committee on the Five Year Review of the CSIS Act and Security Offences Act.

RECOMMENDATIONS

1) The Committee recommends that the Canadian Security Intelligence Service, the Inspector General and the Security Intelligence Review Committee be continued, and that the provisions of the *Canadian Security Intelligence Service Act* and the *Security Offences Act* be retained and amended by adoption of the recommendations contained in this Report.

2) The Committee recommends that section 3 of the *CSIS Act* be amended to set out the objectives to be pursued by the Service, and to ensure that these objectives and the primary and secondary mandates of CSIS are not pursued to the detriment of lawful advocacy, protest or dissent.

3) The Committee recommends that the terms "espionage" and "sabotage" be defined in the *CSIS Act* and that modern definitions of these terms be inserted into the *Criminal Code*, the *Official Secrets Act*, and related legislation.

4) The Committee recommends that the phrase "detrimental to the interests of Canada", used in paragraphs (*a*) and (*b*) of the definition of threats to the security of Canada, contained in section 2 of the *CSIS Act*, be itself defined.

5) The Committee recommends that paragraph (*a*) of the definition of 'threats to the security of Canada' contained in section 2 of the *CSIS Act* be amended by removing the words "directed toward or".

6) The Committee recommends that paragraph (*b*) of the definition of threats to the security of Canada contained in section 2 of the *CSIS Act* be amended so that the words "foreign-influenced" are replaced by "foreign-directed".

7) The Committee recommends that paragraph (*b*) of the definition of threats to the security of Canada contained in section 2 of the *CSIS Act* be amended by inserting the word "directly" before the phrase "relating to Canada".

8) The Committee recommends that paragraph (*b*) of the definition of threats to the security of Canada contained in section 2 of the *CSIS Act* be amended by inserting the word "serious" before the phrase "threat to any person".

9) **The Committee recommends that paragraph (*c*) of the definition of threats to the security of Canada contained in section 2 of the *CSIS Act* be amended by inserting the word "directly" before the phrase "relating to Canada" and by deleting the words "directed toward".**

10) **The Committee recommends that paragraph (*d*) of the definition of 'threats to the security of Canada' contained in section 2 of the *CSIS Act* be repealed.**

11) **The Committee recommends that section 21(5)(*a*) of the *CSIS Act* be repealed.**

12) **The Committee recommends that the Solicitor General issue to the Director of the Canadian Security Intelligence Service a comprehensive direction dealing with CSIS's primary mandate.**

13) **The Committee recommends that the *CSIS Act* be amended to define "security assessment" under section 2 of the Act to coincide with the 'threats to the security of Canada' provisions under the Act.**

14) **The Committee recommends that the *CSIS Act* and the Government Security Policy be amended to provide that a person who is subject to a security assessment interview be allowed to be accompanied by legal counsel or an agent and to have the interview tape-recorded after advising the Service of his or her intention to do so.**

15) **The Committee recommends that the "Security Exclusion" provisions of the *Immigration Act* be amended to correspond with the "threats to the security of Canada" definition contained in section 2 of the *CSIS Act*.**

16) **The Committee recommends that Treasury Board study the possibility of revising the Government Security Policy so as to reduce the number of categories for the classification of government information.**

17) **The Committee recommends that the Government Security Policy be adopted as regulations by the Governor in Council.**

18) **The Committee recommends that the Government ensure that guidelines are in place both within CSIS and in government departments to ensure that security assessment reports are treated as confidential and are communicated only to persons who have authority to have access to them.**

19) **The Committee recommends that an Independent Advisory Team be created with a mandate to examine Canada's foreign intelligence capacity.**

20) **The Committee recommends that the Independent Advisory Team study the implications of enlarging the foreign intelligence mandate of CSIS by repealing the words "within Canada" from section 16 of the *CSIS Act*.**

21) **The Committee recommends that the Independent Advisory Team ascertain, among other things, 1) whether the Service has the necessary resources and appropriate skills mix to enable it to conduct foreign intelligence operations outside Canada, and 2) whether it is appropriate for a single agency to conduct both security intelligence and foreign intelligence operations, either in Canada or abroad.**

22) **The Committee recommends that the Independent Advisory Team prepare a public version of its findings to be tabled in Parliament.**

23) **The Committee recommends that section 16 of the *CSIS Act* be amended by adding the term "foreign intelligence" in such a way as to show that the collection and investigation activities mandated under that section constitute foreign intelligence.**

24) **The Committee recommends that the term "foreign intelligence" be added to the interpretation section of the *CSIS Act*.**

25) **The Committee recommends that the Independent Advisory Team examine the co-ordination, assessment and dissemination of intelligence in the Government of Canada.**

26) **The Committee recommends that the Independent Advisory Team examine the security and intelligence function in PCO with a view to determining whether it is accomplishing its work in this area efficiently and effectively.**

27) **The Committee recommends that the Independent Advisory Team examine the feasibility of establishing in Canada an independent Bureau of National Assessments.**

28) **The Committee recommends that SIRC undertake a follow-up review of, and prepare a report on, language issues within the Service. SIRC's review should address 1) the possibility of representational imbalances with respect to Francophones; 2) the adequacy of services in both official languages within CSIS; 3) the accuracy of CSIS reports regarding official languages; and 4) the possibility of harassment by CSIS management of employees who make language-related complaints. A public version of SIRC's final report on official languages within the Service should be tabled in Parliament within a reasonable period.**

29) **The Committee recommends that the Service complete the development and implementation of its employment equity program by December 31, 1991. The program should aim to increase the representation of women, visible minorities, Aboriginal people, and disabled persons.**

30) **The Committee recommends that the CSIS employment equity program be based on an active, rather than a reactive strategy, in that the Service should actively seek out women and candidates from minority groups.**

31) **The Committee recommends that the Service continue to recruit individuals with knowledge of languages other than English and French.**

32) **The Committee recommends that the Service review the psychological assessment program it administers for employee selection purposes with a view to determining whether it is still current and appropriate for its needs and report to the Solicitor General on this issue within a reasonable period.**

33) **The Committee recommends that the polygraph not be used by the Service for employment screening purposes.**

34) **The Committee recommends that the Service establish full-time second language training programs in all regions of the country. In particular, the Committee recommends that immediate action be taken by the Service to provide full- time French language instruction to its employees in Toronto and areas west of Toronto.**

35) **The Committee recommends that the Service make available to its intelligence officers postings in areas of the country where the language of the majority is different than their own language.**

36) **The Committee recommends that the employees of the Service be given access to all public service competitions and an opportunity to participate in secondment and temporary assignments in the public service.**

37) **The Committee recommends that the Service recruit from the widest possible population base — that is both within and outside government — for all middle and senior management positions with the Service, while making every effort to identify qualified candidates already inside CSIS who may possess the required qualifications.**

38) **The Committee recommends that the Solicitor General's Department study the feasibility of extending the RCMP Employee Assistance Program to members of the Service.**

39) The Committee recommends that all persons employed by the Service should have the right to unionize under the *Public Service Staff Relations Act*.

40) The Committee recommends that the determination of who in the Service should have the right to strike should be left to the Public Service Staff Relations Board.

41) The Committee recommends that the *CSIS Act* or the *Public Service Staff Relations Act* be clarified to confirm that employees of the Service are not to be excluded from collective bargaining under section 2 of the *Public Service Staff Relations Act* as "managerial or confidential" employees only because the employees have access to confidential matters concerning national security.

42) The Committee recommends that, to ensure that employees of the Service have the same collective bargaining rights as workers in the rest of the public service, section 9(1) of the *CSIS Act* be repealed.

43) The Committee recommends that section 2(*f*) of the *Public Service Staff Relations Act* be repealed, thus recognizing the same collective bargaining, grievance and adjudication rights for all employees of the Service as are granted to workers in the rest of the public service.

44) The Committee recommends that section 66(2) of the *CSIS Act* be amended to provide that the benefits accruing to former members of the RCMP be modified or removed only after management has obtained the prior consent of the individual employees concerned.

45) The Committee recommends that the *Department of the Solicitor General Act* be amended to give the Solicitor General of Canada a mandate for the direction, control and management of Canada's counter-terrorism program; and that the amendment indicate the lead ministry responsibilities of the Department and, more particularly, those of the National Security Co-ordination Centre and the National Policy Centre.

46) The Committee recommends that consideration be given by the Solicitor General to conducting a review within his ministry to establish whether agency heads should report to the minister through a senior deputy minister.

47) The Committee recommends that the Solicitor General require the Director of CSIS to provide the Minister with an additional annual report that can be tabled in Parliament.

48) The Committee recommends that Section 6(2) of the *CSIS Act* be amended to require the Minister to issue all instructions to the Service in writing. Provision

should, however, be made for emergency oral instructions. In such circumstances there should be an obligation on the Minister to confirm the instructions so given in writing within 48 hours. The amendment should also require that all instructions be termed 'directions' and be forwarded to SIRC.

49) The Committee recommends that the *CSIS Act* be amended to require the Minister to table a report in Parliament at least once each fiscal year concerning the status of written directions provided to the Service and that the Standing Committee to which it is referred consider the report in an *in camera* session.

50) The Committee recommends that the limits prescribed by section 19 of the *CSIS Act* apply equally to the Solicitor General and to all officials and exempt staff in the Ministry of the Solicitor General having access to information obtained by CSIS in the performance of its duties and functions.

51) The Committee recommends that section 19(2)(*d*) of the *CSIS Act* be amended to permit disclosures to members of the Senate and the House of Commons on the same basis as to ministers of the Crown and to a "person in the public service of Canada".

52) The Committee recommends that section 38(*a*)(ii) of the *CSIS Act* be amended to require SIRC to review ministerial directions, not only with a view to confirming compliance, but also to establish whether the directions provide adequate and appropriate instructions to the Service.

53) The Committee recommends that the *Security Offences Act* not be incorporated into the *Criminal Code*.

54) The Committee recommends that section 5 of the *Security Offences Act* be amended so that a copy of each *fiat* issued is referred to SIRC.

55) The Committee recommends that the federal government continue to pursue, as a matter of urgency, a policing agreement with the Province of Quebec, along the lines of that with the Province of Ontario.

56) The Committee recommends that Section 6(2) of the *Security Offences Act* be amended to require the Solicitor General of Canada 1) to lay before Parliament a copy of every arrangement made under this subsection and 2) to provide the Security Intelligence Review Committee with a copy of each such arrangement.

57) The Committee recommends that the *Security Offences Act* be amended to include a section that permits the Government of Canada to establish a Special Emergency Response Team (SERT).

58) **The Committee recommends that the government give priority to the establishment of a secure courtroom environment for the hearing of warrant applications under the *CSIS Act* or any other matters that involve national security issues.**

59) **The Committee recommends that the inter-departmental technical group established under the direction of the Department of Justice be mandated to review 1) the constitutionality of the warrant provisions of the *CSIS Act* and 2) the applicability of criminal law standards to the adjudication of matters involving the *CSIS Act*.**

60) **The Committee recommends that section 21(4) of the *CSIS Act* be amended to provide statutory protection to solicitor – client communications unless the solicitor is the target of a judicial warrant.**

61) **The Committee recommends that section 21(4) of the *CSIS Act* be amended to provide statutory protection to communications involving innocent third parties.**

62) **The Committee recommends that section 21(4) of the *CSIS Act* be amended to add to the list of warrant limitations those now applied routinely by Federal Court judges.**

63) **The Committee recommends that the length of time for which warrants can be issued and renewed under the *CSIS Act* be reviewed by SIRC and by the Government.**

64) **The Committee recommends that the Governor in Council develop regulations in respect of warrants as provided for under section 28 of the *CSIS Act*.**

65) **The Committee recommends that the *CSIS Act* be amended to provide that security cleared counsel attend before the Federal Court as *amicus curiae* during each warrant application under Part II of the Act.**

66) **The Committee recommends that the Federal Court, in consultation with the Canadian Bar Association, prepare a list of appropriate counsel to take the role of *amicus curiae* during the warrant application process before the Federal Court.**

67) **The Committee recommends that SIRC regularly monitor and report on the use of human sources by CSIS.**

68) **The Committee recommends that the *CSIS Act* be amended to provide that the use of "participant surveillance" may be carried out only under the authority of a judicial warrant as described under Part II of the Act.**

69) **The Committee recommends that the Department of the Solicitor General study the matter of CSIS and the CSE obtaining judicial authorization before using electromagnetic eavesdropping technology for investigative purposes.**

70) **The Committee recommends that the *Canada Post Corporation Act* be amended to provide that the acquisition of information by CSIS, obtained by tracing the names and addresses of persons with whom targets correspond, require judicial authorization.**

71) **The Committee recommends that the *CSIS Act* be amended to provide that SIRC be authorized specifically to compile and analyze warrant statistics and that SIRC be required to publish annually statistics containing the number of Canadian citizens or landed immigrants who have been affected by surveillance powers granted to CSIS under judicial warrants.**

72) **The Committee recommends that the Solicitor General, after consultation with the Inspector General, the Deputy Solicitor General and SIRC, provide a direction detailing what matters are to be included in the Director's Annual Report.**

73) **The Committee recommends that 1) the Inspector General be obliged to consult with the Minister and the Deputy Minister of the Department of the Solicitor General and with SIRC concerning the review priorities of the office; and 2) the Inspector General make all decisions regarding the order of review priorities, which decisions shall be conclusive.**

74) **The Committee recommends that section 30 of the *CSIS Act* be amended so as to make it clear 1) that the primary function of the Inspector General is to establish that the activities of the Service are in compliance with the laws of Canada, ministerial directions, regulations, and operational policies and procedures; 2) that the purpose of the certificate is to indicate compliance or non- compliance by the Service; and 3) that any review conducted under this section be for the purpose of establishing compliance or non-compliance by the Service.**

75) **The Committee recommends that the *CSIS Act* be amended so as to make it obligatory 1) on the part of the Inspector General to forward all reports to the Minister; and 2) for the Solicitor General to forward *all* reports provided by the Inspector General to SIRC.**

76) **The Committee recommends that section 31(2) of the *CSIS Act* be repealed so that the Inspector General has a right of access to all Cabinet documents under the control of the Service.**

77) **The Committee recommends that a copy of all recommendations made by the Inspector General to the Solicitor General be forwarded to SIRC.**

78) **The Committee recommends that section 34 of the *CSIS Act* be amended so as to rename SIRC the "Security *and* Intelligence Review Committee".**

79) **The Committee recommends that section 34 of the *CSIS Act* be amended to set the membership of SIRC at no fewer than five persons.**

80) **The Committee recommends that section 34 of the *CSIS Act* be amended to require the Prime Minister 1) to notify in writing the leaders of each of the parties with more than twelve seats in the House of Commons that an appointment to SIRC is to be made; 2) to request the leaders of each party so notified to put forward a short list of names of persons they believe to be qualified to be a member of SIRC; and 3) to communicate and discuss with the party leaders in the House so as to be apprised of their views on who should be appointed.**

81) **The Committee recommends that the current practice of calling newly appointed SIRC members before the Standing Committee on Justice and Solicitor General be continued.**

82) **The Committee recommends that section 34(3) of the *CSIS Act* be amended to provide that the Chairperson and members of SIRC be eligible to be re-appointed for one term not to exceed five years.**

83) **The Committee recommends that the staggering of appointments to SIRC be continued.**

84) **The Committee recommends that section 38 of the *CSIS Act* be amended so as to make it clear that SIRC has the mandate to monitor and review the effectiveness and efficiency of the Service.**

85) **The Committee recommends that the *CSIS Act* be amended to authorize SIRC to undertake financial reviews of the Service in conjunction with the Auditor General.**

86) **The Committee recommends that section 40 be amended to encompass reviews for compliance by the Service with the *Canadian Charter of Rights and Freedoms* and with the laws of Canada, including provincial laws.**

87) **The Committee recommends that Parliament 1) formally establish the CSE by statute and 2) establish SIRC as the body responsible for monitoring, reviewing**

and reporting to Parliament on the activities of the CSE concerning its compliance with the laws of Canada.

88) **The Committee recommends that Parliament establish SIRC as the body responsible for monitoring, reviewing and reporting to Parliament on the activities of those elements of the RCMP that fulfil the Force's security-related responsibilities concerning their compliance with the laws of Canada.**

89) **The Committee recommends that the Government Security Policy be replaced by regulations to be adopted by the Governor in Council and to be administered by the Treasury Board.**

90) **The Committee recommends 1) that regulations concerning the Government Security Policy (GSP) require the Treasury Board to submit a copy of its reports concerning matters currently identified in the GSP to SIRC at the same time as such reports are submitted to the Cabinet Committee on Security and Intelligence and 2) that SIRC be empowered to request Treasury Board and other departments to supply the Review Committee with such statistical reports as SIRC may consider necessary.**

91) **The Committee recommends that section 39(3) of the *CSIS Act* be repealed so that SIRC has a right of access to all Cabinet documents under the control of the Service.**

92) **The Committee recommends that section 53 of the *CSIS Act* be amended so as to require 1) SIRC to submit its annual report direct to the Speaker of each House of Parliament by September 30th of each year and 2) the Speaker of each House to table the annual report in Parliament within 15 sitting days after having received it.**

93) **The Committee recommends that section 54 of the *CSIS Act* be amended so as to permit SIRC to submit special reports to the Speakers of both Houses at any time for tabling in Parliament.**

94) **The Committee recommends that section 55 of the *CSIS Act* be amended to provide that before determining the content of a statement or report described in that section, SIRC shall consult with the Director of CSIS to ensure compliance with section 37, and that the Review Committee's determination in this regard shall be conclusive.**

95) **The Committee recommends that paragraph 41(1)(a) of the *CSIS Act* be amended to allow complainants to address their concerns directly to SIRC and to give SIRC discretion to advise the Director of CSIS that a complaint has been made.**

96) **The Committee recommends that the *CSIS Act* be amended to permit SIRC to initiate its own complaints against the Service.**

97) **The Committee recommends that section 42 of the *CSIS Act* be amended to allow the Review Committee to receive and investigate a complaint from any individual who, by reason of failure of the Service to complete a security assessment within a reasonable period after a request is received by the Service, is denied employment or is dismissed, demoted, or transferred or denied promotion or transfer, or is denied a contract to provide goods or services to the Government of Canada.**

98) **The Committee recommends that if the delay by CSIS in providing a security assessment amounts to constructive denial of employment to the complainant, then SIRC may forward a recommendation to a deputy head under section 52 of the *CSIS Act* and that recommendation shall have binding effect upon the deputy head concerned.**

99) **The Committee recommends that section 42(1) and (2) of the *CSIS Act* be repealed and replaced by:**

> **42.(1) When a security clearance, required by the Government of Canada for an individual for any purpose, is denied or is granted at a lower level than that required or is downgraded to a lower level than that required, the deputy head or other person making that decision shall send, within ten days after the decision is made, a notice informing the individual of the denial of a security clearance at the required level, and of the individual's right under this section to complain to the Security Intelligence Review Committee.**

100) **The Committee recommends that subsection 52(2) of the *CSIS Act* be amended to provide that SIRC rulings in respect of security clearances are final and binding upon a deputy head.**

101) **The Committee recommends that the Government study the feasibility of authorizing the Review Committee to provide legal or financial assistance to any person who, it is felt, requires such assistance to present his or her case before the Review Committee.**

102) **The Committee recommends that the *CSIS Act* be amended so that SIRC may award costs to a complainant who was successful in his or her application before the Review Committee.**

103) **The Committee recommends that the *Federal Court Act* be amended to provide that, in the event of judicial review, the Federal Court of Appeal have exclusive**

jurisdiction under section 28 of the *Federal Court Act*, and that it be entitled to review any SIRC report rendered pursuant to section 42 or any report affecting the rights of an individual rendered pursuant to section 41, together with all relevant documents.

