

C. Duties and Functions of CSIS

REVIEW OF CSIS DOMESTIC AND INTERNATIONAL ARRANGEMENTS

Relations with the RCMP

With respect to the Service's domestic arrangements, the Committee has always paid special attention to liaison activities and co-operation between CSIS and the RCMP. The mechanisms to facilitate liaison and co-operation between CSIS and the RCMP are set out in an MOU between the two agencies. This year the Service reported that the MOU was the subject of ongoing discussions between the two organizations. However, no final decisions on changes to the MOU have been reached. In addition, the formal liaison program is currently being re-evaluated with a view to shifting the program toward direct secondments between the agencies.

For the year under review, the Service recorded 1503 written exchanges of information with the RCMP, a small decrease over last year's reporting of 1678 exchanges. The Service also provided the RCMP with 378 disclosure letters³ and 20 advisory letters.⁴

The Service identified several new programs initiated to promote co-operation and liaison with the RCMP. One initiative resulted in a CSIS-RCMP secondment agreement in a particular region. The RCMP and CSIS regional offices concerned drew up the parameters and conditions. This renewable secondment agreement has been implemented and supplements existing CSIS-RCMP liaison arrangements discussed in previous annual reports.

The Service reported to the Committee that the secondment program has exceeded expectations in contributing to the smooth progress of operations. The agreement has been in place for less than a year, and the manner of its implementation and whether it can be applied to other regions will be reviewed by the Committee in future assessments of the CSIS-RCMP relationship.

According to the Service, a number of other new programs were launched in 2000-2001, many as a consequence of the events of September 11, 2001. The Committee informed itself as to their details.

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3. Following a formal request by the RCMP, CSIS discloses information in a format that protects the identity of sources and the methods of intelligence gathering. The disclosure is made on condition that the information can only be used for investigative leads and cannot be used in judicial proceedings.
 4. Following a formal request by the RCMP, usually subsequent to a disclosure, CSIS gives permission in the form of an advisory letter for its information to be used in judicial proceedings, for example in obtaining warrants or as evidence at trial.

Domestic Arrangements

In carrying out its mandate CSIS co-operates both with police forces and with federal and provincial departments and agencies across Canada. Contingent on Ministerial approval, the Service may conclude written co-operation arrangements with domestic agencies pursuant to section 17(1) of the *CSIS Act*.

CSIS reported the signing of two new agreements in 2001–2002: one was with CIC; the other was with a provincial body.

The CSIS/CIC MOU of February 4, 2002 superseded four existing MOUs between the two parties. The arrangement was based on the obligation of CSIS and CIC not only to fulfill their respective mandates under the *CSIS Act*, the *Citizenship Act* and the *Immigration Act*, but also the parties' mutual requirement to exchange information related to immigration, security and citizenship. In accordance with the terms of the MOU and sections 13 and 14 of the *CSIS Act*, the Service may

- provide security assessments to CIC
- advise CIC on matters relating to the security of Canada
- provide CIC with information relating to security matters or criminal activities.

Foreign Arrangements

Under the *CSIS Act*, the Service must obtain the approval of the Solicitor General—after consulting with the Minister of Foreign Affairs and International Trade—to enter into an arrangement with the government of a foreign state or an international organization. During the initial phases leading to the approval of an arrangement, CSIS is not permitted to pass classified information to the foreign agency; it may, however, accept unsolicited information.

The Service reported that in 2001–2002 it had entered into five new arrangements with foreign intelligence services and expanded the scope of existing relationships with eight others. In an additional eight cases, CSIS says that it took steps to restrict the scope of co-operation because of concerns either about the agencies' human rights records, violations of the rule against transferring information to third parties or their overall reliability. The Service also reported that of 231 foreign arrangements, 48 were regarded as being dormant (dormancy defined as no liaison contact for a least one year).

As part of its Foreign Liaison program the Service maintains liaison posts abroad normally co-located with Canadian diplomatic missions. One new post was opened

in 2001. The Service reported that the events of September 11, 2001 led it to allocate additional resources for several new posts to be opened in the near future. CSIS also reported that its overseas posts continue to face an ever-increasing security screening workload connected with its program of assistance to CIC.

The recently revised compendium of Ministerial Direction issued in February 2001 (*see SIRC Report 2000–2001*, p. 7) also had implications for foreign arrangements generally. The Service reported that it had reviewed all existing section 17 foreign arrangements in light of the new Direction. The nomenclature for describing the scope of each arrangement was simplified and new procedures for managing foreign arrangements were put into place in December 2001.

The Service told the Committee that the events of September 11 had not altered the scope of existing liaison arrangements, which it regarded as already appropriate. CSIS took care not to rule out the need to enhance existing relationships or seek out new ones depending on how the terrorist threat environment evolves.

FEDERAL COURT WARRANTS AND WARRANT STATISTICS

Warrants are one of the most powerful and intrusive tools in the hands of any department or agency of the Government of Canada. For this reason alone, their use bears continued scrutiny, which task the Committee takes very seriously. In addition, our review of the Service's handling of warrants provides insights into the entire breadth of its investigative activities and is an important indicator of the Service's view of its priorities.

The Committee compiles statistics quarterly on CSIS warrant affidavits and on warrants granted by the Federal Court. We track several kinds of information annually, including the number of persons and targeted groups subject to warrant powers. Table 3 compares the number of warrants issued over the last three fiscal years.

Table 3
New and Replaced/Renewed Warrants

	1999–2000	2000–2001	2001–2002
New warrants	76	56	111
Replaced/renewed warrants	181	150	155
Total	257	206	266

The Federal Court issued 49 urgent warrants during 2001–2002 compared to 32 in the year previous. No applications for warrants were denied by the Federal Court and none of the Court's rulings had implications for existing warrants.

Observations on Warrant Numbers

Although the data collected by the Committee provide insight into how often the Service seeks warrant powers from the Federal Court in a given year, comparing these numbers between years is of limited utility. A range of factors as disparate as court decisions and new developments in technology introduce significant variations into how often warrant powers are applied for and how they are implemented. Raw warrant numbers can be misleading because a single warrant can authorize the use of warrant powers against one person, several people or an organization.

It is also important to bear in mind that warrants are only one of several investigative

