



**MEASURES TO COMBAT ORGANIZED CRIME**  
**Mid-Term Evaluation**  
**Summary, Recommendations and Management Response**

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**Evaluation Division**  
**Policy Integration and Coordination Section**



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## 1. INTRODUCTION

On April 5, 2001, the Government of Canada announced the *Measures to Combat Organized Crime Initiative* (the MCOC Initiative or the Initiative). Four partner departments and agencies (the Department of Justice (DOJ), the Royal Canadian Mounted Police (RCMP), the Department of the Solicitor General (SGC), and the Correctional Service of Canada (CSC)) are to receive a total of \$150 million<sup>1</sup> between 2001 and 2006 and \$30 million<sup>2</sup> annually thereafter to assist them in providing a coordinated response to the complex and evolving nature of organized crime. This Initiative represents an enhancement to the Government's on-going efforts against organized crime such as the Integrated Proceeds of Crime (IPOC), National Initiatives to Combat Money Laundering (NICML) as well as anti-smuggling efforts.

This summary report presents the findings of the mid-term evaluation of the DOJ component of the Initiative. SGC is also conducting an evaluation that encompasses its department and agencies (the RCMP and CSC). SGC will then use the findings from both evaluations to prepare a comprehensive interdepartmental mid-term evaluation report, to be presented to the Assistant Deputy Minister's Public Safety Committee.

The DOJ's mid-term evaluation is structured around the four main evaluation issues identified in the Results-based Management and Accountability Framework (RMAF): relevance, design and delivery (appropriateness), success, and effectiveness/alternatives. While the primary focus is on the implementation of DOJ's activities under the Initiative, this report also presents preliminary findings on progress toward achieving immediate outcomes and suggestions for future activities. The research is also intended to assist managers in identifying areas still to be implemented and recommendations for areas of improvement.

## 2. BACKGROUND

In recent years, organized crime has become a significant public concern in Canada and around the world. In September 2000, the Federal, Provincial, and Territorial Ministers responsible for Justice adopted the *National Agenda to Combat Organized Crime* (the National Agenda), which identified certain priorities in fighting organized crime and promoted a collaborative approach. The National Agenda also proposed the development of legislative and regulatory tools to assist with the investigation and prosecution of organized crime. In October 2000, the House of Commons Sub-Committee on Organized Crime tabled a report that made 18 recommendations

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<sup>1</sup> This includes accommodation costs which are retained by Treasury Board for new salary resources as well as Employee Benefit Plan costs that are transferred to the departments/agencies

<sup>2</sup> Ibid

for legislative action. Responding to these recommendations, the House of Commons passed Bill C-24, which addressed the most urgent priorities identified in the National Agenda. Key provisions of Bill C-24 are:

- ***New and enhanced criminal organization provisions:*** provides a new, simplified definition of “criminal organization” and introduces three new criminal organization offences into the *Criminal Code* (sections 467.11-13). Sentences for these offences are to be served consecutively, not concurrently, and more restrictive parole eligibility applies.
- ***Provisions to improve the protection of persons who play a role in the criminal justice system:*** amends *Criminal Code* section 423 to create a hybrid intimidation offence with a higher penalty and creates a new intimidation offence in section 423.1.
- ***Expanded seizure and forfeiture provisions for proceeds of crime and offence-related property:*** expands the proceeds of crime provisions to most indictable offences and the definition of offence-related property to include all property used in committing the crime. In addition, officials can enforce foreign confiscation orders involving proceeds of crime.
- ***Law enforcement justification provision:*** creates a limited justification to protect designated law enforcement officers from liability for offences when they act reasonably and proportionally in the course of investigations and enforcement.

As part of its commitment to combat organized crime and to support this new legislation, the federal government announced the *Measures to Combat Organized Crime* Initiative. There are three components to the Initiative: legislation/policy/research, investigation and enforcement, and prosecution.

The DOJ is to receive a total of \$48.46M<sup>3</sup> over the first five years and \$11.76M<sup>4</sup> annually thereafter to conduct legislative/policy development and research on organized crime and for implementation of a new Intensive Federal Prosecution Strategy (IFPS) designed to improve prosecutions. The IFPS includes four primary activities: the provision of pre-charge advice and assistance by dedicated organized crime prosecutors; improved disclosure management with specialized disclosure units; dedicated organized crime prosecutors and teams; and enhanced support for international legal assistance in organized crime cases.