104) The Committee recommends that special procedures be established under the *CSIS Act* and the *Federal Court Act* to enable SIRC files and documents to be transferred to the Federal Court of Appeal without the nature of these documents being made public and, where necessary, without even the existence or absence of such files being acknowledged.

105) The Committee recommends that SIRC be authorized to receive complaints about the conduct of members of the RCMP employed by the Force in national security-related matters but be required to forward such complaints to the RCMP Public Complaints Commission.

106) The Committee recommends that SIRC be empowered to request the RCMP Public Complaints Commission to conduct an investigation into a complaint concerning a national security-related matter.

107) The Committee recommends that the House of Commons Standing Committee on Justice and Solicitor General establish a permanent sub-committee to deal exclusively with security and intelligence matters.

108) The Committee recommends that the functions of the sub-committee be 1) to review the budgets of security and intelligence organizations with a view to providing reports to such committees as the House of Commons may determine; 2) to review the work undertaken by SIRC and the Inspector General; and 3) to undertake reviews of a general nature regarding security and intelligence matters.

109) The Committee recommends that the sub-committee be composed of five members.

110) The Committee recommends that a small, expert, full-time research staff with its own administrative support staff be specially hired to conduct research and to analyze material under the direction of the sub-committee.

111) The Committee recommends that all research and support staff of the sub-committee undergo security assessments and that all senior staff be cleared to the Top Secret Special Activity level and be placed under an appropriate oath.

112) The Committee recommends that the sub-committee meet *in camera* in a secure environment and that all notes and documents relating to its work be retained in a secure environment.

113) **The Committee recommends that the Party leaders attempt to ensure continuity, security and integrity in membership on the sub-committee for the duration of a Parliament.**

114) **The Committee recommends that, before submitting any report to any other committee of the House of Commons or to the House of Commons as a whole, the sub-committee develop procedures to establish whether the release of any information in such reports could pose a threat to the security of Canada.**

115) **The Committee recommends that, in the event that the Standing Committee on Justice and Solicitor General decides not to establish a sub-committee on security and intelligence, section 56 of the *CSIS Act* and section 7 of the *Security Offences Act* be re-enacted to provide for another parliamentary review five years after the tabling of this Report.**

116) **The Committee recommends that, in the event Parliament opts for another five-year review, the *CSIS Act* and *Security Offences Act* be amended to provide that the Committee established for the purposes of conducting such a review**

1) **have access to any information under the control of the Service that relates to the performance of the duties and functions of the Committee and be entitled to receive from the Director and employees such information, reports and explanations as the Committee deems necessary for the performance of those duties and functions;**

2) **have the obligation to submit its final report to Parliament, not within a predetermined time limit, but only at such a time as the Committee considers appropriate; and**

3) **have its staff security cleared before the start of the review.**

117) **The Committee recommends that Parliament adopt a *National Security Act*, which would incorporate the *CSIS Act*, the *Security Offences Act* and any other legislation necessitated by the implementation of the recommendations set out in this Report.**

J

TAB "J"

Selected materials from published materials of the Nielsen Task Force (in order):

Introduction to Program Review

General introduction	pp. 19-26
Justice	pp. 34-35

Justice System

Overview	pp. 11-23
Grants & contrib.	pp. 25-33
SG programs	pp. 98-142
	pp. 170-176 (Young Offenders)
	pp. 249-260 (Firearms)

HIGHLIGHTS OF PROGRAM REVIEW - GENERIC ISSUES

Introduction

In examining the study team reports from a wide perspective, a number of broad patterns become visible, patterns that were identified by virtually every study team. Some teams commented on these issues in their reports; others raised them with the Private Sector Advisory Committee.

These patterns are associated with problems outside the terms of reference of a specific study team but which are sufficiently large, pervasive or troublesome to warrant attention. The magnitude of the problems caused some concern among the members of the Private Sector Advisory Committee who noticed the regularity with which they were rediscovered by successive study teams.

The Committee began to refer to these problems as 'generic issues' and asked the two Task Force Advisors to keep an inventory as they became visible, and to comment upon them. The Committee's concern was also reflected by the Ministers of the Task Force, who requested in July, 1985, that:

> "the Task Force staff submit, when all program reviews have been completed, a report on generic problems detected during the various reviews."

In total, six such issues were identified. They are: the universal subsidy; the fiscal totality; inadequate program evaluations; lack of institutional memory; shortcomings in the personnel system; and the pervasive force of the status quo. In many instances, these issues are inter-related.

The Universal Subsidy

The phenomenon of the 'universal subsidy' is a constant theme running through all the study team reports -- subsidies through both tax provisions and direct expenditures, statutory as well as non-statutory. Governments have used subsidies to equalize between the 'haves' and the 'have-nots', to support failing enterprises, to provide essential services and to encourage certain economic or social behaviour.

Study team after study team questioned whether these subsidies were warranted; the successive team reports show that, in the absence of any political considerations, the answer has been, by and large, "No". This conclusion was reached not only because many subsidies are not warranted on economic grounds but also because most of them support 'activity' rather than 'results'.

As a consequence, the impact on the Canadian economy has been likened to Gulliver, tied down by a myriad of Lilliputian subsidy ropes...each rope infinitesimally thin, yet together immobilizing.

Of all the generic issues identified, the universal subsidy reflects most clearly the philosophical legacy inherent in the current stock of government programs. The limited flexibility and adaptability of the Canadian economy is due in large measure to this legacy.

The Fiscal Totality

The heavy reliance on subsidies as an economic tool of government is due to more than just political pragmatism. The fact that successive governments have felt little trepidation in using subsidy instruments as a universal solution is partly explained by an inadequate knowledge of the fiscal totality. This issue has many different facets.

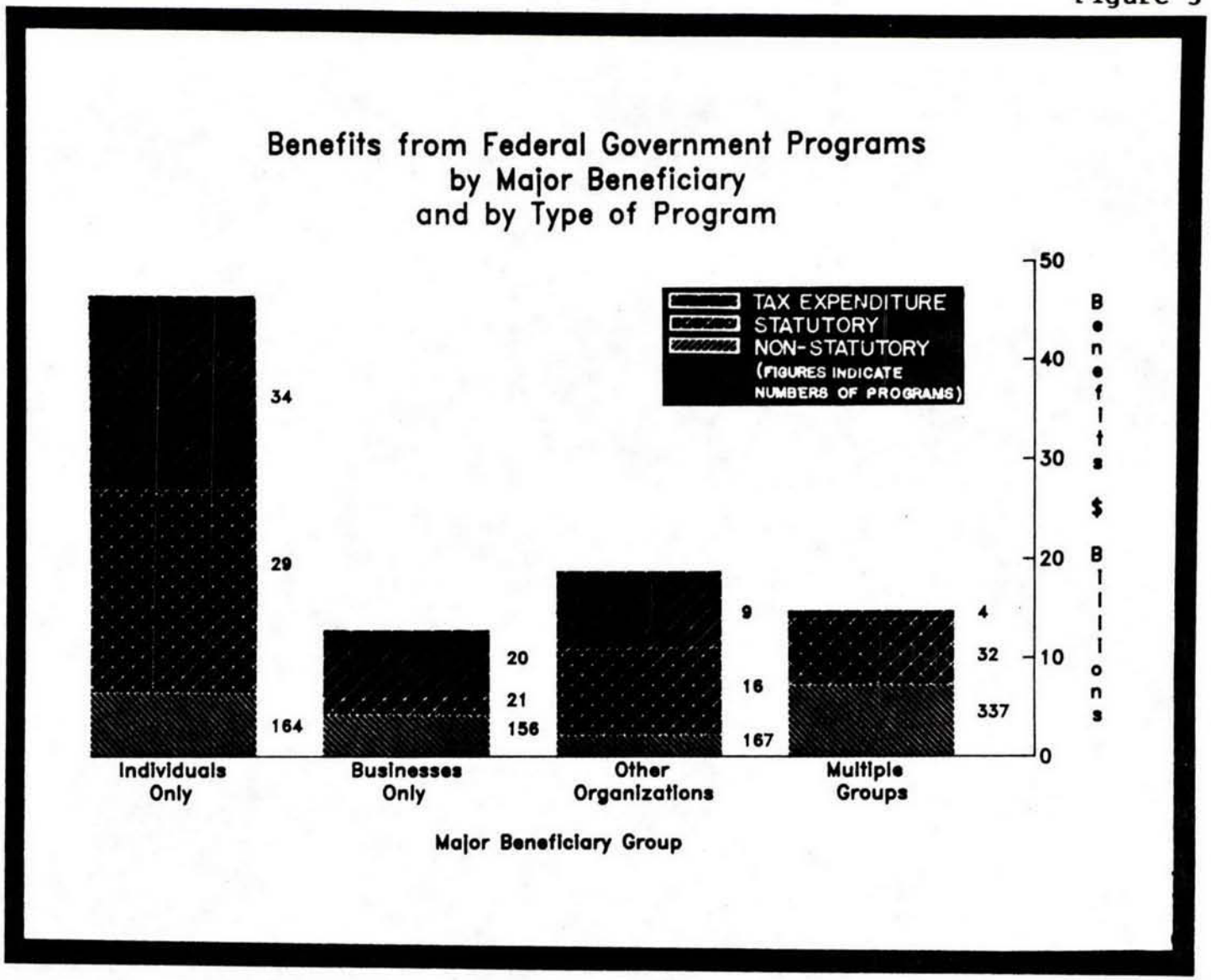
The program inventory that was compiled to support the Task Force review demonstrated the extraordinary importance of tax provisions in relation to statutory and non-statutory expenditures. Broadly measured, the relative magnitudes are as follows (see Figure 3):

Tax expenditures.....$36 billion (39%);
Statutory expenditures.....$37 billion (40%);
Non-statutory expenditures...$20 billion (21%).

Of these categories, only non-statutory expenditures are 'controlled' in the sense that new discretionary expenditures are subject to ministerial scrutiny both in the policy committees of Cabinet and by Treasury Board.

Until the program review process commenced, the government had no comprehensive overview of the total impact of these three categories of expenditures. As well, neither ministers nor public servants appreciated the combined magnitude of tax measures and direct expenditures.

Figure 3


Benefits from Federal Government Programs
by Major Beneficiary
and by Type of Program
TAX EXPENDITURE
STATUTORY
NON-STATUTORY
(FIGURES INDICATE NUMBERS OF PROGRAMS)
34
29
164
20
21
156
9
16
167
4
32
337
50
40
30
20
10
0
Benefits $ Billions
Individuals Only
Businesses Only
Other Organizations
Multiple Groups
Major Beneficiary Group

Convincing testimony to these inadequacies was the surprised exclamation of the first study team that we had been "giving with both hands", and its follow-up in the 1985 Budget Speech and again in the 1986 Budget.

As a consequence, new program proposals have never been challenged or scrutinized within the total fiscal context. At the same time, it has been impossible to challenge existing programs. The combined impact of this situation is government spending that expands exponentially, with seemingly required new programs and old programs that could never be terminated.

When the Auditor General's 1976 report commented that "government spending was out of control", reaction focussed on those expenditures that were already subject to intensive ministerial scrutiny, the non-statutory expenditures. Because of that interpretation, the government decided to apply even tighter restrictions by establishing the Office of the Comptroller General. While that office has generated a different set of generic issues, the total fiscal dimension has remained largely invisible, unknown and misunderstood.

Similarly, when the government decided years ago that the growth of direct expenditures should not exceed the growth of GNP, that did not apply to tax expenditures. The result has been that tax expenditures have been the preferred subsidy route during the past decade.

The government has incomplete knowledge of even its direct expenditures from the perspective of program recipients. The financial aggregations, or 'planning elements' used by Treasury Board as the building blocks of annual Estimates turned out to be unsuitable for the purposes of program review. A possible reason for this problem lies in the different orientation of program review (the Information Officer's approach) as compared to Treasury Board's 'input control' (the Financial Officer's approach).

While the Private Sector Advisory Committee and the Task Force wanted to know the magnitude and effectiveness of benefits received from government programs by identifiable clients, Treasury Board's level of control is on the aggregate flow of funds from departments. In most cases, that level of aggregation turned out to be too high for the purposes of the program review. The remedy, however

frustrating, was to construct, in cooperation with Treasury Board and the departments concerned, detailed spending patterns for each program under review.

The inadequacy of existing dollar figures is even more pronounced with respect to tax expenditures where the Department of Finance has only rough estimates of the financial benefits flowing from certain tax provisions.

Knowledge of the costs and benefits of government regulations has been even more rudimentary. The regulatory study team estimated that the annual financial burden of federal regulation ranges anywhere from $30 - $60 billion.

This inadequate knowledge of the fiscal totality manifests itself not only in the absence of a comprehensive view of tax expenditures in relation to direct expenditures, but also in numerical inadequacies regarding the magnitude of program expenditures, tax expenditures and the hidden costs of regulation. The combined effect of these shortcomings is a general inability to advise ministers about the precise financial inter-relationships of new programs and old programs which, in turn, has given rise to the observation that government spending is out of control.

Inadequate Program Evaluation

Many study teams found that routine government program evaluations were generally useless and inadequate for the work of the program review. Yet, guided and inspired by the Office of the Comptroller General, departments have put in place significant evaluation groups over the past years. Many of these groups were extremely helpful to the study teams despite the fact that their earlier work was not always relevant.

Ignoring occasional special evaluations requested by Treasury Board, routine evaluations conducted by departmental officials are undertaken for the department's deputy minister. By definition, therefore, they tend to be self-serving, even though the scheduling and methodology of these evaluations are subject to the approval of the Comptroller General. The fact that evaluation results are subject to disclosure under Access to Information legislation tends to make them even less frank.

As a result, there is a tendency for these evaluations not to question the fundamental rationale for the reviewed programs, but to concentrate on program impact and delivery. The basic question of whether these programs should exist at all, as posed by the study teams, is rarely raised at the departmental level. A further limit to departmental evaluations is their inability to examine cross-agency programs or similar programs in other departments.

The Private Sector Advisory Committee did not debate the issue of a permanent central government function for program evaluation. However, past experiments in this regard have not proved promising. In addition to the Treasury Board Planning Branch (1970-1978), three other attempts at centralized program evaluation were ultimately discontinued.

It may be concluded from these experiences that proper 'zero-based' program evaluations are not a function of government. A number of alternatives have been put forward including parliamentary committees, research bureaus of the opposition parties, etc. Alternatively, ad-hoc ministerial reviews conducted jointly by public servants and private sector specialists may be a more appropriate instrument to take periodic stock of the situation. Whatever improvements are possible, fundamental change is essential since the current focus of program evaluation on direct spending is too narrow to be truly comprehensive.

The inter-relationship of three generic issues -- the universal subsidy, the lack of understanding of the fiscal totality and inadequate program evaluation -- creates a system which expands with the inexorable growth of a rolling snowball.

Lack of Instutitional Memory

Several study teams commented on different aspects of a phenomenon which was finally labelled lack of institutional memory. As an example, the transportation study team noticed that the Ministry of Transport obtained Treasury Board approval to build a series of airstrips in Labrador on the grounds that increased air transportation would inevitably reduce the need for the existing ferry subsidies. A year later, when the department proposed to increase the ferry subsidies, Treasury Board did not raise any questions about the status of the airports.

Another manifestation of this phenomenon is the absence of a clearing house on federal/provincial issues. For example, when one department is negotiating with a particular province, it has no means of identifying whether other departments have concerns which could be incorporated into the same negotiating process.

This lack of institutional or corporate memory contributes to an inadequate challenging of new proposals, perhaps unnecessary activities and the continuation of two levels of government constantly dealing with the same issues. Inevitably, it is the taxpayer who is the loser.

Shortcomings in the Personnel System

The Private Sector Advisory Committee commented repeatedly on the government personnel system. The personnel classification system, in particular, was identified as running contrary to virtually everything the government is attempting to accomplish. That system establishes a direct relationship between position level and the size of the organization being managed (including staff and the magnitude of disbursable funds). And, it is the position level that determines the salary level of the incumbent.

Given this situation, there appear to be few incentives for public sector managers to accomplish new or difficult tasks, to try innovative approaches to provide better service to the public, or to try to do more with less. In fact, the reverse is more likely true.

To echo an earlier issue, personnel are classified more on the basis of the 'inputs' they control than on the 'outputs' they are supposed to provide. Expressed in another way, 'effort' is rewarded, rather than 'success'.

In reality, current rules of personnel management act in almost direct opposition to the objectives initially established. As long as they prevail, there is some doubt about the eventual success of measures such as cost recovery and contracting out to achieve the purposes envisaged for them.

Again, this issue relates directly to another generic issue, the lack of institutional memory. This may be due, at least in part, to the rapid turnover of Treasury Board program analysts.

The Pervasive Force of the Status Quo

Probably, the most intractable generic issue of all is the pervasive power of the status quo. While there may be general agreement that the status quo is undesirable, it is extremely difficult to reach consensus on any kind of reform. In fact, analysis alone is rarely enough.

Even where a given program is proven demonstrably useless, perverse or excessively expensive, abrupt termination often proves to be impossible. Thus, in order to be effective in achieving program reform, program evaluations must be accompanied or followed by careful strategic planning.

For example, in the case of this program review, the analytical phase is followed by a planning phase where individual ministers are charged by Cabinet to come forward with plans to implement certain decisions. These plans must include a consultation process to solicit the input and views of those affected by the changes, especially where the change impacts on areas of provincial activity.

In order to be successful, these plans must be based, to the extent possible, on consensus. In this regard, they are quite unlike similar planning in the private sector. Yet, consensus on specific program modification is not enough if the underlying generic issues enabling the growth of this agglomeration of programs is not addressed at the same time. These issues warrant examination and comment by such bodies as the Public Accounts Committee, the Auditor General or similar parallel public policy institutes based in the private sector.

The key areas for improvement identifed in human resourcing related to streamlining the various personnel processes (particularly staffing, and training and development) and to the appropriate legislation for regulating the federal public service.

In the Labour Affairs programs area, the study team concluded that the Department of Labour is well oriented to providing service within its mandate, but observed that some consolidation could take place. The study team was concerned that the Canadian Centre for Occupational Health and Safety had concentrated on providing information at the expense of achieving the balance of its mandate in this area.

Health and Sports Programs Study Team

In the field of health care, divided federal/provincial constitutional responsibilities and powers leave the federal government responsible for the personal health services of specific groups of people only (e.g., Canadian Armed Forces personnel, RCMP). Further, the federal government provides personal health services for Indian and Inuit people and provides a range of health services under contract to the governments of the Yukon and Northwest Territories.

The study team identified a number of options to improve and stabilize federal/provincial relationships in the area of Established Programs Financing. As well it suggested as that the Canada Health Act be amended to improve the flexibility of the system. The study team also made a number of suggestions with respect to the reduction of costs presently incurred for specific programs undertaken by Health and Welfare Canada.

The Justice System Study Team

Justice in Canada is administered and operated by a range of public and private institutions functioning at both levels of government. Together, they constitute the Canadian justice 'system'. The study team focussed considerable attention on the linkages implicit in this system and came to the conclusion that the linkages are poorly understood and likely not mutually supportive. Beyond this, the team found that many people in the major components of the justice system seemed uninterested or

incapable of grasping the system as a whole. In the view of the study team, this issue lay at the heart of many of the current problems with the justice system.

Because of the shared federal/provincial jurisdiction for justice, there have been difficulties experienced in the past. However, the study team observed that both levels of government are seeking practical resolutions to these difficulties. Further, it proposed that more justice program delivery functions could be passed on to the provinces that wished to assume them.

The study team also examined a number of key areas in the justice field, including responsibilities for international law, coordination of research and policy development, and legislative drafting procedures.

A major observation of the study team was that the justice system is at a critical turning point, with a pivotal role for the federal government. The team suggested that the quality of justice will become an increasingly public concern as rapid social and economic changes are reflected in the system.

Environment Programs Study Team

The Department of the Environment is the federal department most concerned with environmental and conservation issues. The department is organized into 'service' units which include the Atmospheric Environment Service, the Environmental Protection Service, the Environmental Conservation Service and Parks Canada. Resources devoted to these activities involve $760 million and 10,300 person-years in 1985/86.

The study team observed that the department faced significant problems in its enviromental protection mandate, partly because of a large informal mandate accorded it by the public, partly because of conflicting responsibilities, and partly because of the technical difficulties inherent in assessing environmental impacts over a very long term.

The study team conducted a number of 'theme' studies which cut across specific programs. These included organization, resources and management; the management of science; implementing the federal environmental quality mandate; and resource development and environmental protection policies and programs in the North.

OVERVIEW

INTRODUCTION

The justice system in Canada today is at a turning point. The role played by the federal government is pivotal to the system as a whole. The quality of justice will become an increasingly important public issue in the years to come as rapid social and economic changes increasingly call into question the principle of equity and how it can be respected given the realities of finite resources and the rapidly growing tendency to substitute judicial for political authority. The consequence of these trends, the study team believes, will be to focus national concern on the federal government's response to an emerging institutional crisis. Decisions by ministers at the federal level flowing from the work of the Ministerial Task Force could have the effect of consolidating significant progress made in the justice system over the past 15 years and determine the way in which the system will work between now and the year 2000. This requires a careful consideration of the principles that guide the federal government's role in the justice system, its institutional arrangements for giving effect to that role and the importance of taking adequate account of finding means to work cooperatively with the provinces in fulfilling their responsibility for the administration of justice. Fiscal restraint at both levels of government provides an opportunity to deal with basic issues because it places a premium on the most efficient way of fulfilling operational responsibilities.

A TURNING POINT

The justice system is at a turning point for a wide variety of reasons. Principally these have to do with the stresses inherent in operating overburdened, costly institutions in times of restraint, and the advances that have been made in making the law and the institutions that give effect to it more reflective of the principle of social equity.

The past two decades have witnessed a number of significant changes in attitudes towards the relationship between law and society. Law is used much more than as a means of regulating the relationship of individuals to one another and to society as a whole. It is, of course, used

for these purposes, but since the passage of the Bill of Rights at the beginning of the 1960s the law has come to be used increasingly as an instrument of collective social equity. This trend has been accompanied by an increasing tendency to use the law and its procedures and methods of decision-making as a means of satisfying societal demands that were either new or, in another era, would have been dealt with through political institutions. Thus, for example, in Access to Information legislation, judicial decision-making has been substituted for ministerial responsibility. These trends have come together in the Charter of Rights which, with its constitutional status, ensures that the need to think about the broad social significance of the law and the way in which the justice system gives effect to it in society will continue to claim more and more attention from all the institutions of justice, public and private. It is also worth noting in this context that the information society is promoting rapid social changes that are already straining the capacity of the legal system as a whole, and to which it must respond effectively if law is to remain the basis of social conduct.

IS JUSTICE A SYSTEM?

Justice in Canada is administered and operated by a range of public and private institutions operating at both levels of government. Together they provide a structure dedicated to providing justice to Canadians. The linkages within the structure are, however, of a somewhat tenuous character. Indeed, the adversarial, individualistic and discretionary character of the legal profession might at times be thought to insinuate itself into the disjointed relationships of the institutions, public and private, that compose the structure of the system.

In the view of the study team, there are, in addition to the weaknesses of linkages within the structure, two important related issues that should be noted. The first has to do with the extent to which the participants in the system as a whole are interested in, or capable of, viewing their interaction in systemic terms. The common law tradition discourages systemic rationalization, and this appears to have extended to not thinking about why relationships within the system are as they are, or how they could be improved. The second related issue is that historically there has been very little empirical data about what is actually happening within the justice system. This

absence of information is gradually being corrected, but it still remains largely the case that the absence of an academic tradition has made it difficult to adapt the law to meet modern social conditions on the basis of a clear understanding of how the law is actually applied and what may result from changes in it.

In short, there is a system, but it is housed within a structure whose members are often unable to benefit from strong interrelationships. This is because there is no tradition of doing so, nor is there a generally held perception that more systemic thinking and better information about how one part of the structure affects others would be helpful.

TAKING STOCK OF HOW THE JUSTICE SYSTEM IS EVOLVING

The complexity of the justice system is daunting and getting more so as more law, and more complex law, is enacted. Taking stock implies an attempt to look at the system systemically which, as noted, is not how the participants of the system tend to see themselves or each other. It is not surprising, therefore, to discover that a number of notable advances have been made in a more or less isolated manner in or among particular components of the sector. These advances, particularly in policy support for the development of the law, in elaborating the theoretical framework for the administration of justice and collecting data on what is actually happening in the system, have institutional bases in governments, law reform commissions, private foundations and the universities.

Fifteen years ago, policy development in support of the law was essentially non-existent. At the federal level, the first moves in this direction were made in the early 1970s when the Department of Justice began to consult individual law professors, although in those days few law professors were professionally trained researchers. The establishment of the Law Reform Commission gave these early stirrings some institutional permanence. The Department of Justice remained, however, the domain of litigators and solicitors until well into the mid-70s, although to its credit the policy void within the government was partially filled by the Solicitor General's departmental secretariat. Today, however, these early efforts to broaden the scope of the law-making function to encompass the examination of the policy for law in all its aspects have

grown into the extensive activities of the Law Reform Commission, the Department of Justice, and the Solicitor General's departmental secretariat.

Fifteen years ago Canada's law schools were not much engaged in research activities. Faculty members were not professionally trained to conduct research, and there was little interest in the schools in developing joint programs with professional researchers in disciplines such as sociology, criminology, political science, history, economics, and so on. Today Canada's faculties of law are different places, endeavouring not only to educate future professionals, but to promote scholarship and give future practitioners a framework within which to think about the increasingly important role of law as an instrument of social and political change.

During the same period both levels of government have become more active in finding means to give effect to the principle of equality before the law and the related social values of rehabilitation and crime prevention. The federal government has funded a very significant portion of legal aid programs; assisted Native peoples to understand the law and its procedures; developed crime prevention programs; developed pilot programs designed to provide assistance to victims of crime; and, taken other similar initiatives. Legal aid in particular has profoundly changed access to the law in the justice system. Some of these initiatives have caused certain problems with the provinces, principally because of the significant costs involved, but their cumulative effect has been to humanize justice and make its administration more just.

However, in the view of the study team, these developments are lacking in strategic focus. They cannot be said to fit into any clearly understood management system that seeks to coordinate all these good things in order to arrive at the shared objective of better justice in a rational manner. The truth of this is apparent in the state of federal/provincial tension in the justice sector, in the lack of focus and coordination within and among federal institutions in the justice sector and in the fact that the courts do not appear to have made any significant advances in the execution of their business or their relationship with the rest of the sector over the past 25 years. This is not to suggest that management theory or standardization offer some magic solution, but that current efforts to understand the justice system would benefit from a

strategic sense of direction. It must also be noted that the agendas of governments have changed since the early 1970s. The emphasis has shifted from "leading edge" developmental work to more operationally oriented fundamentals. The justice system needs to evaluate its developmental activities in the light of this overall change in emphasis, in the view of the study team.

FEDERAL/PROVINCIAL RELATIONS - A NEED TO SHARE MORE

The shared constitutional jurisdiction has made for difficult relations in the justice sector. There is currently, however, a tangible spirit on both sides to seek practical rather than jurisdictional solutions to problems. The opportunity to make progress on this basis should not be allowed to slip by, in the study team's view. It is inevitable that there will be tensions in an arrangement where the federal government legislates, as for criminal law, and the provinces pay for its administration. This odd split calls for special arrangements that respect both the law-making role of the federal government and the administrative duties and practical experience of the provinces. The work of the study team suggests that more program delivery functions could be passed to the provinces, particularly in the area of federal correctional institutions including penitentiaries, conditional release supervision and the Parole Board. The study team has proposed transferring all such matters to provinces which wish to assume the responsibility.

In this regard, the government may wish to consider whether an appropriate principle to guide such an evolution would be for the provinces to have primary responsibility for persons whose sentences are served in the community or in institutions whose linkages to community services are of primary importance, and for the federal government to be responsible for correctional and parole services for people judged to be a physical threat to society where security considerations would be uppermost. It should be noted, however, that the use of such a principle might best be used to guide ad hoc sharing arrangements rather than seeking to formally establish a new system of divided jurisdictions that might create as many problems as it solves and risks the elaboration rather than the reduction of administrative structures.

The team has also proposed that, to the extent possible, services should be privatized in whole or in part. It is for consideration, however, that privatization of correctional and parole services ought to be pursued to the fullest extent compatible with the Crown's responsibility to be fully and directly accountable for the use of coercive force in respect of persons whose liberty has been curtailed.

With respect to criminal law policy development, the study team has noted the need to improve relations between the two levels of government. It has noted this particularly in the case of demonstration projects mounted by the federal government in support of particular aspects of the criminal justice system, such as crime prevention and aid to victims. The team has suggested means to improve the delivery of these programs. The government may, however, wish to consider whether the federal/provincial relationship in this area is sufficiently important to warrant a further effort to make the broad inter-governmental consultation process more effective.

The two main mechanisms for coordination in this sector are continuing committees of ministers and deputy ministers respectively. The federal government may wish to consider providing the federal/provincial committee of deputies with a full-time executive secretary whose task would be to ensure that all relevant policy issues and important proposed research and demonstration projects were adequately communicated to and discussed with the deputies. The role would not be to reduce the scope for independent action at either level of government, but to ensure an adequate flow of useful information in a format that would be conducive to enhance the usefulness of debate among the deputies.

Over time, a successful executive secretary could provide leadership and direction to the Canadian Centre for Justice Statistics, which is a national body that reports to the continuing committee of deputies. The centre was created to develop national statistics on what is happening in the justice system. The study team has strongly endorsed strengthening this initiative. This and other means that could foster a more national approach to criminal justice policy issues should, in the view of the study team, be encouraged.

The study team considered the creation of a fully staffed national secretariat to serve the committee of

deputies, but on balance concluded that this would achieve nothing more than adding another layer of bureaucracy. As regards demonstration projects generally, every effort should be made to secure provincial approval and participation and, if this is not forthcoming, a decision to proceed unilaterally should require the personal approval of the federal minister responsible. In addition, such developmental projects should take into account operational realities including the capacity of the justice system to assume new long-term program costs.

THE FUTURE FEDERAL ROLE IN THE JUSTICE SYSTEM

The Minister of Justice (who is also the Attorney General of Canada) is seen as the key national figure in the overall justice system in Canada. It is worthwhile remembering that the system is composed of more than the two levels of government; it includes universities, national voluntary organizations, private foundations that fund research and development, the profession itself with its governing bodies and associations, municipal governments, and, of course, the courts. A rationally oriented strategy for the whole justice system should take into account this broader constituency.

If the federal government is to be fully effective in the development of the justice system, it must ensure that it focuses on how best to fulfil its role in such a way that it satisfies its operational responsibilities, provides an effective overall framework within which the justice system operates and develops, and is sensitive to the responsibilities of the provinces. In this context, there is a need to clearly define federal responsibilities for the provision of national services in the area of policing as part of the operational requirement to define the federal (i.e. non-contract) role of the RCMP.

INSTITUTIONAL ARRANGEMENTS

The study team has addressed the issue of institutional arrangements to fulfil these federal responsibilities, particularly as between the Department of Justice and the Solicitor General's departmental secretariat. In the view of the study team, the existing arrangements have not optimized strategic policy development at the federal level. The team was unable to support a conclusion that the existing shared jurisdiction in criminal justice policy

development between the two departments should be eliminated through a realignment of ministerial responsibilities, notwithstanding that the effect of the existing arrangement is regarded as confusing by many outsiders, including most of the provinces.

In looking at the question of the future federal role, it is important that the federal government is promoting research and policy development which will strengthen the framework within which the justice system operates. There should be particular emphasis on activities that will develop theoretical and empirical bases for such fundamentals as the nature of police independence, prosecutorial discretion, self-governance of the bar, the relationship between law schools and the bar and the nature of judicial independence, to name just a few. These and other systemic issues appear to be largely ignored inside government, although the universities and foundations are now beginning to turn their attention to them. Research on more time-sensitive topics such as aid to victims must of course carry on, but it should not overshadow attention to these essential matters, in the study team's view. Equally, the federal government should ensure that its operational responsibilities for law enforcement, prosecution, and corrections and parole are supported in its research programs.

As to structure, the study team has proposed that the Law Reform Commission be subject to greater direction in its work. The commission should not be asked to undertake major drafting projects. The commission should, the study team suggests, sponsor basic research on the sorts of fundamental issues outlined above and any other specific matter referred to it by the Minister of Justice.

The commission should also endeavour to make the fullest use possible of qualified academics in the law and social sciences faculties, making use of joint teams whenever possible. It should have adequate professional staff to design and evaluate research projects, but in most cases it should not conduct them in-house.

As for the departments of Justice and Solicitor General, the arguments advanced by the study team for and against consolidating criminal justice policy development in the Department of Justice need to be considered carefully. In this regard the team considered several options including concentrating all criminal justice policy in the Department

of Justice, the designation of the Ministry of the Solicitor General as a Criminal Justice Ministry, combining all Justice and Solicitor General functions in a single department with or without a senior/junior ministers arrangement and simply using better coordinating machinery between the two existing departments.

An initiative to consolidate the criminal justice policy development function in the Department of Justice should, the study team believes, remove the confusion and some of the poor coordination in dealing with the provinces. It could result in focusing the Solicitor General's departmental secretariat on policy issues relating to the minister's four agencies, including broad policy issues touching such matters as alternatives to incarceration and the future law enforcement role of the RCMP. It would eliminate the perceived conflict in the minister's responsibility for the agencies as well as for the development of the justice system policy that the agencies are required to administer. Finally, it should obviate any perceived problem in having the Solicitor General develop policy for criminal law when the Minister of Justice is responsible for the criminal law.

The risk in concentrating all criminal justice policy development in the Department of Justice is that such development might be too much legally and not enough socially oriented; that the Solicitor General would be less able to temper the enforcement attitudes of the agencies; and, that the checks inherent in the existing system would be lost. In this regard, however, the Solicitor General's departmental secretariat developed its criminal law policy functions in the early to mid 1970s largely because the Department of Justice had shown no interest in doing so. That situation has now changed.

The new situation clearly involves two departments working in the same policy sector. This overlap creates confusion for outsiders, including the provinces, and rivalry between the two departments. The continuation of overlap, confusion, and rivalry should be weighed against whatever advantages the status quo appears to hold.

PRIVATE SECTOR

Regardless of which structural arrangement is adopted, the study tam believes that efforts should be made to make

more and sustained use of the private sector in research and consultation. The capacity of the law and social sciences faculties to contribute to operationally relevant basic theoretical and empirical research should be systematically encouraged and existing funding redirected to ensure that such work is developed on a coherent basis. A representative group drawn from the law and social sciences faculties, voluntary organizations and the foundations may be a useful group with which to consult on a regular basis. The foundations are funding relevant theoretical and empirical work about which the government appears to be largely unaware. Such consultations and any consequent re-directing of research and development funds should serve both to improve linkages in the system and to ensure the development of a more systematic approach to justice issues. More generally, a redirection of funds towards more systematic research would reduce the scope for provincial irritants. In this regard, research and development funding, including existing sustaining grants to develop centres of excellence in the universities, might be usefully pooled and administered by the Social Sciences and Humanities Research Council. The SSHRC should then be invited to establish a separate funding category for justice issues into which the Law Reform Commission and the government should have adequate input.

THE COURTS

In the study team's view, better use of private sector resources would enable more work to be done on the role of the courts and issues of management and substance which at the present time are largely ignored because of the principle of judicial independence. It is essential that better means be developed to gather the views and opinions of judges and to influence the management of the courts.

CONCLUSION

In the view of the study team, the increasing use of the law to deal with social issues culminating in the political decision-making for the courts inherent in the Charter lends urgency to defining better the federal interest in the systematic understanding of the workings of the justice system and how best to give effect to it. Together with the profession and the non-governmental components of the sector, including the law and social

sciences university faculties, the federal government should ensure that its research and development funds are being used first to develop a better base for understanding issues within the justice system and, in the process, to build better linkages among all those involved in the enforcement of the law, its application in the courts and the remedial consequences in the community and the prison/penitentiary system. This requires close attention to and research support for the operational responsibilities of the Department of Justice and the Ministry of the Solicitor General. Priority consideration of other policy issues such as crime prevention and assistance to victims should, in the study team's view, flow from this fundamental research base rather than precede it. In order to ensure that the orientation of the research base is adequate, the government may wish to consider formal substantive consultative mechanisms linking the federal apparatus to the non-governmental elements of the sector.

On the basis of this justice system base-building orientation, consideration would need to be given to streamlining the respective functions of the two federal departments and the Law Reform Commission. The commission could retain its broadly based systems-wide approach, but use a coordinated legal scholar and social scientist research thrust based primarily in the universities, working in cooperation with private foundations and voluntary organizations. Within these parameters it could then be subjected to more active ministerial direction. The Department of Justice should ensure that its policy activities directly complement the development of relevant research sponsored by the commission and carried out by the universities and foundations, ensuring that other policy development work does not overshadow this fundamental base-building research function. Regardless of whether the government believes criminal justice policy development should be rationalized in the Department of Justice, the Solicitor General's ministry secretariat should, in the view of the study team, focus itself more directly on the provision of independent advice to its minister concerning the policies governing the operations of his agencies, following the advisory model set out for the Deputy Solicitor General in the Canadian Security Intelligence Act.

Finally, based on the foregoing relationships with the provinces in this sector of shared jurisdictions, the study team believes emphasis should be placed on a more cooperative, fact-based footing. Services wherever possible

could be shared, and every effort made to develop new criminal law on a cooperative basis, tying consultation to criteria such as jointly developed costing data and providing for the joint development of demonstration projects. In this regard some very modest machinery on the lines suggested above might be elaborated to assist the continuing federal/provincial committee of deputies to organize their work more effectively.

The development of:

a. an overall approach to the justice sector based on the federal interest in promoting more institutionally and empirically oriented research and policy development designed to support operational requirements and to foster better linkages within the justice system, and

b. greater cooperation with the provinces by sharing more operational services and developing a more national approach to criminal justice policy development

provide two broad guiding principles that may enable the federal government to chart its course and guide its strategic thinking in the justice sector in the critically difficult period that lies ahead.

OTHER KEY ISSUES

International Law

The Department of External Affairs provides its own legal and related services in matters of international law, giving rise to periodic disputes with the Department of Justice particularly in respect of litigation before the International Court of Justice. The study team has identified the arguments for and against consolidating international law issues in Justice and is of the view that the existing arrangements are unsatisfactory. In considering the merits of change, it is important to bear in mind the essentially political character of international law and the continuum that extends between diplomatic negotiations and international litigation. It is also worth noting that in certain areas of international law key to Canada's interests, particularly in law of the sea, the Department of External Affairs has developed an expertise

second to none. In the view of the study team, more involvement on the part of Justice Department litigators should be encouraged but a decision to redefine ministerial responsibility in this area might best be taken only if further practical experience dictates a need for change.