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<sup>3</sup> This includes the Employee Benefit Plan transferred to the Department but excludes accommodation costs retained by Treasury Board

<sup>4</sup> Ibid

### 3. OBJECTIVES OF THE INITIATIVE

The long-term goals of the Initiative are to *disrupt, dismantle, deter, and incapacitate criminal organizations, leading to enhanced public safety and security*. In order to achieve these goals, the Initiative has set the following interim objectives:

- Increased knowledge and understanding of organized crime issues and tools;
- Enhanced ability to investigate/prosecute organized crime offences/groups;
- Improved case preparation; and
- Improved detection/targeting of organized crime offences/groups.<sup>5</sup>

These interim objectives are expected over time to lead to more effective investigations and prosecutions.

### 4. METHODOLOGY

The DOJ evaluation consisted of three main data collection methods: key informant interviews with DOJ representatives in the regions (FPS directors, prosecutors and paralegals) and at headquarters from FPS, Criminal Law Policy Section (CLPS) and Research and Statistics Division (referred to as DOJ officials in the report); a review of open organized crime files; and a review of relevant documents, including an analysis of organized crime files in Caseview, the FPS's time and file management system.

Since the focus of the mid-term evaluation is on assessing the implementation of DOJ Initiative activities, only Departmental representatives were interviewed. Other stakeholder perspectives are not included in this evaluation, with the exception of some questions posed to RCMP managers on behalf of the DOJ during the SGC evaluation.

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<sup>5</sup> Although the FPS plays an important role at the investigative stage, this objective relates to the activities under the investigation/enforcement component of the Initiative under which SGC, RCMP, and CSC receive funding.

## **5. EVALUATION FINDINGS**

### **5.1 Relevance**

- The Initiative's objectives are consistent with government priorities as stated in Red Book III (federal government platform) and the National Agenda. The Initiative also responds directly to the House of Commons Sub-Committee on Organized Crime. This Sub-Committee recommended specific legislative enhancements including new criminal organization offences, as well as non-legislative measures to ensure that existing legislation and resources are used to their fullest potential.
- Key informants also agreed that the Initiative objectives continue to be relevant and necessary to respond to the increasingly sophisticated nature of organized crime activities. They also advocated expanding Initiative resources in order to keep pace with the growth in organized crime activities and in police investigations of organized crime.

### **5.2 Design and Delivery: Implementation**

- While Initiative activities have not been fully implemented as they were originally designed, work has been undertaken towards achieving the Initiative objectives. Resources were cited as a major constraint in the implementation of the Intensive Federal Prosecution Strategy as it was originally designed. However, information on the Initiative is inadequate to fully assess its progress. The limited financial information available complicates the evaluation's ability to attribute specific activities to the Initiative. In addition, there is limited performance data available on the Initiative.
- While only two regional offices (Vancouver and Toronto) have prosecutors dedicated to providing pre-charge advice and assistance, all regions reported that they provide an increasing amount of advice at the pre-charge stage, often using an integrated approach across DOJ initiatives. Not all regions are providing the level of pre-charge advice under the IFPS that they would like. However, the dedication of prosecutors exclusively to an advisory role was not seen as the best or most efficient approach by all of the FPS directors. It was not seen as the most efficient use of the resources available as not all investigations lead to charges, and courtroom experience is also seen as essential for prosecutors.
- Disclosure management is also handled in a variety of ways. Currently, the Ontario and Ottawa-Gatineau regions have prosecutors working directly in RCMP detachments. Ontario has recently expanded an earlier disclosure pilot project to the Toronto Police Service's drug squad, and Ottawa-Gatineau has introduced disclosure counsel and two legal assistants into

the Kingston RCMP detachment. However, at this time, it is not known whether these new disclosure units are receiving funding under the Initiative. Halifax, Montreal, and Vancouver have developed or are in the process of developing disclosure protocols that are intended to improve the timeliness and completeness of disclosure. While other regional offices rely on unwritten understandings with police for handling disclosure.

- Ottawa-Gatineau, Halifax, Edmonton, Toronto, and Vancouver have dedicated organized crime prosecutors and organized crime prosecution teams. The other regional offices may have prosecutors who work primarily on organized crime files, but do not have specified organized crime teams. For most offices, the team approach was not an innovation; they already had teams (for example, major case teams, proceeds of crime teams). For the Initiative, they either combined these teams with designated organized crime prosecutors or they made the organized crime focus more explicit in the pre-existing teams. To staff dedicated teams, additional senior prosecutor positions were seen as necessary and additional paralegals and other support staff would fill a critical need. The issue that dedicated teams may not be the best approach was also raised, as flexibility in staffing is considered necessary so that offices can allocate staff to best meet the needs of their caseloads.
- Initiative funding does not create new responsibilities for the International Assistance Group (IAG) but helps fund its current work and the expected increase in international legal assistance requests stemming from the Initiative. For this reason, IAG appears to have fully implemented its Initiative activities. IAG has also continued to work with the Lyon Group (established after the 1995 G-8 summit) on issues of transnational organized crime.
- While there have been extensive stakeholder consultations around Bill C-24, consultations have not continued at the same level on the remaining National Agenda items in part because the events of September 11, 2001 shifted the focus to terrorism. Key informants reported that while consultations about the National Agenda continue, the original plan to broaden the consultations beyond established institutional links has not occurred.
- Legislative training of federal, provincial, and municipal law enforcement, prosecutors, and other justice officials has occurred each year since the Initiative was announced.
- Research into organized crime issues and tools has also been ongoing. The largest project involves developing a definition of an FPS organized crime file, which will enable accurate national reporting and monitoring of organized crime files handled by the FPS. This work should result in the ability to conduct large-scale national studies of organized crime files in the future.
- Over half of the prosecutors and paralegals interviewed for the evaluation could not comment on how well their office manages the IFPS, and, similarly, half of the FPS

directors could not offer an opinion on the management of the Initiative. Part of the reason for this is their level of awareness of the IFPS and the larger Initiative.

- FPS directors and DOJ officials at headquarters believe that management could be improved through more cooperation between the policy and prosecution levels of DOJ and by implementing a better reporting structure where requirements are clearly established. DOJ officials at headquarters also mentioned the need among horizontal partners to share information, and one suggested that a central directing authority be considered. Prosecutor's main suggestions for improvement were related to increased resources, particularly for paralegals and technical support, and developing disclosure protocols.

### **5.3 Success**

- Recent studies conducted by DOJ of training activities show that approximately 1,742 individuals have received training on Bill C-24 from DOJ. The training was well received; participants found it relevant to their jobs and thought that it helped them understand the legislative provisions. Key informant interviews supported these findings; most said that the training improved their knowledge of Bill C-24. In addition, there was evidence that some attendees of training sessions used their knowledge to train others.
- In addition to training on Bill C-24, the evaluation found that training has also been conducted on topics such as pre-charge advice, preparing court and Crown briefs, and disclosure management.
- It appears that partnerships with local law enforcement agencies have been enhanced and that horizontal Initiative partnerships have been effective. More regular contact between DOJ and the RCMP during organized crime prosecutions has reduced territoriality and increased openness. However, some officials commented that DOJ is not as well integrated with the RCMP, as it would like to be. While the understanding of each department's culture has increased, implementation of the Initiative is seen as lagging, particularly in disclosure management. Prosecutors are also divided on whether IFPS has affected their working relationships with partner agencies. Those who have noticed an improvement are uncertain if it can be attributed to the Initiative. The fact that RCMP management is seen as supportive of Initiative activities while front-line staff are more hesitant may account for these differences.
- In addition to the formal partners, the Initiative also encourages building new partnerships at the federal, provincial or municipal levels. However, few new partnerships have been formed.



- While it is still too early to fully assess the effects of the Initiative on case preparation, investigations, and prosecutions, initial findings show that improvements have been noted in some areas. Most key informants believe that the IFPS has improved disclosure management, crediting the use of disclosure protocols and better teamwork with police. Likewise, about half believe that improvements in organized crime investigations and prosecutions have occurred as a result of the Initiative and/or Bill C-24. For investigations, Bill C-24 received the most credit for giving police more flexibility in conducting investigations and for providing a clear mandate to pursue criminal organizations. For prosecutions, the legislation reduces prosecutorial burden for proving the criminal organization offence, and the stiffer sentencing provisions act as a deterrent and as an incentive in plea negotiations. Key informants also commended the dedicated prosecution resources from the IFPS (pre-charge advice, prosecutors, and teams).