Legislative Drafting

At present, legislative drafting is performed by a unit located in the Department of Justice. Drafting priorities are set by Cabinet on the advice of the Cabinet Committee on Legislation and House Planning, which is chaired by the Government's House Leader and serviced by the Assistant Secretary to the Cabinet for Legislation and House Planning. The study team has identified a number of problems that affect the dispatch with which the drafting function is performed and has advanced the possibility of relocating the function to place it directly under the control of the Government's House Leader. The team has suggested, however, that before considering a major reorganization that has significant implications not only for the Department of Justice but also for the role and structure of the Privy Council Office and the responsibilities of the Prime Minister, consideration be given to management improvements in the existing arrangements. This suggestion is based on the view that organizational change alone seldom solves management problems.

Emergency Planning Arrangements

Emergency planning arrangements have been examined by the study team. Quite apart from questions of expenditure levels, priorities, and federal/provincial jurisdictional issues, the team has been struck by the absence of a clear distinction between locally manageable and national disasters. In this regard, priority needs to be given to developing provincially agreed-upon listings of possible disasters and all available resources should be identified. Questions of jurisdiction and control could be addressed separately to the extent possible in order not to retard the development of basic contingency planning that identifies the optimal use of all resources. In order to make such progress, the federal government must be in a position to coherently manage the resources available to it in the context of an overall emergency planning strategy.

RESEARCH GRANTS AND CONTRIBUTIONS
THE COORDINATION OF RESEARCH, DEVELOPMENT AND POLICY DEVELOPMENT

SHARED JURISDICTION

The constitutionally defined regime of federal and provincial responsibilities for the justice system has led to the development of a complex arrangement of split and shared responsibilities among the 13 senior governments in Canada. The federal government has constitutional responsibility for criminal law and procedures, penitentiaries, certain aspects of policing, the prosecution of federal offences, the appointment of superior court judiciary and various other functions of criminal and civil justice. The provinces have responsibility for the administration of justice. The structure of the justice system is further complicated within many jurisdictions by the existence of more than one department having responsibility for aspects of the justice system. There are, within Canada, approximately two dozen departments having justice-related responsibilities, as well as many other federal agencies, such as Health and Welfare Canada, Department of Indian Affairs and Northern Development, Statistics Canada and provincial social services departments, which have less direct but substantive interest in issues related to the justice system. At the federal level, the two departments with the most direct responsibility for justice-related issues are the Department of Justice and the Ministry of the Solicitor General.

Not surprisingly, each of the players interact with differing priorities, differing levels of resources and differing capacities to jointly and individually manage their responsibilities. There is a consensus that the justice system in Canada can be characterized as fragmented and, indeed, there are some who would argue that it is misleading to characterize it as a system at all, except insofar as the activities of any one component affect the others.

Given the need for interaction in order to discharge responsibilities, there has emerged at the national level a highly complex mechanism for federal/provincial and inter-departmental consultation. In terms of federal/provincial relations, there currently exist at least a dozen committees of an ongoing or ad hoc nature, ranging from the ministerial to the staff level. Within the federal government, the

necessity of inter-departmental coordination of efforts in areas of mutual interest has also necessitated the establishment of extensive committee and consultative structures. The complexity of the interaction and the degree of shared responsibilities for activities in the research and development and policy formulation areas is particularly pronounced.

Both of the aforementioned federal departments have mandates which require them to undertake similar kinds of research, development and policy formulation in order to adequately discharge their responsibilities. Section 4(c) of the Department of Justice Act provides general authority to that department to "have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the governments of the provinces". In addition, the Department of Justice has overall responsibility for the criminal code. The recognition that the justice and legal systems do not operate in isolation from social and economic factors; that the department's legislative responsibilities cannot be discharged without an empirical research capacity; and, that experimentation and consultation are critical to the discharge of its responsibilities, has led the department to establish such capacities over the last decade.

The legislated mandate of the Ministry of the Solicitor General, on the surface, gives that ministry a narrower responsibility for R&D, limited for the most part to operational research to support its statutorally defined functions relating to the agencies. The ministry was established in 1966 and the responsibilities for the RCMP, security matters, Correctional Service of Canada and the National Parole Board were removed from the Department of Justice.

In 1972, Treasury Board approved the establishment of a secretariat within the ministry, with responsibility for the development of policy, evaluation, research and consultative capacities to serve the minister in relation to the above-mentioned agencies and the broader criminal justice system. The ministry was given the administrative responsibility to play the lead role in major aspects of criminal justice policy. The capacity which has developed is focused primarily in the law enforcement and correctional sectors, although increasingly, substantive issues such as victims and sentencing, as well as the young offenders legislation, which cut across all sectors of the system, are being addressed.

In effect, both departments have a lead role in the area of criminal justice policy.

ENVIRONMENT

The study team, in assessing the environment in which the criminal justice system operates, advances the following characterization:

a. The constitutionally, legislatively and administratively defined mandates of the federal and provincial departments involved in the administration of justice have resulted in a highly complex and fragmented system.

b. The consultative process established to manage this complex and fragmented system is itself complex and fragmented.

c. There exists little agreement as to the direction in which the system as a whole should go; that is, on the general lines of legislative policy and program development it would be desirable to pursue on a national basis.

d. The research and knowledge capacity to support such strategic direction is itself under-developed.

e. In part, as a consequence of the above, the capacity to manage the system and the interrelationships among components of the system is also under-developed.

Fundamental to the situation facing criminal justice practitioners and decision-makers is the absence of shared strategic policy at the federal and national levels.

LEADERSHIP ROLE

Virtually all knowledgeable respondents interviewed by the study team acknowledged that the federal government has and must play a leadership role in the criminal justice system by virtue of its law-making power and responsibility as the central government. The question emerges as to how that role can be discharged most effectively to ensure that optimal efficiency in the administration of justice is achieved, and to ensure that a strategy for the improvement

of justice services and legal protection is developed, with full regard for the implications of the proposed changes on all components of the system.

Currently, the federal government exercises its leadership responsibilities in the following ways:

a. through the consultative procedures leading to legislative amendment of the criminal law and areas of civil law which affect provincial interests; and

b. by stimulating policy and procedural change with respect to the operations of various components of the justice system through:

   1. increasing public awareness of, access to and involvement in the justice system; and

   2. providing technical and financial assistance to provincial and non-government departments and agencies in order to allow them to undertake specific activities and operate specific programs.

Both federal departments, as well as Health and Welfare Canada, the Department of Indian Affairs and Northern Development, Secretary of State and Statistics Canada are involved in these activities to varying degrees.

It must be recognized that the federal role as an agent of change within the justice system conflicts with provincial priorities, capacities and levels of resources. It is, however, in the view of the study team, critical that such conflicts be minimized and that, to the extent possible, the needs of the two levels of government coincide.

CONCLUSIONS

On the basis of its review, the study team has concluded that:

a. there is a need for a strategic policy at both the federal and national levels in order to:

   1. reach consensus on the direction for future development of the justice system;

2. allow the development of a research capacity and knowledge base to support integrated policy development and management of the system; and

3. optimize the efficiency with which the system is administered.

b. the existing framework for discharging shared responsibilities at the federal and federal/provincial levels frequently results in inter-departmental and inter-governmental tensions. While some degree of tension is inevitable, improvements in these processes are required.

c. given the complexity, degree of fragmentation and absence of agreement on the direction for further development, it is impossible to determine whether optimal efficiency in the administration of justice is being achieved.

FEDERAL STRATEGIC POLICY

In the view of the study team, the present division of criminal justice policy responsibility between the Department of Justice and the Ministry of the Solicitor General has not facilitated cohesive strategic policy development at the federal level. While specific elements of such a policy, such as that represented by the criminal law review process do exist, that thrust is not tied to a clear direction in other areas of federal operational and policy responsibility or to an understanding of its implications for provincial operational and policy responsibilities. There is a need to develop a capacity to undertake the task of establishing an overall, long-term and integrated approach to developing criminal justice policy at the federal level as well as the research and development activities which would support it.

The study team considered a number of structural alternatives which could contribute to the establishment of an improved strategic policy thrust at the federal level. The implications of major structural or mandate changes in the two departments, changes which could contribute to an improved capacity for strategic policy development, however, were such that no consensus emerged on an alternative which was clearly preferable to the status quo, notwithstanding its limitations.

The Department of Justice could be given a specific lead role in criminal justice policy-making. This would entail the integration within Justice of resources currently devoted by the Solicitor General to long-term policy development and that ministry's concentration on the operations of the RCMP, CSIS, CSC and NPB. Such a move would focus responsibility for overall policy development in one department but would entail major and disruptive structural changes within both. Moreover, this alternative would distance the agencies which are the major expenders of federal justice funds from the long-term policy development capacity which currently exists in the Solicitor General secretariat.

An alternative approach is the designation of the Ministry of the Solicitor General as being responsible for criminal justice policy; in effect to be a "Criminal Justice Ministry". In this case, the Department of Justice would provide the legal services required for legislation as a result of Solicitor General policy development and carry out the responsibilities normally associated with the Office of the Attorney General. This alternative would likewise entail major disruptive structural change and would remove from the Department of Justice its traditional responsibility for criminal law amendment. Any further review of this or other alternatives would need to address the relationship between the Solicitor General's agencies and the Deputy Solicitor General in terms of the appropriate degree of accountability through him/her and his/her appropriate role in resource allocation within and among the agencies.

In some jurisdictions, a single ministry combines the responsibilities of Justice and Solicitor General. One approach examined by the study team would provide for such an arrangement with three deputy ministers: a Deputy Attorney General; a Deputy Solicitor General and a Deputy Minister responsible for justice policy, programs and research. Another possibility is a senior Minister of Justice coordinating the policy activities of junior colleagues responsible for Solicitor General and Attorney General functions. Given the size of the existing federal departments, either of these alternatives could lead to problems resulting from an over-extended span of control. It was also noted that prior to 1966, a single ministry did exist and that the Ministry of Solicitor General was established to separate the investigative and prosecutorial responsibilities of the Crown and because of the breadth of responsibilities for which a single minister was accountable.

In the view of the study team, each of these approaches presents advantages and disadvantages but that of the single ministry with deputies responsible for three areas - legal services, police and operations, policy - appears to be the most useful in obtaining integrated policy control. Nonetheless, none of the alternatives to the present Justice/Solicitor General structure presents sufficient benefits as to make it clearly preferable. Moreover, it is not clear to the study team that any of the alternatives would result in savings in staff or budget.

Maintenance of the status quo however, does not, in the view of the study team, remove the need for a federal strategic policy capacity in criminal justice nor does it imply inaction. Rather, any action would need to be carefully targeted to avoid major disruption but seek maximum collaboration and coordination of policy development. Thus Cabinet could direct both Justice and the Solicitor General to prepare jointly, for its consideration and periodic review, a criminal justice strategic policy plan with an administrative mechanism and resource reallocation.

The study team proposes that the Department of Justice and the secretariat of the Ministry of the Solicitor General be jointly subject to an external "A" base review in order to assist in defining an appropriate strategic planning capacity.

NATIONAL POLICY

Efforts to overcome the divided nature of the criminal justice system and bring some cohesion and direction have been ad hoc or issue-oriented using federal/provincial task forces or working groups. An overall perspective is attempted through the regular meetings of ministers and deputies responsible for justice. The arrangement of and logistics for these meetings devolve upon participants without an on-going secretariat or other support mechanism.

To facilitate the development of a more integrated, national approach to criminal justice policy, the study team examined the possibility of establishing a small, federal/provincial secretariat for the meetings of ministers and deputies. Such a body could provide the machinery to underpin the process of discussion and help focus information on issues, provide institutional memory and aid control and integration of the work of other committees, task forces and working groups.

While some members of the team saw definite advantages to the proposal, it was the view of others that a secretariat would add another bureaucratic element to an already complex environment. The existing mechanisms do achieve results in developing national approaches to specific initiatives in criminal justice and reflect the nature and operation of the Canadian federation. The complexity and number of committees, task forces or working groups can therefore be viewed as a "cost of doing business".

The team also examined the Canadian Centre for Justice Statistics as an experiment in federal/provincial coordination and cooperation in national endeavours. While providing promise in its particular area of concern (justice statistics), it is too early to tell whether the model has applicability in the broader context of the management of the system of R&D in general. The study team noted that notwithstanding a formal federal/provincial committee structure to direct the operations of the centre, the number of participants at the deputy and staff levels and the sporadic interest of deputies in the initiative has led to difficulties in focusing policy direction and ensuring proper accountability.

RESEARCH AND DEVELOPMENT CAPACITY

Criminal justice, as other areas, requires a sufficient body of knowledge and individuals able to provide the long-term intellectual basis for policy development. Such a research and development capacity has been built in the last 20 years in law and criminology through federal and provincial university support and direct federal aid to research. However, an integrated, inter-disciplinary research and development capacity for the criminal justice system as such, rather than parts of it related to particular fields, is still lacking in the study team's view.

Given the need to develop an ongoing and dynamic knowledge base for policy-makers and society to draw upon in criminal justice, and its own mandate as a federal granting agency, the Social Sciences and Humanities Research Council of Canada should implement a strategic research program in law and criminal justice. To enable greater coherence and targeting of funds, resources now expended by the Solicitor General under its programs of support for criminology

centres and independent research could be transferred to SSHRC for the strategic program. The Solicitor General, Justice and provincial authorities would need to have policy input into the structure and orientation of the SSHRC program.

CONSULTATION

In the view of the study team, there is a need for improved consultation between provincial and federal authorities in the exercise of the federal criminal justice leadership role, most particularly in the funding of demonstration projects. While stimulus of innovation in areas such as victims' services or crime prevention is a legitimate federal activity and required for policy development, provincial jurisdictional and long-term cost concerns must be addressed.

The current Solicitor General Consultation Centre structure does not adequately facilitate inter-governmental liaison and communication and is, together with demonstration projects, often an irritant for provincial authorities. The present six regional offices now fulfilling a variety of roles could be replaced by a single senior officer in each provincial capital whose function would be communication and liaison. Although part of and reporting to the Solicitor General Ministry, officers would also serve Justice department needs.

At present, joint Solicitor General/provincial committees exist in Alberta and Quebec to coordinate priorities and project support. Such committees should, in the view of the study team, be established in each province and include Justice department representatives.

Federal funding of demonstration projects would take place through or with provincial authorities. However, the clear power of the federal government to fund projects directly would not be altered. The Solicitor General Demonstration Program would be administered from Ottawa rather than delivered through regional offices as is currently the case. Furthermore, to provide better client service, the project approval process at the headquarters level could be streamlined and specific budgetary allocations determined for each province.

CRIMINAL JUSTICE RESEARCH PROGRAM
Solicitor General Canada

OBJECTIVES

The objectives of the program are to:

- design and carry out research and evaluation studies which produce and accumulate information to inform decision-makers with respect to criminal justice policies, programs, services and legislation;

- interpret and disseminate the results of research, evaluation, and experimentation to provide technical advice to provinces and local agencies to improve criminal justice practices; and

- promote the use of research findings in criminal justice policy-making and support the development of Canadian criminal justice research manpower.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures derives from the annual Appropriation Acts.

DESCRIPTION

The program developed from the research activities of the ministry and its agencies, taking its present form in 1974 with the establishment of the Research Division within the Solicitor General Secretariat. The program provides research support to the minister and deputy solicitor general, the secretariat and the ministry agencies.

Research is conducted through the four units of the research division: corrections; police and law enforcement; causes and prevention; criminal justice policy. Depending upon the size and complexity of the project, research is done through contracting out, or by way of a collaborative approach using program staff and contractors. These approaches vary over time and with tasks. The great bulk of the work, however, is contracted out. An in-house approach will use contractors for specific research assistance and most work undertaken is collaborative - a research officer

works with a contractor to develop a project design, methodology, etc., obtains approval and manages the contract.

In-house work is normally done when factors such as speed, priority, particular expertise and security are present.

Depending upon the nature and cost of the project, contracts may be sole-sourced or go to tender through Supply and Services Canada. Projects over $50,000 are always sent for tender. Contracts are administered with 25 per cent of the agreed sum retained pending satisfactory performance. An inventory of researchers available for contract work is maintained by the Secretariat Program Branch Administration Unit.

Dissemination of research project results is by way of user reports to targeted groups of interested parties and as appropriate, internal reports, memoranda, etc. In addition, research findings may be published by the ministry in the form of technical reports or through conferences.

Research priorities are set through a committee system grouping representatives of the secretariat branches and the ministry agencies. The committees ensure that agency requirements and ministry initiatives, such as victims or crime prevention, are coordinated in an overall matrix fashion and research resources allocated.

The Department of Justice is also represented to ensure coordination of activities. Each research project has a steering committee with members from the relevant agency or department.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages			
Other O&M	900	800	735
Capital	2,500	1,700	1,300
Grants and Contributions			
TOTAL	3,400	2,500	2,035
PYs	18	18	18

BENEFICIARIES

a. Decision-makers within the Ministry of the Solicitor General;

b. other decision-makers, federal, provincial and municipal authorities concerned with criminal justice; and

c. researchers in criminal justice.

OBSERVATIONS

The research program is driven by the policy needs of the ministry, both in terms of the minister and his deputy's immediate or short-term needs, and the requirements of the ministry agencies and the Solicitor General's approach to acting as an agent for change in the criminal justice system. The program must therefore respond to a variety of pressures, albeit within a coordinated ministry system. Equally, it must ensure a research product which is timely, relevant and of high quality for policy formulation.

The program is operated as a separate administrative unit from the ministry secretariat branches and agencies it serves. While the possibility exists of providing a research support capability internal to each branch or agency, it is considered that this would fragment the overall ministry research effort, risk diversion of longer term research resources into short term operational concerns and present coordination problems.

The committee system which defines and approves the research programs and projects is complex and reflects the need to coordinate ministry activities across a number of areas and decision centres. It is also an attempt to avoid duplication of effort between ministry elements and with other departments, in particular the Department of Justice and its research activities.

It is generally accepted by provincial contacts that research activity at the provincial level is limited in scope and tends to reflect operational needs. The federal government research effort in criminal justice is the major source of longer term, policy-based work in the field. The program has also assisted in the development and maintenance

of a criminology research capacity in Canada both within government and the private sector.

ASSESSMENT

In the view of the study team, this program is an integral part of the Solicitor General ministry's policy development process. It does not duplicate other programs. Through a continuing effort and a formal consultation structure, it coordinates with research activity in other relevant federal departments.

No program evaluation exists and measured estimations of impact and effectiveness are not possible. In terms of efficiency, the program operates appropriately and steps have been taken to respond to observations made by a 1982 internal comprehensive audit and by the Auditor General in a 1983 report. The level of contracting out appears consistent with the fluctuating demand over any given time period.

If the program was not in operation, the ministry could not properly undertake its policy development and leadership function, compromising attainment of its objectives. Further, a major source of research information available for development of the criminal justice system in Canada would be lost and the national research capacity in this field diminished.

OPTIONS

Given the infrastructure relationship of the program to the Solicitor General's ministry operation and the negative effect discontinuing the program would have on the attainment of ministry goals and the criminal justice system generally, the study team recommends to the Task Force that the government consider continuing the program.

DEMONSTRATION PROGRAM
Solicitor General Canada

OBJECTIVES

Within the context of Research and Development, the demonstration program is designed to:

- test and evaluate, in conjunction with provincial, municipal and community organizations, innovative approaches to the resolution of complex and persistent criminal justice problems;

- produce, accumulate and disseminate knowledge and information to support decision-making for criminal justice legislation policies, programs and services;

- stimulate and promote information exchange concerning new concepts and emerging issues in criminal justice; and

- increase citizen and community participation in the resolution of criminal justice problems.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditure derives from the annual Appropriation Acts.

DESCRIPTION

The Demonstration Program began in 1968 and is administered by the Consultation Centre of the ministry secretariat. It offers funding up to a maximum of three years for a variety of experimental projects in criminal justice such as service delivery models, conferences, training aids and information kits.