#### **5.4 Effectiveness/Other Strategies**

- Because organized crime prosecutions can take years to conclude, the Initiative requires many years of operation before the effects will become apparent and measurable. Therefore, examining an issue such as effectiveness is still premature after only three years. However, according to some FPS directors and DOJ officials, resource allocation may influence future effectiveness. Initiative resources could be better distributed to meet staffing needs and to provide DOJ with more support so that it can keep pace with complex organized crime investigations.
- Key informants made several policy and legislative suggestions that in their view would assist organized crime investigations and prosecutions. It is important to note that these suggestions reflect the opinions of the key informants and that other perspectives outside of the DOJ are not included in this evaluation. In particular, they mentioned reforms in rules of criminal procedure to facilitate the flow of cases through the system such as setting notice requirements and timelines for defence applications and the codification of disclosure rules. They made suggestions to improve proceeds legislation, including placing the onus on those convicted to prove that assets were gained legitimately. They would like changes in the law to encourage collaboration with law enforcement, such as harsh minimum sentences, no mandatory parole, and the ability to require individuals to submit to questions under oath if they are guaranteed immunity. Some key informants suggested that certain procedures be relaxed such as the need to update static wiretaps over the course of the investigation and the process to gain access to third-party records. They also advocated adopting preservation

orders that temporarily require the preservation of electronic evidence until a production order can be obtained.

## **6. RECOMMENDATIONS**

### **6.1 Design and Delivery: Implementation and Resources**

While Initiative activities are not fully implemented as they were originally designed, progress is being made toward achieving the Initiative objectives. Within the FPS, activities have been undertaken in the areas of pre-charge advice and assistance, disclosure management, prosecution, and international assistance. However, to meet operational demands and the evolving nature of organized crime prosecutions, the IFPS requires flexibility to allow for the reallocation of resources within the Strategy and some FPS directors reported being unable to dedicate prosecutors to one task (e.g., pre-charge advice or disclosure management) or to the prosecution of one type of file (e.g., organized crime prosecution teams). They stated that increased and stable funding would assist them in implementing their activities under the Initiative.

The departmental hiring freeze in 2002/2003 has also affected the Initiative; some offices had unfilled Initiative-funded positions when the freeze took effect. Since regions do not have sufficient prosecutors, new hires become fully occupied with ongoing prosecutions and have limited time for pre-charge advice. However, key informants do not attribute the need for more staff (prosecutors and paralegals) solely to the most recent FPS fiscal situation.

**Recommendation 1: FPS review and make any necessary adjustments to the implementation of the IFPS and current resource mix to ensure the objectives of the Initiative are being achieved in the most efficient manner.**

#### **Management Response**

The FPS has been re-evaluating its implementation of the IFPS, and a discussion paper on this subject was recently circulated to regional FPS Directors for consideration and comment. As well, the MCOC Initiative should not be viewed in isolation from other closely related initiatives, such as the Integrated Proceeds of Crime and Anti-Smuggling initiatives, nor from the need to re-evaluate the mandate and priorities of the FPS generally in light of available resources.

Over the next fiscal year, FPS, in consultation with regional FPS Directors, will be conducting a comprehensive review of its priorities and available resources. FPS will make the necessary

adjustments to its allocation and mix of resources to respond most effectively to the various demands upon it, including the IFPS, to ensure that the objectives of the IFPS are met.

## **6.2 Performance Measurement**

### **6.2.1 Financial Information**

Demonstrating the need for additional Initiative funding is difficult due to the limited nature of financial data available. In particular, since the use of Initiative funds is not tracked by activity, it is difficult to attribute specific activities directly to the Initiative. This is a limitation of how information is currently being captured in the financial management system used by the Department.

In addition, the FPS receives funding under several initiatives, many of which have activities that overlap with the MCOC Initiative. Without the ability to segregate activities funded by each initiative, assessing prosecution results becomes difficult and can only result in estimates.

**Recommendation 2: FPS and CLPS meet with Corporate Services to examine the financial management system currently being used by the Department with a view to developing short term and long term strategies for identifying resources by activity as identified in the RMAF.**

### **FPS Management Response**

As noted above, the MCOC Initiative should not be viewed in isolation from other related initiatives nor from the activities and mandate of the FPS generally. FPS is aware of the need to develop better mechanisms for tracking our activities and expenditure of resources in all areas of our work, and has been working with Regional FPS Directors and financial administrators towards that goal. As recognized in the Evaluation Report, the tracking of resources by initiative or by activity related to that initiative is a major challenge for the FPS, as our work does not fall neatly into categories which correspond with identified initiatives. For instance, a particular prosecution may contain elements of drugs, proceeds of crime, organized crime, anti-smuggling and tax fraud. Furthermore, our resources are primarily tied up in the employment of prosecutors and other personnel. While the Salary Management System records the nominal source of funding for individual positions, FPS managers must assign cases on the basis of their

subject matter and complexity, and on the basis of the expertise and availability of personnel at a given time, rather than on the theoretical source of their funding. Similarly, the need to maintain flexibility to respond to shifting demands makes it difficult and often counter-productive to dedicate personnel full-time to particular activities. Hence, financial management systems do not easily give a fair picture of the actual work being conducted, and are likely not the best tool to track IFPS resources and FPS implementation of the initiative.

Caseview/iCase is the key tool being looked at to provide the information required to account for the implementation of the initiative. The Executive Services Office of the FPS has formed a committee, which includes regional FPS Directors to examine information reporting requirements. The objective of this committee is to identify the core information, including resources, which FPS requires both regionally and nationally to manage its priorities and to account across initiatives, and to ensure that information is being captured in Caseview/iCase or through some other method. This will include ensuring that files are tracked to initiatives and developing a methodology for reporting on files or activities, which cross initiatives. The committee is expected to produce recommendations in the near future.

While recognizing the inherent difficulties outlined above, FPS agrees with the recommendation and will meet with Corporate Services to examine the financial management system and to develop strategies to better achieve the initiative goals.

### **CLPS Management Response**

The activities identified under the MCOC Initiative for which CLPS has primary responsibility for either carrying out directly or for commissioning fall under Component I of the Results Based Management Accountability Framework. This Component responds to the need for appropriate legislative tools to address organized crime, training and education on the use of those tools, and information on the nature, scope and impact of organized crime. The activities identified in the MCOC Initiative include legislation and policy development; research, evaluation and coordination; and training and education that are related to the implementation of Bill C-24 and other legislative initiative pursued in regard to organized crime, particularly those identified as part of the National Agenda to Combat Organized Crime process.

Since the inception of the MCOC Initiative, CLPS has undertaken extensive policy development on organized crime issues and carried out large-scale and broad-based legislative training on Bill C-24, as mandated under the Initiative, and has commissioned the necessary research and evaluation activities. As a result of the varying nature of this work, earmarking Initiative

resources to specific activities is a challenge. In particular, it would be impossible to break down the salary dollars devoted to specific activities on anything more than a general approximation basis, as CLPS does not have need for a time-keeping system. However, when possible, management does support the overall objective of developing short and long-term strategies for identifying resources by activity.

As a first step toward this effort, CLPS will meet with Corporate Services to discuss the viability of attributing resources under the categories of specific activities identified in the MCOC Initiative.

### **6.2.2 Performance Information**

There is also limited performance data for the Initiative and in particular the IFPS. The FPS has only recently begun to identify organized crime files in its electronic file management system. In addition, regional offices do not have a standard method for assigning file numbers: some offices assign a different file to each accused; others have files for each information and indictment; and some create separate files for the overall police operation. This complicates large-scale studies of the nature and volume of organized crime because the unit of measure – the file – is not consistent.

There is a cost to keeping information, and FPS regions need guidance on what type of information they are required to keep and standards to ensure its reliability and validity. If it is to be used to monitor organized crime prosecutions and evaluate initiatives, FPS needs directions from a central authority on how to manage the information. As well, the amount of information required must be realistic and not very burdensome.