Applicants may be individuals, groups, organizations or governments - municipal, regional or provincial. Applications may be made through one of the Consultation Centre's six regional offices or directly to headquarters depending upon whether they are local, regional or national in scope. Either a complete detailed project proposal or a

short preliminary proposal may be submitted. For the latter, regional or Ottawa staff as appropriate will assist in preparation of a fully detailed proposal.

Proposals are screened by staff and a profile and recommendations are prepared for submission to the relevant ministry review committee. Committees are generally composed of representatives of the RCMP, National Parole Board, Correctional Service of Canada and ministry secretariat. Committees also include a Department of Justice representative.

The review committees ensure that the proposal is relevant in the context of the ministry's objectives, criteria and needs and recommend approval or rejection. Approval for funding may be given at different levels.

Selection criteria for projects require that they:

- be innovative;
- further ministry objectives and Consultation Centre priorities;
- be developed with relevant federal, provincial, municipal and voluntary agencies;
- be carried out in not more than three years;
- exhibit a high potential for local support to ensure continuance after the initial phase; and
- be developed in a systematic manner, be well-documented and have an evaluation component.

Priority is given to projects involving citizen participation at the policy and direct service levels.

Upon approval of the review committee's recommendation, applicants are contacted by regional or national staff and informed of the decision. The period between application and announcement of decision varies considerably but on average is between three and five months. Applications are received at any time with no fixed deadline dates.

The program budget is allocated among the various initiatives, such as victims, crime prevention, and according to the priorities for activities between and within those established by the ministry as part of its annual planning exercise. Budget control and program management for each initiative is the responsibility of a national program consultant located in Ottawa. The regional staff normally play a communications and project-monitoring role reporting for these purposes to the national consultant.

BENEFICIARIES

a. Provincial regional and municipal governments (police forces), and individuals; and

b. non-governmental organizations working in the criminal justice field.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries & Wages	856	911	1136
Other O&M	650	575	1056
Capital			
Grants and Contributions	1,473	1,323	2,614
TOTAL	2,979	2,809	4,806
PYs	24	24	26

OBSERVATIONS

The demonstration program offers the ministry a flexible vehicle for experimentation and dissemination in developing new approaches to criminal justice and services through its various initiatives. The program's degree of flexibility and its Ottawa coordination may, however, cause some difficulty for regional staff in assessing a project's chances of support since budgets are centrally controlled. There is some feeling perhaps more decentralization of budgets or specific regional allocations would be desirable.

The program has, because of its direct support of projects involving local governments, police agencies and community groups, raised the concerns of provincial authorities. The latter consider the activities supported by the program directly related to the administration of justice and, therefore, a federal intrusion into an area of provincial jurisdiction. Also of concern is the demand for services which may be generated by demonstration projects and for which federal funding is available for up to only three years.

In Alberta and Quebec, joint committees have been established with provincial justice and Solicitor General representatives to ensure information exchange and project control. In other provinces communication is less structured and provincial concerns perhaps less well addressed.

Plans are now being developed by the ministry to establish committees with all provinces to provide a formal, ongoing mechanism for joint federal/provincial consideration of demonstration program activities and projects. It should be noted that provincial officials contacted did agree that few resources for experimentation and information dissemination were available at the provincial level and that, in general, such activity would be much less without a federal program.

ASSESSMENT

While program evaluations which include study of demonstration project support are at the final stage for the ministry's victims and crime prevention initiatives, no overall evaluation for the demonstration program as such has been done. It is, therefore, difficult to assess its impact and effectiveness.

In recent years, however, steps have been taken to more closely integrate the demonstration program with the secretariat policy development function. Evaluation components are required for any projects supported, a project evaluation responsibility allocated to the secretariat Statistics Division and an evaluation committee established with representatives from the Statistics and Research Divisions and the Consultation Centre. The Consultation Centre has also been more closely linked to the secretariat research planning process. This effort should be continued in the view of the study team.

The program does not duplicate other programs and through cross-membership on project review committees with the departments of Justice and Health and Welfare, ensures coordination of related activities. There is no duplication with provincial programs and projects must normally, for approval, involve some form of local or provincial support.

Nonetheless, in some cases, provincial justice ministries may not always be aware of projects involving local governments, police forces, community groups or other ministries. The smooth operation of the program depends upon the communication channels, formal or informal, established between the Consultation Centre regional offices and provincial officials and the individuals involved.

In the study team's opinion, there is little doubt that the program is problematic for justice ministries for reasons of jurisdiction and stimulation of demand for services. There is a need for formal mechanisms to allow joint federal/provincial coordination of development program activities.

It is clear that the federal government has, by virtue of its responsibility for the criminal law and generally as a national government, a leadership role in the criminal justice system. The exercise of this role requires the collaboration of provincial authorities where federal concerns for and action towards development of new or improved services are concerned. Since there is general agreement that significant resources for innovation are available only at the federal level, termination of this activity would likely negatively affect efforts to improve justice services to the public. However, in the view of the study team, the demonstration program must, if it is to continue, ensure provincial collaboration and, through regular and sustained project evaluation, an integration with the policy development process within the Solicitor General's department.

OPTIONS

In the study team's view, the status quo is unsatisfactory with regard to effective collaboration with provincial authorities and the full implementation of a project evaluation process.

Termination of the program would remove a federal/provincial irritant but could end the major vehicle for

service improvement and innovation currently available. Potential findings for policy development could be lost and there could be considerable criticism from community groups, particularly in social service areas such as victim services.

Continuing the program with mechanisms for provincial collaboration and close linkage with the research and policy development process within the ministry would place the program within the context of a national approach to innovation in the criminal justice system.

The study team recommends to the Task Force that the government consider the following:

1. Maintaining the program.

2. Establishing a joint committee with every province, where not already existing, to coordinate program activities in each province.

3. Streamlining procedures for project approval towardtoward reducing the period between submission of an application and notification of the results.

SUSTAINING CONTRIBUTIONS TO CANADIAN CRIMINAL JUSTICE RESEARCH CENTRES
Solicitor General Canada

OBJECTIVES

To provide support for Canadian criminological research centres to enable them to:

- carry out programs of long-term research in areas of importance to the ministry;
- disseminate effectively the results of criminological research; and
- develop Canadian criminological research manpower.

AUTHORITY

This a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditure derives from the annual Appropriation Acts.

DESCRIPTION

The contributions program was introduced in 1969 to respond to a shortage of researchers, a government policy requiring 70 per cent of research to be contracted out, and the end of Ford Foundation support to criminology centres at the University of Toronto and the Université de Montréal. The possible collapse of the two centres would, in its view, have deprived the ministry of major sources of contract researchers.

Since its initial support of the Toronto and Montreal centres, the program has expanded to cover centres at Simon Fraser University, the universities of Regina, Alberta and Ottawa, Dalhousie University and the University of Manitoba. The centres agree to use specific portions of the ministry contribution to:

a. prepare focused research reports in selected areas mutually agreed-upon by the centre and the ministry;

b. develop research manpower; and

c. sustain the ongoing operation of the centre (administrative costs, salaries, etc.) relative to the objectives defined in the agreements such as dissemination of research results.

The universities concerned agree to ensure that centres will receive matching funds (i.e. funding at least equivalent to that provided by the ministry) either from within the university or from other sources.

Focused research as used by the program refers to long-term research which examines fundamental issues in terms of their policy implications. A number of small inter-related studies can be carried out under the umbrella of a specific focused research theme. Examples of research topics are the media and the criminal justice system; the policy implications of research on the operation of parts of the criminal justice system.

Development of research manpower may be accomplished by a variety of mechanisms including awards to graduate students and the operation of graduate programs, assistance with research costs, etc. Centres are free to take the approach most appropriate in light of their circumstances.

Dissemination of research results is through symposia, workshops and conferences put on by the centres. Proceedings of these events as well as findings of research conducted by centre members are published by the centres.

Funding levels reflect:

- the length of time various centres have been supported by the ministry;

- the scope of a centre's operation and thus the extent of its research capacity;

- the presence of graduate students (especially doctoral) enrolled in criminology; and

- support of criminological research in the major regions of Canada at a level which approximates the population of these regions relative to the population as a whole.

Contribution agreements normally are for 36 months. Current amounts given annually are:

Dalhousie University	$ 25,000
Université de Montréal	130,000
University of Ottawa	30,000
University of Toronto	105,000
University of Manitoba	30,000
University of Regina	25,000
University of Alberta	25,000
Simon Fraser University	55,000

Universities must submit annually certified financial statements itemizing use of ministry- and matching-funds, along with copies of centre annual reports and conference proceedings. Six months before expiry of an agreement a university must report upon progress toward objectives specified in the agreement.

Findings of ministry-assisted research or conference proceedings may be published with appropriate acknowledgements and disclaimers. Focused research reports may be published by either the university or the ministry, subject to mutual agreement on publication modalities.

Payment of amounts under the agreements is made on a quarterly basis following receipt of a statement of expenditures by the ministry. Although contribution agreements are for a 36-month period, they are subject to annual approval of funds by Parliament.

BENEFICIARIES

Criminology research centres at the above-listed eight universities.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages	15	15	25
Other O&M	10	10	10
Capital			
Grants and Contributions	400	400	425
TOTAL	425	425	460
PYs	.25	.25	.5

OBSERVATIONS

This is a research infrastructure program which assists the development and maintenance of a national research capacity in criminology and related fields. Centres provide training of human resources, research output and are elements of a research communication network. They range from well-established institutions, such as in Toronto and Montreal, with extensive, well-developed programs and activities, to new institutions at Dalhousie and Manitoba.

The degree to which centres are linked to or used by the local criminal justice communities appears to vary with each institution. The ministry does not require centres to offer services to the wider community but hopes their expertise will be used and this is the case. Nonetheless, the centres are primarily academic institutions within universities whose basic vocation is research and knowledge building rather than active community service.

In supporting the centres, the ministry considers it serves its own needs by ensuring a pool of qualified individuals available for employment or research contracts. As well, the focused research project of each centre provides findings on topics of specific interest and, of course, research done through the centres generally may be of value to the ministry.

The matching grant aspect of the program is a means of ensuring university support of and involvement with the centres and possibly attracting other non-university funds. Ministry funds have been "leveraged" to obtain more resources from elsewhere. However, newer centres may find difficulty in obtaining matching funds although the ministry has been generous in its interpretation of matching.

The degree to which the research agenda in the criminal justice area may be influenced by the Solicitor General's support of centres is a question which has been raised. To the extent that any source of research funding will influence researchers and their choice of topics, no doubt an effect is present, particularly where funding possibilities are few as in Canada. The extent of the effect is not verifiable in this case.

ASSESSMENT

No evaluation of this program has been undertaken and therefore, an assessment with regard to effectiveness, using the Comptroller General's guidelines, is not available. In terms of efficiency, the program appears to operate appropriately and is well viewed by academic contacts. The three-year funding cycle, common to all centres, allows for standardization of procedures and relatively low administrative costs.

In the view of the study team, the program has undoubtedly assisted in the development of a Canadian research capacity in criminology since its inception. However, the degree to which it has developed a capacity that was already building through general expansion of the university system and research support through the Canada Council and, later, the Social Sciences and Humanities Research Council of Canada (SSHRC) as well as the Quebec granting agency, FCAR, is not measurable. It is probable that the funds available from the program have helped institutions and individual researchers attract other funds and provided "critical masses" of research funding. More importantly, perhaps, assistance to centres has helped criminology as a discipline achieve focus and status as well as research funding.

The linkage of the program to the ministry's own research and development effort and requirements are direct insofar as focused research projects are undertaken by centres whose results are useful. Other linkages stem from helping to ensure the existence of a pool of research expertise which can be drawn upon and are thus indirect.

In the opinion of the study team, the program is a logical component of the ministry's overall approach to helping to ensure a Canadian research capacity in criminology in order to serve its own needs and accomplish its goals. However, given the limited direct linkage and the research capacity in criminology now achieved in universities, the program's existence does not appear crucial to the ministry's research effort.

The program provides national research capacity infrastructure support in criminology. Another federal agency, the SSHRC, also provides support to criminology research although not specifically through a centres program. The Study Team on Education and Research has examined this program and proposed that it be terminated on the grounds of duplication with SSHRC support and a lack of evaluation of the program's impact and rationale.

OPTIONS

Termination of the program would likely reduce the efficiency of the ministry's communication with the research milieu. While the larger, long-established centres could probably continue without the program's support, newer and smaller centres might find more difficulty in doing so depending upon local circumstances and fund-raising ability.

Ending the program would also mean funds would be withdrawn from criminology research and training which, given pressures on other sources of support and general budget restraint, could result in an overall reduction in research activity. This could be intensified if matching funds were lost as a result of ending the federal contribution. Considerable criticism of the federal government could be expected from the research community and the administrations of those universities affected.

However, the ministry's research effort would not be directly affected by termination of the program and centres might well find alternative sources of support. Furthermore, SSHRC does now provide research funding in criminology.

Transfer of the program resources to SSHRC would benefit the secretariat, allowing the program to continue while integrating it into the federal agency responsible for general research support in the human sciences. Any such transfer should involve policy input from the Solicitor General and designation of funds for criminology research. Some simplification would be achieved together with an increase in coherence of federal non-contract support of criminology research.

The study team recommends to the Task Force that the government consider ending the program of sustaining contributions to Canadian Criminal Justice Research Centres, as of March 31, 1987.

The resources allocated to this program for contributions could be maintained in the Solicitor General ministry budget after April 1, 1987, but be made available annually to the Social Sciences and Humanities Research Council of Canada for a strategic program in criminal justice research.

SOLICITOR GENERAL'S FUND FOR INDEPENDENT RESEARCH
Solicitor General Canada

OBJECTIVES

To provide financial support and technical expertise for a limited number of relatively small research projects in order to:

- develop Canadian criminological research manpower;
- promote innovative research in areas of concern to the ministry; and
- support research designed to develop practical responses to criminal justice problems.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditure derives from the annual Appropriation Acts.

DESCRIPTION

The program was introduced in 1984 to complement existing ministry research support programs of contracts for specific projects and sustaining contributions to university criminology centres. It is designed to assist the undertaking of research projects by covering expenses such as computer time, photocopying, typing, research assistance and similar costs up to a maximum of $10,000 non-renewable. Salaries for those already on salary and overhead costs are not eligible under the program. Projects may take up to three years.

Applicants must be Canadian citizens or permanent residents and not normally associated with a criminology centre supported by the ministry. Topics proposed for funding must be relevant to the Canadian criminal justice system.

The closing date for applications is October with results announced early in the new year. Applications are screened by the Secretariat Research Division and applicants' identities removed before transmission to a

committee composed of the directors of the criminology centres at the University of Toronto, Simon Fraser University and the Université de Montréal.

Each application is sent by the committee to two external assessors for an opinion as to merit. Applications and assessors' comments are subsequently considered by a selection committee consisting of the three criminology centre directors together with the Director General, Research and Statistics, and the Director, Research Division, ministry secretariat.

In selecting among applications some priority is given to projects which are of high quality but which may not fit the immediate priorities of government departments funding research. Work which is or should be part of the evaluation or operation of governmental agencies is of secondary priority.

Recommendations of the selection committee are normally forwarded to the Assistant Solicitor General, Program Branch, for approval, although they may be sent to the minister. Upon formal approval applicants are notified and a news release is issued.

Awards are in the form of contributions and 85 per cent is paid at the time of signing the contribution agreement. The remaining 15 per cent is paid upon acceptance by the ministry of the final report of a project.

Final reports consist of a brief description of the research and its results or a published report (e.g. a reprint of an article that has been accepted or published by a referred journal). Reports are reviewed by the members of the selection committee. A statement of expenditure must also be submitted with the final report.

BENEFICIARIES

Those Canadian researchers in criminology who receive awards and are not normally associated with the criminology centres supported by the ministry of the Solicitor General under its program of Sustaining Contributions to Canadian Criminal Justice Research Centres.

EXPENDITURES ($000)

	84/85	85/86
Salaries and Wages	10.0	25.0
Other O&M	25.0	15.0
Capital		
Grants and Contributions	135.0	135.0
TOTAL	170.0	175.0
PYs	.2	.5

OBSERVATIONS

The program provides a means to encourage new approaches to existing problems in criminal justice and the definition and exploration of different research paradigms. From this perspective, the ministry is prepared to accept projects that, while of high quality, are also of high risk in terms of useful payoff in research findings for funds expended. The program is thus a means of escaping the necessarily pre-determined requirements and priorities for ministry research support using the contract route while assisting its general research effort in criminal justice.

Applicants under the program must not be associated with the eight university criminology centres funded by the ministry. This is seen as avoiding "double support" of the same researchers as well as expanding the pool of researchers known to the ministry whether within or outside the university sector. Such persons may be used for contract work in future but, in any event, diversification of contacts with the relatively small Canadian criminology research community is considered desirable per se.

ASSESSMENT

As the Treasury Board assessment notes, the program is too new for any evaluation of its effectiveness. From the viewpoint of efficiency, it appears to work well with a turnaround time from application to announcement of result that compares favourably with similar programs administered by other organizations.

The administrative cost of the program is minimal and is undertaken by existing infrastructure. Also, a significant part of the operation of the program is done by university criminology centres and academics who are not paid for this activity.

Financial and activity reporting procedures are in place and the retention of 15 per cent of awards is a useful control mechanism. The submission of research reports to the selection committee provides an appropriate review of results achieved by individual award holders and an ongoing if approximate means of gauging the program's impact.

The program is well viewed according to academic contacts and assists in developing the national research effort and capacity in criminology. It helps provide, in addition, diversification of funding sources - seen as desirable by the university research milieu - and allows the private sector to obtain support.

In the view of the study team, the program is a logical component of the ministry's overall approach to helping to ensure a Canadian research capacity in criminology in order to accomplish its own goals. However, if the program did not exist, the effect on the ministry's research effort would not be significant. It is a useful addition rather than an essential part, in the study team's view.

An alternative source of federal funding for independent research in criminology is provided by the Social Sciences and Humanities Research Council of Canada. The council's support, however, is for independent research in general, so criminology applications must compete for limited funds with those from all other disciplines. The Study Team on Education and Research has reviewed this program and recommended its termination as a duplication of SSHRC activity with minimal impact on research.

OPTIONS

Termination of the program would not directly affect the secretariat's research effort. The impact upon the overall national research capacity in criminology would not be great and SSHRC provides federal research support. Criticism could, however, be expected from the criminology research community.

Transfer of funds to SSHRC would permit the program's benefits to the secretariat to continue while integrating it into the federal agency responsible for general research support in the human sciences. Any such transfer should involve policy input from Solicitor General and designation of funds for criminology research, possibly through a strategic program. Some simplification could be achieved together with an increase in coherence of federal non-contract support of criminology research.

The study team recommends to the Task Force that the government consider the following:

1. Ending the Solicitor General's Fund for Independent Research Program as of March 31, 1987.

2. Maintaining the resources allocated to this program for contributions in the Solicitor General ministry budget after April 1, 1987, but making them available annually to the Social Sciences and Humanities Research Council of Canada for a strategic program in criminal justice research.

3. Directing the Social Sciences and Humanities Research Council of Canada to plan, in conjunction with the Ministry of the Solicitor General, the Department of Justice and appropriate provincial authorities, a strategic program in criminal justice to be implemented as of April 1, 1987.

PROGRAM OF GRANTS AND SUSTAINING CONTRIBUTIONS TO NATIONAL VOLUNTARY ORGANIZATIONS INVOLVED IN CRIMINAL JUSTICE
Solicitor General Canada

OBJECTIVES

The program is designed to:

- promote and support the development of an effective voluntary sector to participate in criminal justice issues;

- stimulate and increase enlightened public participation in the resolution of criminal justice problems;

- strengthen the capability of the voluntary sector to deliver criminal justice services; and

- provide the ministry with an effective consultation mechanism to discuss major policy and program issues.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures derives from the annual Appropriation Acts.

DESCRIPTION

This program is administered by the Consultation Centre of the ministry secretariat and provides sustaining funding to national organizations in the criminal justice field. It grew out of consolidation of previous ministry core funding arrangements in 1983 and Cabinet approval in early 1984.

Organizations seeking support must be national, as evidenced by a national office and activities or members in a majority of provinces or regions. Their scope must be nationwide, or in the process of becoming so, and their objectives and activities complementary to those of the ministry.

Applications are processed in Ottawa for eligibility. If necessary, Consultation Centre staff assistance is available to organizations in preparing an application. Information to be supplied by organizations includes details of objectives, methods of functioning, sources of funds, proposed budget and other relevant material.

Applications are reviewed by the Consultation Centre Management Committee and then forwarded to the Ministry Committee on National Voluntary Organizations with comments and recommendations. The ministry committee is composed of representatives from secretariat branches, the National Parole Board and the Correctional Service of Canada with observers from the RCMP and CSIS. It examines applications in the context of the ministry's criteria, objectives, needs and resources, and makes a recommendation to the minister.

Funding may be in the form of grants or contributions. Grants are given for core funding of established organizations. Sustaining contributions are used to support organizations which are developing or new to the program. Ministry support may extend to 75 per cent of the organizations' core funding. At present, some 13 organizations receive funding - 10 by grants and three through contributions.

Organizations are supported for a five-year period at the end of which a full evaluation will be carried out to determine if funding will be continued. Those organizations now receiving funds have been evaluated.

Grants are paid annually at the start of the fiscal year. Organizations must submit each year a copy of their annual report and an audited financial statement. Contributions are paid according to a schedule of projected cash needs submitted by each recipient upon receipt of a financial report. Unspent monies are returned to the ministry.

A joint Ministry/Voluntary Organizations Committee has been struck to provide a framework for advice on the development and operation of the program, policy for voluntary sector support and more general matters of Solicitor General voluntary sector relations.

BENEFICIARIES

National voluntary organizations in the criminal justice field, namely:

John Howard Society of Canada	686,000
Elizabeth Fry Society of Canada	602,650
St. Leonard Society	120,400
Salvation Army	90,000
Canadian Training Institute	95,000
Seven Step of Canada	60,000
Prison Acts Federation	62,000
Church Council on Justice and Corrections	55,000
Canadian Criminal Justice Association	240,000
National Associations Active in Criminal Justice	68,000
Association des Sciences de Réhabilitation	145,000
Canadian Association of Chiefs of Police	50,000
Société Canadienne pour la justice Pénale	240,000

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages	65	65	58
Other O&M	10	10	12
Capital			
Grants	1,458	1,079	2,555
Contributions			
TOTAL	1,533	1,154	2,625
PYs	1.2	1.2	1.2

OBSERVATIONS

The ministry has succeeded in putting into place a stable policy base for its support and overall relations with the national voluntary sector. It has now begun the process of operationalizing this base through the program and the joint Ministry/Voluntary Sector Committee.

ASSESSMENT

The program is new and evaluation of its impact and effectiveness awaits the passage of time. However, its administration is simple and, relative to funds distributed,

not overly costly. Personnel time is expended on liaison activities with organizations as much as on relations with the ministry on program matters which is usual in this type of activity.

It is the view of the study team that, given the federal government's national role in the justice system the program is an appropriate activity in terms of jurisdictional responsibility and does not duplicate other programs. A stable, well-functioning voluntary sector provides services, development and delivery, opportunities for experimentation and channels to dissemination of results, communication between government and citizens, increased public awareness about and definition of criminal justice issues. Moreover, if, in particular, services were not provided by voluntary organizations either the criminal justice system's functioning would suffer (and thus society generally) or the state would have to provide such services directly and likely at higher cost.

In terms of the ministry's own goals and activities, the program provides a firm base for relations with the voluntary sector, and a direct support to its policy development and research role the study team believes.

OPTIONS

Termination of the program would mean disruption of services to the justice system and to its community backing; it would probably increase justice costs and call forth considerable public criticism. Given the need for a strong voluntary sector and the benefits accruing to governments and society, the program should be maintained. However, given the program's activities, the person-year allocation may be excessive.

The study team therefore recommends to the Task Force that the government consider continuing this program and directing that a review of the person-year allocation be undertaken by the department.

why? do we need more

EMPLOYMENT PROGRAM
Solicitor General Canada

OBJECTIVES

The objectives of the Criminal Justice Employment Development program are to:

- provide training, work experience and career opportunities for youth, women, Natives and male and female ex-offenders seeking entry or re-entry to the job market;

- facilitate the transition of target groups from unemployment or a training or educational milieu to the permanent work force;

- stimulate positive interaction and attitudinal change between target groups and the criminal justice system;

- facilitate contributions by target groups to their communities and enhance community support for, and participation in, the criminal justice system;

- improve Canadian criminal justice research capability;

- enhance ministry efforts in priority areas such as law enforcement, crime prevention, victims services, Natives, young offenders, women in conflict with the law, and corrections; and

- promote crime prevention through social development.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures derives from the annual Appropriation Acts.

DESCRIPTION

The program allows the Ministry of the Solicitor General to utilize the Challenge '85 program of Employment and Immigration Canada to provide summer employment within

the criminal justice field for students and youth. The program consists of a project component and an internship component administered through the ministry secretariat Consultation Centre and its six regional offices.

Interns are placed within the secretariat and the ministry agencies, RCMP, National Parole Board, Correctional Service of Canada and the Canadian Security and Intelligence Service. Projects are developed through the regional offices and recommended for support to Employment and Immigration which exercises financial and administrative control. In 1984/85, Employment and Immigration undertook direct control of these job creation funds. No project activity was undertaken in 1985/86, however; funds were obtained to continue the internship program in the ministry. Employment and Immigration funds also continue to support the RCMP supernumeraries program which allows the force to provide jobs as special constables for the summer period.

The program has also been a vehicle in the past for implementation of other Employment and Immigration job creation programs involving ex-offenders and other target groups. At present, only the summer interns and RCMP supernumerary programs are operating and the ministry is examining a year-round employment program of its own in light of the possibility of Employment and Immigration withdrawal from funding federal departments.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages	125	125	125
Other O&M	58	62	12
Capital			
Grants and Contributions	4,540	2,600	1,730
TOTAL	4,723	2,787	1,822
PYs	4	4	2.5

BENEFICIARIES

a. Municipal governments (police forces);

b. non-governmental organizations and working groups in the criminal justice system; and

c. unemployed individuals.

OBSERVATIONS

None

ASSESSMENT

No evaluation exists of the Solicitor General program and measured assessment of its impact and effectiveness is unavailable. Employment and Immigration is in the process of doing a general evaluation of the Challenge '85 program. However, since jobs have been created, support, as Treasury Board notes, has been given to Employment and Immigration's objectives.

In terms of the Ministry of Solicitor General's goals, the program has brought youth and the wider community into contact with the justice system in a positive manner. Furthermore, the study team believes it has allowed the ministry to pursue its agent of change role in criminal justice through a variety of projects linked to its overall initiatives.

OPTIONS

This is primarily a job-creation program and has provided employment. If the overall program is continued by Employment and Immigration, the Solicitor General component could be maintained as an appropriate delivery mechanism.

The study team recommends to the Task Force that the government consider continuing the Solicitor General's Employment Program, if a similar government-wide program is in place in subsequent years, subject to the findings of the evaluation of Employment and Immigration Canada's Challenge '85 Program.

PUBLICATIONS PROGRAM
Solicitor General Canada

OBJECTIVES

The objective of this program is to ensure that knowledge and information from ministry criminal justice research and development is disseminated effectively to various audiences including the Solicitor General and Deputy Solicitor General, the branches of the secretariat, the agencies of the ministry, policy and program decision-makers across the justice system and the general public.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures derives from the annual Appropriation Acts.

DESCRIPTION

The Publications Program is operated by the Communications Group of the ministry secretariat which is responsible for all official secretariat publications. The program ensures:

- editing of all reports submitted for publication;
- arranging for design, artwork and graphics;
- distribution;
- arranging for reprints;
- responding to requests for publications; and
- maintaining mailing lists.

Publications include: technical reports on research or demonstration projects undertaken by or through the secretariat; ongoing series relating to criminal justice; Liaison, a magazine-format publication produced 11 times a year; bulletins and other miscellaneous publications. The program also assures publication of the ministry's annual report as well as that of the Correctional Investigator. On average, some 25 publications (excluding research reports) are processed annually.

Publication costs are normally charged to the division originating the publication which is also responsible for verification of material. Items such as the ministry's annual report and its own publications are charged to the Communications Group. Publications are primarily distributed free of charge.

Publications originating from the Programs Branch must be approved by its Dissemination Advisory Committee, as well as the Assistant Deputy Solicitor General, before submission to the Deputy Solicitor General. Approval of publications has been delegated by the minister to his deputy.

Apart from technical reports, research findings are also disseminated through user reports. Unlike technical reports, user reports are not formal publications but simply findings of a given project distributed to a defined audience with no official imprimatur. After approval for release at the division level, the program provides a cover, serial number and distribution if required.

Distribution of publications is contracted out. Printing services are obtained through the Department of Supply and Services either directly or by tender.

BENEFICIARIES

a. Federal and provincial government decision-makers and professionals in criminal justice;

b. non-government organizations and professionals working in the criminal justice system; and

c. general public.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages	80	85	60
Other O&M	200	200	100
Capital			
Grants and Contributions			
TOTAL	280	285	160
PYs	2	2	2

ASSESSMENT

The program has not been evaluated and thus systematic information concerning its effectiveness is not available. A feedback mechanism through user response cards was used in one serial publication and periodic reviews of mailing lists are done. At the technical level, the program appears to function efficiently.

A publication capability for any research and development operation is vital since research findings not disseminated are of no value. There seems little question in the study team's view, therefore, that the secretariat needs a publication program to function effectively and fulfill its role in support of ministry goals. It may be, however, that the publication program could be undertaken by the private sector.

Furthermore, government regulations inhibit cost recovery of research publications. The procedures to be followed and the expense of production are prohibitive for orders of 50 to 1,000 copies. This acts as a deterrent to the effective dissemination of research findings and revenue gathering.

OPTIONS

The study team recommends to the Task Force that the government consider the following:

1. Maintaining the program.

2. Contracting out of the program be examined.

3. Government cost-recovery procedures for small publication orders be simplified.

NATIONAL VICTIMS RESOURCE CENTRE
Solicitor General Canada

OBJECTIVES

To identify relevant victim-related information in the following areas:

- bibliographic (including books, reports, journals, pamphlets, etc.);
- audio-visuals;
- victim service programs; and
- research and development projects.

To collect and code (including abstracting and indexing) this information and to enter it into the centre's computer database.

To provide reference and referral services to its user groups which include but are not limited to: victim service and self-help groups, federal, provincial and municipal officials, criminal justice, social service and health care professionals, researchers and educators.

To develop a network of information suppliers and consumers in the victim area to promote information sharing.

To ensure continuing development of the centre's services and capabilities in both official languages and the updating of its information base.

To ensure that users are familiar with the centre's services and systems.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures derives from the annual Appropriation Acts.

DESCRIPTION

The program developed from Cabinet's 1981 authorization of a joint Solicitor General/Justice enhanced initiative for

victims of crime. At this point the Victim Resource Centre was to provide easily accessible information for ministry use. As a result of a Federal/Provincial Task Force on Victims of Crime recommendation and Cabinet authorization in 1984, the victims initiative was continued for a further two years. From this base, the National Victims Resource Centre was established to support effective exchange of research and development-based information and expertise among organizations and individuals involved in the development and delivery of victims programs and services. The centre searches out and acquires information, catalogues it into the ministry library, codes and inputs it into a computer database and maintains it in files or on the library shelves. The centre database has some 1,500 bibliographic records, information on over 200 victims service programs operating in Canada, detailed records of 150 victims research and demonstration projects and information about more than 600 films and videotapes available in Canada related to victims topics.

Service to clients is available through personal visits (by appointment), mail and toll-free telephone lines. Detailed information can be given by mail or visits and telephone callers can obtain:

- computer printouts of bibliographic, project and service programs information together with details of audio-visual materials and where to obtain them;
- photocopies of non-copyright information materials;
- books from the ministry library through inter-library loan; and
- assistance in obtaining information about establishment and operation of victims programs.

At this time the centre has not, given its experimental status, made a strong effort to publicize its operation. The primary clientele are agencies working for or with victims of crime rather than victims themselves. However, individual victims who contact the centre are assisted but it is not a referral service.

The centre, unless continued, will cease operations at the end of 1985/86.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages			45
Other O&M	110	110	250
Grants and Contributions			
TOTAL	110	110	295
PYs			1.25

BENEFICIARIES

a. Government and non-government professionals and practitioners dealing with or providing services to victims at the national, provincial and local levels;

b. general public; and

c. victims of crime.

OBSERVATIONS

The centre is operating on an experimental basis until March 31, 1986. Its future has been considered by the Federal/Provincial Working Group on Victims. The centre is also included in the evaluation of the victims initiative being undertaken by the Secretariat Audit and Evaluation Division.

The centre is linked to the Health and Welfare department's Clearing House on Family Violence. In the longer term, program managers see the need for a federal mechanism for coordinating and rationalizing dissemination of victim-related information. The centre itself has an advisory group with secretariat, Health and Welfare, Department of Justice and RCMP members.

The future location of the centre and its relationship to the ministry library and documentation centre will require examination and clarification in the light of the library's future role and operation. As noted in the ministry library program profile, the matter of resource centres separated from the library should be addressed.

ASSESSMENT

The centre offers a useful service and information resource to the criminal justice community. It does so without arousing provincial government concern and, indeed, its establishment reflects federal/provincial agreement. The victims-program evaluation has reported positively on the centre and recommends it continue as does the Federal/ Provincial Working Group. The study team believes it is an important element within the victims-program initiative undertaken by the federal government.

While the centre requires continued federal support, its future location and operation should be examined in the view of the study team. Advantages in resource utilization may indicate maintaining the centre within the secretariat and the ministry library but other considerations could lead to operation by the voluntary sector or the Canadian Centre for Justice Statistics, or by some other similar nationally consitituted body. In the latter case, the centre would be identified more clearly as a national resource and would have federal/provincial direction of its activities. A voluntary sector approach would also help ensure a national identity for the service, more closely involve service agencies and possibly achieve economies.

There do not appear to be arguments for termination of the program. The study team believes it is operating effectively and, given service levels at this developmental stage, efficiently. Furthermore, it is a logical part of the overall federal victims initiative program activities and is contributing to achievement of this program's objectives.

OPTIONS

The study team recommends to the Task Force that the government consider continuing the program but examine its future location.

MINISTRY LIBRARY
Solicitor General Canada

OBJECTIVE

The library is designed to collect and disseminate information to meet the requirements of the ministry by:

- maintaining a collection of 25,000 volumes, 300 sets of periodicals and 40,000 documents on microfiche dealing with criminal justice topics such as victims of crime, crime prevention, young offenders, Natives, law enforcement, corrections and parole. In addition, the library includes materials on management, government publications, bibliographies, indexes and abstracts; and

- providing access to a variety of data bases such as the National Criminal Justice Reference Service to ensure that clients receive information from other sources in an immediate, cost-effective and timely manner.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures derives from the annual Appropriation Acts.

DESCRIPTION

The ministry library grew out of a 1969 amalgamation of the headquarters libraries of the National Parole Board (NPB) and the Correctional Service of Canada (CSC) following creation of the ministry in 1966. To avoid duplication, collections were amalgamated and services instituted on a ministry-wide basis. The RCMP, however, given its separate location and security requirements, maintains its own library.

The two main tasks undertaken relate to information services and collection building and control. Information services include:

- responses to user requests, including automated reference searching using DIALOG and QL systems which provide access to Canadian and foreign sources;

- showing clients how to use the library to obtain information;

- loan of materials;

- inter-library loans; and

- advice on relevant literature sources.

Collection building and control involves purchase, inventory, maintenance and control of library materials, and cataloguing, using the on-line catalogue support system (CATSS) provided by University of Toronto Automation Systems, Inc. This system is international in scope and allows access to catalogued collections and data banks for reference searches.

The library collection is specialized in those areas relevant to the ministry's mandate and activities. In particular, the library attempts to ensure that relevant unpublished materials, so-called "grey literature" such as reports, working papers and similar documentation, are gathered and catalogued.

The range of services provided has decreased in recent years with resource constraints combined with a growing clientele. Production of bibliographies or technical reports for users has virtually ceased or is strictly limited. Library services to clients outside the ministry have been restricted, although individuals can obtain materials through inter-library loan and/or referral by their own library. The ministry library is a "net-lender" of books under the inter-library loan system.

The library does not have formal links to other institutions in its field apart from its on-line catalogue system and inter-library loans. However, linkages are maintained through professional associations and informal contacts.

BENEFICIARIES

a. Staff of the Ministry of the Solicitor General with greatest use of services by secretariat and National Parole Board personnel as well as Correctional Service of Canada headquarters staff;

b. other federal departments, academic institutions and the private sector upon a limited service basis; and

c. individuals upon referral by their own library.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries & Wages	195	210	200
Other O&M	290	192	225
Capital			
Grants and Contributions			
TOTAL	485	402	425
PYs	7	7	7

OBSERVATIONS

The library collection is unique and does not duplicate holdings elsewhere in the federal government. While some overlap exists with university collections, the latter are, in structure and approach, academically as opposed to operationally oriented. Furthermore, the library has a particular role as a centre for "grey literature", the conservation and accession of which is a growing problem and the subject of a National Library study group.

Although its services to non-ministry users are limited, the library is a strong resource within a fragmented and only slowly developing criminal justice library network. At present, the level of library service varies widely at the provincial level while collections are being started by police forces, agencies, and community groups. There is no overall list of collections.

The basic raison d'être of the library is to provide an information service to research and policy staff within the secretariat, the CSC and NPB in order to facilitate their work and ultimately assist in attaining ministry goals. However, the mandate of the library and its place within the ministry as a technical support require clarification prior to determination of appropriate human and fiscal resourcing. The Secretariat Corporate Systems

Unit is currently developing terms of reference for a study which would, if approved, examine the library's mandate, appropriate resource levels and the type, level and cost of services to be offered.

The National Victims Resource Centre is integrated with the library for technical purposes (books, loans, etc.) but is otherwise separate. While various reasons may justify creation of separate resource centres for ministry activities or initiatives (young offenders, crime prevention, for example) such a strategy may weaken the library's basic functions and confuse its role.

The library provides service to the ministry as a whole and to outside users although it is a charge to the secretariat's budget. The largest user group is estimated to be CSC followed by the secretariat and the NPB. Appropriate costing of and possible charging for library services should, in the view of the study team, be examined as part of the study noted above.

ASSESSMENT

The library is a basic ministry resource providing services to the secretariat, the CSC and NPB. It is a part of the infrastructure linked to and required by the policy, research and development roles of the ministry secretariat and agencies. Other means of providing the service are not available and its termination would negatively affect overall ministry operations, particularly within a policy development operation.

It is the view of the study team that the efficiency of library operation is generally acceptable within a situation of resource constraint. However, given limited resources and demand levels there is a need to define the mandate, services and resource levels to ensure effectiveness.

OPTIONS

Given the nature of the program as a corporate resource, termination would not bring benefits or savings. The program should, therefore, be maintained but with a better-defined mandate, services, resource levels and cost distribution among users.