**Recommendation 3: FPS work with the Research and Statistics Division, Information Management Branch and the Evaluation Division to develop standardized systems for on going performance monitoring of activities funded under the IFPS, develop protocols to access data for performance management and research to support the Initiative, and continue to identify organized crime files in Caseview and iCase.**

### **Management Response**

As noted above, the MCOC Initiative should not be viewed in isolation from other related initiatives nor from the activities and mandate of the FPS generally. Furthermore, the tracking of resources by initiative or by activity related to that initiative is a major challenge for the FPS, as

our work does not fall neatly into categories which correspond with identified initiatives. While recognizing these challenges, the FPS is committed to finding better mechanisms for tracking our activities and expenditure of resources in all areas of our work, and has been working with Regional FPS Directors and others towards that goal.

FPS will work to determine the core information, which needs to be gathered and to develop a standardized system of reporting on a regular basis on the various activities of the FPS, including the IFPS. Caseview/iCase is the key tool being looked at to provide the information required to account for the implementation of the initiative. The Executive Services Office of the FPS has formed a committee, which includes regional FPS Directors to examine information reporting requirements. The objective of this committee is to identify the core information which FPS requires both regionally and nationally to manage its priorities and to account across initiatives, and to ensure that information is being captured in Caseview/iCase or through some other method. This will include ensuring that files are tracked to initiatives, and to develop a methodology for reporting on files or activities, which cross initiatives. The committee is expected to produce recommendations in the near future.

### **6.3 Management of the Initiative**

About half of the FPS prosecutors and paralegals interviewed were unaware of the Initiative and/or the IFPS. They could not provide information about what activities had been undertaken under the Initiative or about the management of the Initiative in their office. Some FPS directors also indicated that they knew little about activities at DOJ headquarters. Although, this limited awareness does not necessarily reflect that Initiative and IFPS activities are not being pursued in FPS regional offices, it does limit information that can be provided by the regions on implementation as well as outcomes.

**Recommendation 4: FPS and CLPS work together to implement an internal communication strategy and identify a coordinator with a view to ensuring that counsel and support staff are informed of Initiative policies, performance management and research activities.**

### **Management Response**

Despite some difficulty in front line prosecutors specifically identifying the elements of the Measures to Combat Organized Crime Initiative, it was clear from the findings of this summary evaluation report that these same prosecutors are actively participating in its implementation.

Management acknowledges that maximizing participant awareness of MCOC initiative elements would allow for more accurate and timely reporting of prosecution activity for evaluation purposes, a uniformity of approach in the management of organized crime files, and an increased capacity for prosecutors participation in legislative consultation. To this end, management will take steps, in conjunction with regional FPS Directors, to ensure that FPS personnel are better informed of the key elements of the initiative, the resources attached to it, and the need to account for the implementation and management of initiative activities.

Therefore, CLPS and FPS will meet in order to identify a MCOC Initiative coordinator. This individual will be in regular contact with FPS Regional Directors, be apprised of ongoing activities and recent developments under the MCOC initiative and act as a central source of information for crown prosecutors and support staff.

In addition to identifying a coordinator, CLPS and FPS will explore the lines of communication currently in place for disseminating MCOC Initiative information to front line prosecutors and support staff, with a view to modification or enhancement if such is found to be required.

#### **6.4 Training and Increased Stakeholder Knowledge of Bill C-24**

DOJ has provided extensive training on Bill C-24 to prosecutors and law enforcement officers. Earlier studies and the evaluation found that this training has increased stakeholder knowledge of the legislation, which is one of the objectives of the Initiative. For most training sessions on the law enforcement justification, a training evaluation form was provided to and completed by participants. This allowed the gathering of valuable information with respect to the training, including information that assisted in consideration of how the sessions could be refined as further training was performed.

In order to assess the continued effectiveness of the Bill C-24 training and to consider ways to constantly adapt and improve training, there is a continued need to collect training evaluation information, and to make this collection systematic. Information should also be collected at each session on when and where the training took place, number and type of participants, who delivered the training and the type of materials used. Collecting this information on an on-going basis would reduce the need to conduct additional studies, which can be costly and increase respondent burden unnecessarily.