The study team recommends to the Task Force that the government consider the following:

1. Maintaining the ministry library program.

2. The Solicitor General secretariat be directed to clearly define the ministry library mandate and required services and resource level.

CONSULTATION CENTRE ACTIVITIES
Solicitor General Canada

OBJECTIVES

- To identify existing or emerging needs for more efficient, effective and human services within or between individual components of the criminal justice system or between individual regions of the country;

- to support experimentation with new and innovative programs to meet such needs;

- to facilitate the development of linkages and open dialogue between the various components of the criminal justice system and to provide an ongoing consultation service as part of this dialogue;

- to provide the minister and the secretariat as a whole with a general overview of federal/provincial relations and with information concerning provincial and regional criminal justice environments;

- to develop the broadly based climate of cooperation at the community level and among other levels of government necessary for successful experimentation with new ideas for improvement;

- to encourage the implementation of new and innovative federal government policy initiatives in the community;

- to provide, through its regional offices, direct access to the ministry for other levels of government, community groups and the general public;

- to support and strengthen the role of voluntary organizations and to promote greater involvement of the general public in the concerns of criminal justice; and

- to disseminate information to assist communities to become involved in criminal justice issues.

AUTHORITY

This is a non-statutory program operated by the Ministry of the Solicitor General. Authority for expenditures is derived from the annual Appropriation Acts.

DESCRIPTION

The Consultation Centre consists of a national office in Ottawa and six regional offices across Canada. The national office provides overall management of the centre and its programs, and ensures integration of the centre with ministry plans and priorities. It directs and supports the regional offices, provides staff training, information materials and expertise and coordination for each program area.

Program areas, such as victims or crime prevention, are the responsibility of national consultants or special advisers who manage these programs and advise regional staff on their operation at the regional level. The regional consultants both operate programs mandated by headquarters and act as a liaison and communication channel with provincial and local authorities and the community.

The Consultation Centre is a service/resource organization and a delivery mechanism for several major programs previously assessed: Sustaining Funding of National Voluntary Organizations, the Demonstration Program and the Summer Canada/Student Employment Program. The centre, apart from funding activities though the Demonstration Program, offers expertise in project and community development, information services and training/education materials. Each regional office has an inventory of reference material on all priority issues of the ministry secretariat and is open to the public. Regional offices are located in Moncton, Montreal, Toronto, Saskatoon, Edmonton and Vancouver.

The Consultation Centre is used by the Young Offenders Directorate of the secretariat to deliver project funding as part of the Young Offenders Act implementation process.

EXPENDITURES ($000)

	83/84	84/85	85/86
Salaries and Wages	1114.8	1186.2	1448.4
Other O&M	710	704.4	1068.1
Capital	-	-	-
Grants and Contributions	2931.0	2539.2	3963.0
TOTAL	4755.8	4429.8	6479.5
PYs	31	31	35.5

Note: This resource level captures all resources allocated to the various Consultation Centre programs including those of the Demonstration Program; grants and contributions to National Voluntary Organizations, Summer Employment and Young Offenders Act implementation.

BENEFICIARIES

Provincial governments and agencies; municipal governments (police forces); non-governmental organizations; and community groups.

OBSERVATIONS

The Consultation Centre is an agent for change in the criminal justice system. It accomplishes this through the application of financial resources in specific program areas as determined by ministry policies, the creation of a climate for change, and development of consciousness of issues or needs in the community and at the official level by information and promotional activities.

In fostering change, the centre is an element of the total secretariat research and development process supporting the formulation and implementation of policy. The centre is also a primary communication channel between the ministry secretariat and the regions, provincial authorities and agencies, community groups and the general public.

There appears to be uncertainty at the regional level as to a precise definition and formulation of the centre's role and the emphasis that should be placed on creation of a climate for change or communication of ministry concerns or liaison with provincial authorities. There also seems to be some concern that regional office resources to undertake program administration, communication, liaison and community development may be insufficient for these tasks to be properly accomplished.

The centre's program administration system of overall management and budget control in Ottawa makes for a decision-making and approval process which varies considerably among projects in responding to an application. This can have negative effects on relations with the client groups concerned and, since regions do not have specific budgets, makes it difficult for regional offices to plan and advise. Moreover, in instances where projects are jointly funded with other departments, differing timeframes for the administrative procedures following approval-in-principle can significantly affect projects proceeding on schedule.

The centre does represent an irritant for provincial authorities through its demonstration program funding of projects but also by way of the community development-sensitization activities which lead to demands for services and resources. It is also felt by some that these activities are a federal intrusion into an area of provincial jurisdiction. Joint provincial/Consultation Centre committees are in place in Alberta and Quebec with more ad hoc arrangements operating elsewhere.

ASSESSMENT

The Consultation Centre and its activities are the major implementation mechanisms for the Solicitor General ministry's role as an agent of change in the criminal justice system and an integral part of the secretariat research and development function in support of the policy process. The study team believes that if the federal leadership role is to be fulfilled, Consultation Centre activities are required, given the lack of resources for experimentation and development at the provincial level. Furthermore, although the possibility of transferring delivery of programs and services to the voluntary sector exists, the obstacles to doing so in terms of

accountability, federal/provincial relations and ministry policy and operations are such as to rule out this approach in the view of the study team.

However, there is a need for the Consultation Centre to more clearly define and establish a priority among the various objectives of the centre and to clearly communicate the outcome of such an exercise to staff. Furthermore, the project submission and approval process requires examination toward overall streamlining and possible delegation of some level of decision-making authority to the regions.

To ensure closer collaboration with provincial governments, current ministry secretariat intentions to establish formal joint committees with each province should be carried out quickly. Equally, the process of integration of the Consultation Centre and its demonstration project activities into the research and policy formulation process, as noted by the Auditor General in the report of his 1983 audit of the secretariat, should be pursued and consolidated in the study team's view.

OPTIONS

Termination of the Consultation Centre could negatively affect the capacity of the Ministry of the Solicitor General to carry out research and development in support of policy as well as the exercise of its role in criminal justice.

If the Consultation Centre is to be maintained it requires better definition of, with priority accorded to, objectives, administrative improvements and the establishment of consultation mechanisms with the provinces.

The study team recommends to the Task Force that the government consider the following:

1. Closing the six Consultation Centre regional offices.

2. Locating a senior official with appropriate support in each provincial and territorial capital to liaise with justice authorities on behalf of the Solicitor General and, as required, other federal departments.

3. Administering Consultation Centre programs from Ottawa, through or with provincial and territorial authorities.

4. Reviewing the Consultation Centre objectives to give a clear order of priority.

YOUNG OFFENDERS PROGRAM
Solicitor General Canada

OBJECTIVES

To ensure that the scheme of juvenile criminal justice provided for in the Young Offenders Act is implemented on a timely and effective basis.

AUTHORITY

The Young Offenders Act.

DESCRIPTION

The Young Offenders Act was given Royal Assent on July 7, 1982 and proclaimed in force on April 2, 1984.

The uniform maximum age provision became effective April 1, 1985.

The reforms introduced by the new legislation include:

a. statutory recognition of alternative measures (diversion);

b. adoption of the Criminal Code provisions governing pre-trial release and detention;

c. minimum age of criminal responsibility at 12 years of age and uniform maximum age at "under-18";

d. specific dispositional (sentencing) options that emphasize community-based sanctions and reparation to the victim;

e. determinate custodial sentences involving extensive judicial control of the administration of the disposition (there is no provision for parole or earned remission);

f. application of the Identification of Criminals Act to young people (fingerprints and photographs);

g. retention of youth court records for purposes of justice administration beyond the individual's

eighteenth birthday, subject to the records destruction provisions;

h. destruction of all records pertaining to an individual, providing he or she remains free of any subsequent convictions for specified periods of time following the completion of all dispositions;

i. open courts, permitting public attendance and full media coverage, except that the name and/or identity of young persons cannot be published;

j. rights to appeal that parallel those of adults; and

k. right to legal representation at all stages of a proceeding under the Young Offenders Act where a decision that may have adverse consequences for the young offender can be taken.

Statutory responsibility for the Young Offenders Act rests with the Solicitor General and the related federal activities/initiatives are discharged by the Solicitor General Secretariat, notably, the Young Offenders Directorate.

At present, the directorate consists of 26 person-years and the personnel complement is expected to increase to approximately 30 person-years when the administrative structures for the financial agreements are fully operational. In 1985/86, the directorate is accountable for roughly $160 million covering all of its activities.

The directorate is part of the Secretariat, Policy Branch and its structure reflects its major activities. As such, it is organized into four sections, reporting to the Director General.

Financial Administration Section: Responsible for the management of the federal/provincial cost-sharing agreements that are effective from April 2, 1984 to March 31, 1989. ($139 million has been allocated for transfer payments in 1985/86). The administration of this program requires that the directorate review and assess periodic claims submitted by provincial and territorial governments and ensure that appropriate annual audits and reconciliations occur.

Program Development Section: Responsible for the management (review of proposals, establishment of priorities, etc.) of two implementation support initiatives which expire March 31, 1986:

a. Program Development - A contribution fund ($5.6 million over three years) was established to assist in the implementation of the new Act; promote innovative juvenile justice services; and, encourage technology transfer of juvenile justice experience and expertise. This program is administered in conjunction with the Consultation Centre. The present activities focus mainly on service delivery to young offenders through private sector organizations and provinces. In total, 39 contribution agreements and contracts have been approved.

b. Communications - This initiative ($0.5 million over three years) was established to disseminate relevant Young Offenders Act material to the juvenile justice community and the public at large. One project, the Young Offenders Act Highlights booklet, has recently been revised.

Information Systems and Evaluation Section: Responsible for the development and management of two initiatives which expire March 31, 1985:

a. Systems Development - This program ($12 million over three years) was established to support the development by jurisdictions of Young Offenders Act-related record-keeping and information systems and to support the development of juvenile justice statistical surveys. Contribution agreements and project planning have been initiated in every jurisdiction.

b. Research and Evaluation - This program ($2.9 million over three years) was established to carry out and coordinate research in order to assess the impact of the new Act.

Policy Section: Responsible for the development of advice and the conduct of policy studies in response to ongoing and emerging juvenile justice issues, including legislative amendments. The section is also responsible for

the coordination of federal/provincial consultation mechanisms and the finalization of the cost-sharing agreements.

In March 1983, in anticipation of the proclamation of the new Young Offenders Act (April 2, 1984), the federal government initiated detailed discussions with provincial and territorial governments to redefine a mutually acceptable program of federal contributions in support of juvenile justice services. These negotiations culminated in the establishment of an "Agreement in Principle" with 11 jurisdictions and a conditional endorsement of the arrangements by the Province of Ontario by September 1984. Subsequently, a detailed "Memorandum of Agreement" was developed.

Final agreements have since been signed by Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, Ontario and Alberta, while the remaining jurisdictions, with the exception of Quebec, have indicated their intention to sign in the near future.

The essential elements of these agreements are as follows:

a. Fifty per cent cost-sharing of custodial services, including post-adjudication detention, and of alternative measures and judicial interim release programs;

b. Fifty per cent cost-sharing, less a base-year deduction, for pre-dispositional reports, assessments, screening, review boards and dispositional services;

c. implementation grants totalling $25 million;

d. implementation support funds for program development ($5.6 million), systems development ($10 million), and research ($3 million);

e. a five-year term: effective date of April 2, 1984, and expiry date of March 31, 1989;

f. a maximum annual payment of 1989/90 and subsequent years equal to 1988/89 transfers, in the absence of a revised agreement; and

g. the establishment of a continuing federal-provincial forum to ensure effective consultation and collaboration.

The principle that young offenders were to be held more accountable for criminal behaviour was accompanied by corresponding provisions in the Act according full rights to due process of law, including the right to counsel and improved access to legal aid. Young offenders legal aid services were treated as an aspect of criminal legal aid.

BENEFICIARIES

Young offenders, aged 12 to 17 years.

EXPENDITURES ($000)

	84/85	**85/86**	**86/87**	**87/88**
Cost-Sharing Contributions	112.1	146.1	171.4	181.4
Implementation Grants	12.5	12.5	-	-
Systems Dev.	5.7	5.4	3.5	1.5
Program Dev.	1.2	1.8	2.2	-
Research/Eval.	1.0	1.0	0.8	-
Communications	0.2	0.2	0.1	-
Capital Projects	2.0	6.0	2.0	-
O&M	1.4	1.6	1.6	1.6
Unallocated Balance	-	0.6	-	-
TOTAL	136.1	175.2	181.6	184.5
PYs	24	30	30	30

OBSERVATIONS

The Young Offenders Act and its implementation have been the subject of much debate between the provinces and the federal government. When the federal government passed the Young Offenders Act, it adopted a new philosophy for young persons by making them accountable for their behaviour and at the same time granting them rights. The Act put a heavy burden on the provinces by requiring them to keep custodial facilities separate and apart from adults, by granting the right to legal representation at all stages of a proceeding and by providing for the retention and destruction of youth court records.

Over the years, both levels of government have clashed over several issues. The first instance was the passage of the Act itself in the face of provincial concerns over matters which had broad cost implications for the provinces as well as a significant impact on the everyday administration of justice. Other issues include the negotiation of cost-sharing agreements, the postponement of uniform maximum age, the kinds of costs that are shareable, the duration of cost-sharing and the cost-sharing formula. Negotiations pointed out the need for reaching better consensus with the provinces on the nature of cost-sharing where the federal government passes legislation that affects the provinces in the administration of justice. More recently, provinces and the federal government have managed to agree on areas of amendments to the Act but the consultation process has not been satisfactory according to the provinces. No headway has been made since June and a further meeting of Deputy ministers is scheduled for early December to resolve differences on legislative amendments.

Of the six provinces and territories canvassed, most officials had concerns of some sort or other with the Act and/or its administration. One province, for instance, felt that the federal government was insensitive to the interest of the provinces in exploring possible amendments to the Act.

Some concerns were raised by two provinces who were not convinced that Ministry of the Solicitor General was the best forum to be used to put forward amendments to the Act. It was suggested that responsibility for the Act which sets out a criminal procedure for young persons might more properly rest with the Department of Justice which is already responsible for adult criminal policy. In addition, one province noted that there were no real linkages between this program and the agencies for which the Solicitor General has responsibilities.

On cost implications for implementation of the Act, most provinces felt it was too early to say what the actual amounts would be since the Act came into force only on April 2, 1984. The Young Offenders Directorate reports that only four of the six jurisdictions which have signed the agreement have submitted claims. Cost trends are therefore difficult to assess at this time as provinces are still in the process of making the transition to the Young Offenders Act.

OPTIONS

The study team recommends to the Task Force that the government consider the following:

1. Continue the program. Since the Act came into force only 18 months ago and provinces always believed it would be postponed, implementation has started slowly and no formal assessment has yet been made.

2. Review the federal/provincial consultation process. It seems from provincial accounts that consultations have not been satisfactory over the years. Consideration should be given to improving the consultation process by integrating federal/provincial discussions on young offenders with the discussions held regarding other aspects of criminal justice policy and administration. In considering this option, some thought might be given to relocating the program in the Department of Justice which is already responsible for adult criminal policy.

FIREARMS REGISTRATION
Royal Canadian Mounted Police

OBJECTIVES

The objectives of the legislation which established the present scheme of gun control were stated as being:

a. the prevention of irresponsible use of firearms;

b. the punishment of criminal use of firearms; and

c. the encouragement and assurance of responsible gun ownership and use.

It must be noted in this context that the firearms registration program under examination is only one aspect of the overall gun control thrust of the government.

AUTHORITY

The Criminal Code, Part II.1, in particular s. 106.6.

DESCRIPTION

Firearms registration is part of the RCMP's Identification Services. As such, it is one of the elements sustaining the core of federal policing.

The RCMP has maintained a centralized firearms registry system since 1951. In 1968, firearms were divided into the administrative classes which still exist today. The other elements of the current system of gun control were established by virtue of amendments to the Criminal Code which came into effect in 1970 and 1979.

Prospective purchasers of any firearm must apply for and obtain from local authorities a firearms acquisition permit. Persons wishing to obtain a weapon classed as restricted must, in addition, apply for a registration certificate to the local authorities. Such certifications may, however, be delivered only by the RCMP. Various other matters dealing with restricted weapons must also be sanctioned by permits. Those wishing to carry on a business related to restricted weapons or firearms must also be holders of a permit to carry on a business.

These declaratory sections of the Criminal Code are backed up by various offences relating to illegal carrying, handling and use of firearms, increased powers of search and seizure for the police and extensions in the applicable law on sentencing and related judicial orders.

The program is founded on a system of intergovernmental cooperation. Locally, police or other public service officials act as Chief Provincial or Territorial Firearms Officers, administering the Code and forwarding documentation to the RCMP. Pursuant to s. 106.3 of the Criminal Code, memoranda of agreement exist between the federal government on one hand and each of the provinces and territories on the other, for the administration of the Firearms Control Program. For each of these, the Solicitor General is the federal contracting party and the RCMP is the agency executing the terms of the agreement.

The core of the federal participation is the twofold task of the RCMP. First, with the registry it maintains pursuant to s. 106.6, it acts as a national coordinator and clearing house of information relating to individual and business dealings in firearms. Second, it is the only authority in Canada enabled to issue registration certificates for restricted weapons. The RCMP's other duties include the preparation of standard forms relating to implementation of the legislation, publication of a National Firearms Manual and preparation of an annual report for Parliament.

In addition to the work assigned by law to the RCMP, the Department of the Solicitor General has a Firearms Policy Centre within its Policy Branch.

The Chief Firearms Officers as well as representatives of several lobby groups constitute a National Firearms Advisory Council whose role is to recommend necessary changes to improve the federal government's firearms program.

Pursuant to s. 106.9 of the Criminal Code, the Solicitor General must lay before Parliament a yearly report relating to the administration of the information contained in the registry.

BENEFICIARIES

The firearms registration program is of greatest benefit to police forces. The Ottawa-based registry is a

data bank accessible to these forces and the information contained in it is useful in police investigative work.

The registration program, when considered in the larger context of gun control, is beneficial to the maintenance of public order. The bureaucratic control of firearms often acts as a deterrent to acquisition. Even where it does not, it is one of the elements that has combined to reduce the use of firearms in the commission of offences. While it is probable that a greater number of offences are now committed with other tools, it may also be surmised that firearms registration and gun control have helped reduce the overall commission of offences.

The major item of income is the statutorily fixed fee of $10 payable for firearms acquisition certificates. By virtue of the regulations, there are also fees for business permits. All these are collected and retained by the provinces. The principal expenditures they incur are the administrative costs of the program.

Federal expenditures arise primarily from the amounts paid by Canada to cover the difference between the fees actually collected and the federal-provincial "agreed cost" of each permit application.

Because of the different methods of accounting used by the RCMP and the Treasury Board, it is difficult to estimate the precise cost of firearms registration to the federal government. The following table is as complete as possible.

EXPENDITURES ($000)

	83/84 Actual	84/85 Actual	85/86 Estimate
Federal deficit	2,180	2,786	2,473
Firearms registration staff of RCMP HQ	585	610	640
Firearms Policy Centre of Solicitor Gen.	---	180	187
PYs			30

Other minor items of expenditure arise for federal authorities in relation to DSS audits of provincial accounts, printing of uniform weapons documentation and storage of permits.

The headquarters staff of the RCMP dealing with firearms registration consists at present of 30 persons. Of these, five are police officers and the remainder are public servants.

At the Secretariat of the Solicitor General, 2.3 person-years can currently be ascribed to firearms policy work.

OBSERVATIONS

The RCMP's firearms registration system seems to be soundly administered. Emphasis is laid on cost-effectiveness and speed of service. Computerization of the stored data is currently taking place.