**Recommendation 5: CLPS, in consultation with FPS, maintain on-going training capacity, continue to provide Bill C-24 legislative training when the need has been identified, collect on a systematic basis relevant descriptive data about the sessions, including evaluations provided by trainees and basic data on the nature of the training itself.**

### **Management Response**

As the MCOC Mid-Term Evaluation Report indicates, approximately 1,742 individuals received training on C-24. According to informant interviews, the training was well received; participants found it to be relevant to their jobs and thought it helped them understand the legislative provisions.

The training provided under C-24 has been, and continues to be, a demonstrated success. Management agrees that this activity under the MCOC initiative is a significant factor in contributing to achieving the immediate outcomes identified in the RMAF (increased knowledge and understanding of organized crime issues and tools, ultimately leading to effective investigations and prosecutions of criminal organizations). To this end, management agrees that when an appropriate need has been identified, legislative training will be made available.

In conjunction with CLPS and FPS continuing their training functions, management agrees that training information should continue to be collected and that this should be done on a systematic basis. To this end, CLPS and FPS will continue to use a short trainee evaluation feedback form to be distributed following C-24 training sessions and will also ensure that other basic training data is collected for these sessions. This participant feedback will allow for a timely, accurate and cost effective assessment of C-24 training activities.

It should be noted that as the work on the MCOC continues, it is expected that training needs will evolve and so too must the appropriate training response. For example, the law enforcement justification training of RCMP officers and others that was offered intensively across the country in 2002 and 2003 was a response to an immediate need for the designation of sufficient number of officers to meet law enforcement operational needs. Some supplementary training is still occurring in this regard – especially as other departments with enforcement officers now engage our assistance in training. However, it is expected that in the future, the law enforcement justification training may evolve to be offered in conjunction with regular training for enforcement officers, such as part of the established general training for new undercover officers. The roles of those involved with training, and the training itself, must adapt to meet changing demands.



It should also be noted that the FPS, in partnership with CLPS, has devoted substantial time and energy to the development and delivery of training programs for prosecutors and police, and furthermore that the majority of people trained at the June 2002 session for the purpose of delivering further training regionally were FPS personnel. Given the operational nature of such training, FPS plays a crucial role in its development and delivery. The substantial nature of the ongoing FPS training role, and FPS resources for such training, was not adequately considered in the development of the MCOC. In view of the need for FPS to re-evaluate its key priorities in light of available resources, the issue of adequate FPS training funding must be addressed. In particular, future legislative initiatives should ensure that the key role of FPS in delivering operational training, and the attendant resource implications, are adequately considered.

## **6.5 Partnerships**

Although it appears that more regular contact between DOJ and the RCMP during organized crime prosecutions has reduced territoriality and increased openness, it is uncertain whether these changes can be attributed to the Initiative.

Overall, DOJ officials believe that the horizontal partnerships with Initiative partners have been effective. They emphasized the importance of sharing front-line knowledge. However, some officials commented that DOJ is not as well integrated with the RCMP as it would like to be. While the understanding of each department's culture has increased, implementation of the Initiative is seen as lagging, particularly in disclosure management. According to these DOJ officials, barriers exist at the front-line.

**Recommendation 6: DOJ continue to work with the partner departments and agencies to ensure that the Initiative objectives are achieved and in particular with the RCMP in the area of disclosure management.**

### **FPS Management Response**

FPS has been working on enhancing partnerships with various enforcement agencies, in particular the RCMP. Increasingly, regional FPS managers are participating in joint management teams or similar bodies to coordinate joint planning on major investigations, and FPS personnel have been assigned to work with various investigative agencies, such as the Organized Crime Agency in British Columbia, with the Toronto Police Service. The FPS now

participates in the International Joint Management Team for the Integrated Border Enforcement program.

FPS has also been working with Federal-Provincial-Territorial (F/P/T) partners on a number of key issues. The National Coordinating Committee on Organized Crime (NCC), led by the Office of Public Safety and Emergency Preparedness, plays a coordinating role across agencies and jurisdictions on operational issues relating to organized crime. Both FPS and CLPS participate in the NCC, along with federal enforcement agencies, provincial and municipal police forces, federal and provincial correctional services, provincial prosecution services, and provincial Solicitors General. Among other issues, the NCC examines proposals for legislative change, enforcement and prosecution issues, research and policy-setting priorities, etc.

In addition, under the F/P/T Heads of Prosecutions Committee,, a Mega-case Working Group has held numerous meetings to develop approaches and best practices for the management of mega-cases, including a three day working session in the spring of 2003. Their recommendations were the subject of review by the Heads of Prosecutions at a one day session in November, 2003, culminating in the development of a series of recommendations on mega-cases for the consideration of the Steering Committee on Justice Efficiencies. The FPS plays an active role in the National Coordinating Committee on Organized Crime and its various working groups, such as the Working Group on Marihuana Cultivation which produced and disseminated a number of recommendations for addressing the proliferation of marihuana grow operations, and the Street Gangs Working Group which is working on definitions and recommendations for policy development. The FPS is a key player in the Cross Border Crime Forum and its various working groups, such as a Firearms Trafficking Strategy Working Group and a Cross-Border Enforcement Working Group.

FPS will continue to work in partnership with other concerned agencies on the development and implementation of protocols and inter-agency memoranda of understanding (MOU), concerning issues such as management and best practices for disclosure and major cases. FPS and the RCMP are currently in the process of updating an existing MOU to develop protocols on disclosure and major case management. They are also reactivating a Joint Headquarters Committee, which will oversee the work of a number of joint Working Groups on high profile issues such as wiretap, disclosure and mega-case management.

## **CLPS Management Response**

Currently, CLPS is involved in numerous partnerships aimed at ensuring initiative objectives are achieved and initiative partners are consulted.

As indicated in the FPS management response, CLPS is an active member of the National Coordinating Committee on Organized Crime which plays a coordinating role across agencies and jurisdictions on operational issues relating to organized crime.

CLPS is also a member of the FPT Working Group on Organized Crime Research and Analysis. Established by the National Coordinating Committee on Organized Crime, this working group is committed to data collection and research, and to this end frequently consults and undertakes specific research initiatives. In addition, CLPS plays an active consultative role as a member of the FPT Working Group on Organized Crime Priority Setting and the MCOC Evaluation Committee. As part of an overarching national structure, CLPS participates with FPT partners in ongoing activities under the National Agenda Against Organized Crime. All of these formal partnerships provided a structured and frequently utilized setting for partner consultation. It should be noted that these formal ongoing relationships are complimented by the extensive informal interdepartmental partnerships that develop as a result of consultation on organized policy development.

Therefore, management agrees that these partnerships should be maintained, and that CLPS continue to actively participate on the various FPT Working Groups for which it is currently a member, all with a view to sharing key front line knowledge.

## **6.6 Other Policies and Legislation**

While several DOJ officials at headquarters were involved in developing the Initiative, many of the FPS key informants felt that this evaluation was their first opportunity to provide input into the development of policy and legislation to assist with the investigation and prosecution of organized crime.

**Recommendation 7: CLPS and the FPS continue to consult internally, including continuing efforts by FPS to consult with regional offices regarding policies and legislation that would assist in the investigation and prosecution of organized crime cases.**

### **FPS Management Response**

CLPS and FPS conducted extensive consultations with Regional Offices during the development of Bill C-24. Consultations with the Regions are continuing on an extensive basis into the development of policies and best practices regarding such issues as disclosure, wiretap policies and major case management. FPS continues to provide input to CLPS and other interested bodies, including input from regional prosecutors, on the development of policy and legislation for the investigation and prosecution of Organized Crime cases. FPS will ensure that counsel are kept informed of opportunities for input on these and other issues.

As an example of the above, FPS regional prosecutors have recently participated in a consultative session on the possible development of reforms to the law surrounding disclosure in criminal cases. This initiative was largely a response to difficulties encountered in managing disclosure obligations in the context of large, complex prosecutions. Along with others in the legal community, representatives of a number of regional FPS offices attended Ottawa for a one day pre-consultation on the development of draft amendments. This session was organized by CLPS with the assistance of FPS Headquarters.

### **CLPS Management Response**

CLPS agrees that the Federal Prosecution Service adds valuable information and experience to the development of organized crime policy and legislation. That is why traditionally, FPS has played a significant role in policy development and legislative consultation. As a result of their internal reporting structure and frequency of contact with regional offices, FPS headquarters is in the paramount position for gathering and representing the views of regional prosecutors in consultation activities undertaken by CLPS.