The federal deficit arising from the payments to the provinces and territories presents the most pressing difficulty associated with the gun control program. The entire range of gun control activities arises from the desire of a portion of the population to use guns. The major financial burden is borne out of the RCMP's budget, which originates in general tax revenues. Putting this program on a cost-recovery basis would therefore seem more equitable.

One of the major questions to consider is the social effect of the legislation. Measurement of the cause-and-effect relationships is difficult but would be necessary to thoroughly analyse the effect of the program.

An even more difficult problem to resolve is the limit of the law's effect. There has been a decrease in the number of crimes committed with registered firearms. However, no statistical separation is available regarding offences committed with unregistered firearms, especially handguns. It is acknowledged that a black market exists in unregistered weapons which are used in the commission of violent crimes. Tightening of the legislation to deal with this area therefore seems appropriate in the view of the study team.

Considering the relatively low cost of firearms registration to the federal government, the fairly smooth operation of the entire program as well as the actual and long-term benefits in terms of social peace, this program is very worthwhile. The study team believes the current gun control system to be the minimum level of control at which freedom to use weapons in Canadian society ought to be maintained. It is also the one likely to be most acceptable from both the political and policy perspectives.

Even if the option of stricter controls is set aside for the moment, several specific issues ought to be addressed. First is the present wording of the Criminal Code. Part II.1 contains several loopholes which are exploited by persons knowledgeable in firearms and confirmed by the courts' strict interpretation of the Code. Most significant among these is the definition of "prohibited weapon" in s.82. As that definition now reads, one of its side effects is that weapons which are manufactured to be "capable of firing bullets in rapid succession" but which, at the time of seizure, have been slightly altered so as temporarily not to be so capable, are exempted from the law.

At present, the Code's system of business permits covers retail operations only. This merits re-examination to determine whether wholesalers should be included. Related to this is the matter of determining what constitutes a business. Many individual owners engage in activities that in any other field would qualify them as operating a business. It may be appropriate to determine how often a person can trade firearms for profit before being considered to be operating a business in the eyes of the law.

Another change to the law that could be examined in a review of the Code is the possibility of revoking firearms acquisition certificates for cause. The elements of the Code dealing with weapons being carried by private security guards should also be looked at in relation to the issuance of certificates and permits to companies and their use by individuals.

The financial aspects of firearms registration similarly bear close scrutiny. Under the present system, the federal treasury suffers a yearly deficit in the operation of this program. There seems no valid policy reason for the general taxpaying population to subsidize a service offered to the specific group of gun purchasers and

users. The achievement of cost-recovery therefore is an option for serious examination.

Cost-recovery can be achieved most simply by revising the permit fees. Other methods may be higher import duties on weapons, the imposition of fees for carrying permits or the imposition of fees for transfers of ownership of weapons.

A further area for reassessment is importation of firearms, especially weapons of war. There is evidence of an insufficient level of control over firearms being imported into Canada. Much of this is due, the study team believes, to deficiencies in customs legislation, which allows improperly identified and labelled weapons to be cleared for entry. Another aspect is the relatively loose cooperation between the various police forces and Canada Customs. Officers of this latter organization do not seem to have the expertise to apply the import control aspects of the law properly.

The Department of the Solicitor General has been pursuing policy and legislative amendment proposals through Cabinet. The Law Reform Commission is also examining this subject in the context of its criminal law review.

OPTIONS

The range of policy options relating to the future of the program of firearms registration are:

a. allow unfettered ownership of weapons;

b. maintain the current system of certificates and permits;

c. extend the variety of restricted weapons; or

d. prohibit private ownership of weapons.

While no public service preference was detected, it appears that public opinion is split between the extreme solutions and that the political system favors the status quo.

In light of the foregoing, it appears that the most viable alternative is to maintain the fundamental

elements of the existing system, while reexamining several of the specific aspects discussed above.

With respect to the administration of the program, the alternatives are:

a. maintain the existing system operated by the RCMP on the basis of information provided by local and regional police forces;

b. complete federalization;

c. complete provincialization; or

d. privatization.

The present structure relies on the participation of Canada, the provinces and territories as well as on a multitude of police forces. Federalization would result in additional costs arising from the need for more staff. Provincialization would have as its first result the disappearance of uniform application of the law and the consequential decrease in efficiency. The provinces might want to be compensated for the additional duties. Privatization would take enforcement measures relating to substantive criminal law out of the hands of governments.

The study team recommends to the Task Force that the government consider the following:

1. Retain both the firearms registration scheme and the other elements of the gun control program.

2. Establish the goal of full cost-recovery and achieve it by one or several of the most suitable methods available.

3. Study the effects of gun control legislation and determine how it can be enforced more effectively.

4. Revise the relevant sections of the Criminal Code in order to eliminate the textual difficulties and render it more effective.

5. Improve coordination among federal agencies dealing with the subject matter.

K

TAB "K"

Correspondence of December 16, 1985.

Removed: From ~~BAIA~~ Erik Nielsen to Brian Mulroney "SECRET"

L

TAB "L"

Correspondence of June 30, 1986.

Removed: "SECRET"

From Brian Mulroney to James Kelleher

M

TAB "M"

Correspondence of February 12, 1987.

REMOVED : "CONFIDENTIAL"

From James Kelleher to Brian Mulroney

N

TAB "N"

Correspondence of March 20, 1987.

REMOVED "CONFIDENTIAL"

From: Brian Mulroney to James Kelleher

TAB "O"

Solicitor General Canada Secretariat Mission

SOLICITOR GENERAL CANADA • SECRETARIAT • MISSION • SOLICITOR GENERAL CANADA • SECRETARIAT • MISSION •

SOLICITOR GENERAL CANADA

SECRETARIAT

MISSION

• SOLICITOR GENERAL CANADA • SECRETARIAT • MISSION • SOLICITOR GENERAL CANADA • SECRETARIAT • MISSION • SOLICITOR GENERAL CANADA • SECRETARIAT • MISSION •

THE MINISTRY

THE MINISTRY

Solicitor General
Secretariat
Canadian Security Intelligence Service
Correctional Service of Canada
National Parole Board
Royal Canadian Mounted Police
Correctional Investigator
Inspector General of CSIS
RCMP External Review Committee
RCMP Public Complaints Commission

THE LEGISLATIVE MANDATE

Department of Solicitor General Act
Royal Canadian Mounted Police Act
Penitentiary Act
Parole Act
Prisons and Reformatories Act
Canadian Security Intelligence Act
Security Offences Act
Criminal Records Act
Transfer of Offenders Act

The Solicitor General is the lead Minister in the Government of Canada responsible for law enforcement, corrections and security. He or she answers in Parliament for the Agencies of the Ministry, in varying degrees according to the mandate of each. In discharging this accountability to Parliament, the Solicitor General is called upon to ensure that the Agencies function under the ultimate control of Parliament and with full respect for Canada's democratic traditions and the fundamental rights and freedoms of individual Canadians.

The accompanying list of Ministry statutes gives a sense of the breadth of the Ministry's activities and the impact of these activities on the daily lives of Canadians. Public safety, national security, justice and fairness, and the rights, freedoms and responsibilities of individual Canadians are fundamental social values which the Ministry seeks to promote. The Solicitor General must ensure the effective operation of the Agencies, in close collaboration with partners in criminal justice, corrections and national security in Canada and abroad. The Solicitor General must also provide national leadership in respect to public safety and security.

This Mission Document describes the unique role of the Secretariat in supporting the Solicitor General in the discharge of these demanding responsibilities.

OUR MISSION

The Solicitor General Secretariat helps to promote and maintain a Canadian society in which all persons can feel protected from threats to personal and national security and from infringements upon their rights and freedoms.

The Secretariat contributes to this Ministry objective by advising and assisting the Solicitor General in discharging his or her responsibilities for :

- providing direction to the Agencies of the Ministry;
- exercising national leadership in policing, law enforcement, security, corrections and conditional release; and
- answering in Cabinet and Parliament for the Ministry.

OUR STRATEGIES

The activities by which we accomplish our Mission are:

ANALYSIS AND ADVICE

We provide to the Solicitor General objective, independent, sound and timely advice on issues related to his or her responsibilities. This is our principal instrument of influence.

COORDINATION

We coordinate for the Solicitor General the policies, programs and research of the Ministry. We also ensure coordination with other related sectors and jurisdictions federally, nationally and internationally.

LEADERSHIP

Society is constantly changing and it is a function of government to give direction to this change. We therefore initiate and promote policies, programs and research that improve the Ministry's performance and support the national leadership role of the Solicitor General, for the benefit of all Canadians.

COMMUNICATION

Issues affecting the security of the public and the rights and freedoms of individuals are of great interest to all Canadians. It is important that public response to Ministry initiatives be well-informed. We therefore promote effective two-way communications with all organizations and individuals active in the sectors of the Ministry and with the Canadian public.

RESEARCH AND DEVELOPMENT

Research and development improve the quality of advice we are able to provide to the Solicitor General and the quality of the Ministry's service to the public. We therefore initiate, and support others active in, research and development in areas of the Ministry's mandate. By participating with others in joint funding of research projects, we enhance the benefit achieved by our research resources.

OUR COMMITMENT

OUR DEMOCRATIC SOCIETY

We are committed to the principles and institutions of our democratic society and to the rights and freedoms of individual Canadians.

An important part of the Secretariat's work requires us to seek a balance between the security and protection of society and the rights and freedoms of the individual. This requires a commitment to these values and to the personal dignity of the individual. It also requires that we be sensitive to the continuing evolution of Canadian society.

PROFESSIONALISM

We are committed to public service and to professionalism in the work we do.

Professionalism is a combination of ability, integrity and commitment. It means taking pride in the knowledge and skills we bring to our work and applying them in a dedicated way to achieve the objectives of the Secretariat.

Working as a team and taking pride in the achievements of the unit to which we belong is an important aspect of professionalism. Our collective professionalism earns and retains the confidence of the Solicitor General, which is essential if we are to fulfil our Mission.

OUR RELATIONS WITH THE AGENCIES

We are committed to promoting a relationship with each Agency of the Ministry that enhances the ability of both the Agency and the Secretariat to fulfil their mandates.

Each Agency reports direct to the Solicitor General. Our relationships with the Agencies are defined by our relationship with the Solicitor General and his or her role with respect to each Agency. The quality of the advice and support we provide the Solicitor General is affected by the quality of our relations with the Agencies. These relationships must be founded upon respect for the professionalism and dedication of our Agency colleagues, recognition of their direct accountability to the Solicitor General, a commitment to our responsibility to provide independent analysis and advice to the Solicitor General, and a commitment to open communication and cooperation founded upon mutual respect and a sense of our common purpose.

OUR HUMAN RESOURCES

We are committed to maximizing the unique contribution of each employee towards the fulfilment of our Mission.

People are by far our most important resource and each of us has a contribution to make to ensure that this resource is developed to its full potential. Collectively, as well as individually according to our role in the organization, we must promote the recruitment of qualified personnel, the professional development necessary to achieve the potential of all employees, a sense of stimulation and challenge for each of us in our work and the recognition of excellence for work well done. Above all, we must communicate with each other.

OUR PARTNERSHIPS

We are committed to dialogue with individuals and organizations outside the Ministry active in the criminal justice sector.

Many individuals and organizations, in the Canadian public and at all levels of government, take a vital interest in what we do. They represent a valuable source of advice, guidance and strength for the Ministry.

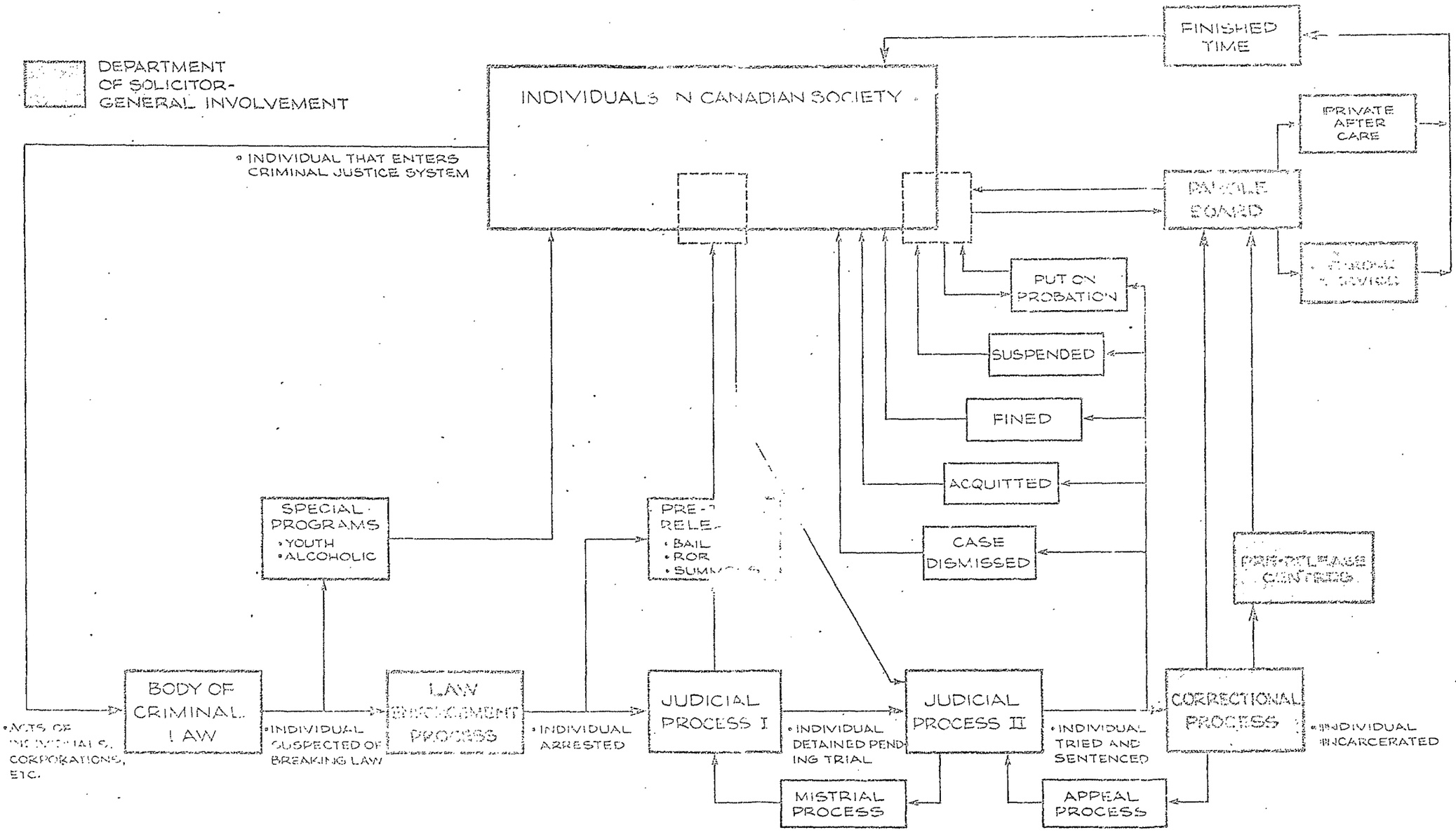
We acknowledge a responsibility to ensure that these individuals and groups are well-informed about what we do, that we are well-informed about their concerns, that we consult them in the formulation of our advice and support them in achieving those objectives we share with them.

OUR ACCOUNTABILITY

We are committed to ensure that public resources entrusted to us are used responsibly and efficiently toward the fulfilment of our Mission.

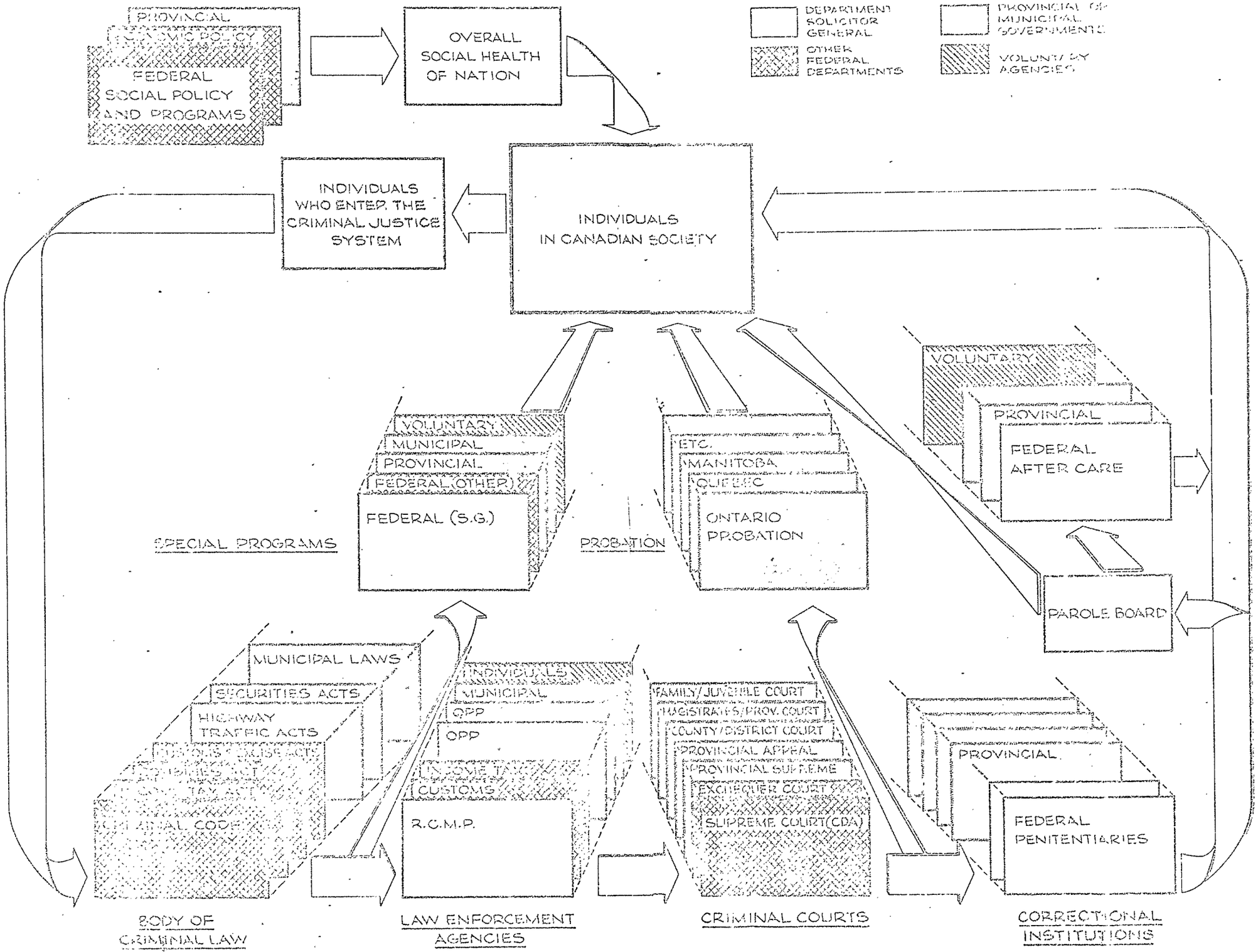
We acknowledge a responsibility to make the best possible use of our time, to ensure that public funds are administered in conformity with the spirit and the letter of relevant policies and directions, to review programs and allocations to ensure that maximum value is received for the cost, and to review our methods of work to improve our efficiency.

THE DEPARTMENT OF THE SOLICITOR-GENERAL IS PART OF THE CRIMINAL JUSTICE SYSTEM ...



SOURCE - CCG INTERVIEWS

RESPONSIBILITIES IN THE CRIMINAL JUSTICE SYSTEM ARE WIDELY FRAGMENTED ....



SOURCE - CCG INTERVIEWS