

Security Intelligence
Review Committee



Comité de surveillance des activités
de renseignement de sécurité

Office of the Chairman

Bureau du président

TOP SECRET// CEO

File no.: 2017-06

March 22, 2018

The Honourable Ralph Goodale, P.C.
Minister of Public Safety and Emergency Preparedness
269 Laurier Avenue West
Ottawa ON K1A 0P8

Dear Minister Goodale,

RE: Review of CSIS Operations within Dangerous Environments (SIRC Study 2017-06)

This letter provides the results of the review by the Security Intelligence Review Committee (SIRC) of operations within dangerous environments by the Canadian Security Intelligence Service (CSIS). **Annex A** provides background information.

SIRC approached its study of CSIS activities in Dangerous Operating Environments by dividing the review into three areas of examination: CSIS personnel, sources and targets.¹ This perspective allowed SIRC to assess how CSIS operates overall in dangerous environments.

SIRC recommends that CSIS develop a comprehensive strategic framework for operating in dangerous environments.

A key component of the review was a series of interviews that SIRC conducted with CSIS employees who worked in a DOE at some time in the period

To complement these interviews, SIRC conducted a series of briefings with CSIS senior management and submitted written questions.

In examining targets operating in dangerous environments, SIRC sought to determine whether information was shared to support lethal action, whether the 'caveat' was applied appropriately, and whether the information was assessed as required by the Ministerial Directive on Information Sharing with Foreign Entities (2011) prior to being shared.

¹ The DOE designation has been in use by CSIS since October 2007. designation: environments and conflict zones interchangeably with CSIS's DOE designation.

currently have received this Note that SIRC is using the terms dangerous

TOP SECRET// CEO

- 2 -

In general, SIRC found that CSIS's DOE designation does not capture important considerations beyond the provision of firearms to employees, especially for employee activities within dangerous environments that do not receive the designation. SIRC also found that a communications gap has developed between CSIS management and employees regarding activities within DOEs, and most concerning, that CSIS has not consistently addressed the increased risk to its employees when they operate overseas in dangerous environments.

SIRC noted that CSIS faces a number of challenges including difficulties as well as legal risks associated

Finally, SIRC found that with respect to targets, CSIS appropriately assessed information as required by ministerial directive, and applied the required caveats and assurances to mitigate the risk of sharing.

SIRC recognizes that CSIS is primarily a domestic intelligence service for which there are fewer resources available for foreign operations. However, CSIS's duty-of-care responsibilities extend to wherever a particular employee is working on behalf of CSIS.

To this end, CSIS requires additional clarity for employees being deployed to DOEs to help ensure that expectations are appropriately tempered, and that roles, responsibilities, and processes are clear and appropriately constructed for overseas activities.

The recommended strategic framework should address, among other considerations, the following issues:

- create a more sophisticated rationale for designating DOEs, and consider the associated implications of such a designation;
- requirements for employee training pre-deployment;
- updated policies and standard operating procedures;
- clarified stakeholder roles and responsibilities;
- expectations for and current feasibility of the Foreign Operations Support Team; and
- development of a communications plan between management and employees specifically geared for high-risk deployments.

We would be pleased to discuss the Committee's conclusions and recommendation with you.

Sincerely,



Pierre Blais, P.C.
Chair

c.c.:
David Vigneault, Director of CSIS
ERC

ATIP version

JUN 04 2019

dated: _____

SIRC Study 2017-06

TOP SECRET // CEO

ANNEX A — CSIS Operations within Dangerous Environments (2017-06)

Scope and Methodology

The Security Intelligence Review Committee (SIRC) approached its study of Canadian Security Intelligence Service (CSIS) operations in Dangerous Operating Environments by dividing the review into three areas of examination: CSIS personnel, sources and targets. This perspective allowed SIRC to assess how CSIS operates overall in dangerous environments.¹

In its examination of CSIS personnel, SIRC interviewed employees who worked in a dangerous environment at some time in the period

The purpose of these interviews was to understand their experiences, including gaining insight into any successes and challenges of working within these environments.

In addition, SIRC met with CSIS management to discuss in general the observations gained from the employee interviews.³ SIRC also provided written questions to CSIS,⁴ completed a detailed review of all policies and procedures, and examined documented details of specific employee activities within DOEs.

SIRC's examination of sources

In examining targets operating in dangerous environments, SIRC reviewed reporting on CSIS targets and former targets that were believed to be physically located in, or had travelled to, the conflict zones

within this period, SIRC examined reporting

¹ CSIS has utilized the DOE designation since October 2007.
designation:

environments and conflict zones interchangeably with CSIS's DOE designation.

² SIRC's discussions with employees covered the following positions:

currently have received this
Note that SIRC is using the terms dangerous

³ SIRC meetings with Human Resources Management, December 11, 2017; International Region, December 21, 2017; and Internal Security, December 21, 2017.

⁴ SIRC Memo to CSIS, "SIRC Questions for CSIS Regarding Operations in High Risk Environments," November 15, 2017; and CSIS response to SIRC questions, December 8, 2017.

ATIP version

JUN 04 2019

dated: _____

SIRC Study 2017-06

TOP SECRET // CEO

- 2 -

Because the targets were operating within conflict zones, SIRC sought to determine whether information whether the caveat was applied appropriately, and whether the information was assessed as required by the Ministerial Direction on Information Sharing with Foreign Entities (2011) prior to being shared. In doing so, SIRC examined a sample of intelligence reporting, the ministerial direction on information sharing, and related directives and procedures.

The caveat was introduced in October 2015, when the Deputy Director of Operations (DDO) issued an information-sharing directive

Rationale for Findings

SIRC conducted multiple interviews with personnel who had worked in dangerous environments to ascertain whether those personnel had consistent experiences — either in terms of CSIS's application of policies and procedures or in terms of gaps in policies and procedures. CSIS is experienced in working overseas, albeit primarily in a liaison capacity, but has had armed employees posted abroad since 2002.⁸

Finding #1: CSIS's Dangerous Operating Environment designation does not capture important considerations beyond the provision of firearms to employees, especially for employee activities within dangerous environments that do not receive the designation. As well, a communications gap has developed between CSIS management and employees regarding activities within DOEs.

Overall, employees had the impression that there is no strategic plan for operating in dangerous environments.⁹

⁸ SIRC Study, "CSIS Operational Support and Its Use Overseas," May 30, 2014, p.10.

⁹ CSIS employees cited the process as being an insufficient planning instrument to sufficiently address employee safety concerns, especially for long-term deployments.

ATIP version

JUN 04 2019

dated: _____

SIRC Study 2017-06

TOP SECRET // CEO

- 3 -

When there is a high-risk element included in an operational risk assessment, for either employee or source safety, senior CSIS executive approvals are required. procedures aim to provide clarity on these processes.

Following examination of CSIS official written responses to questions, meetings with managers and an operational policy review, SIRC noted that CSIS has official mechanisms to capture employee experiences. capture lessons learned from employees

Many of the employees SIRC spoke with did not believe that is useful for capturing and disseminating key information,

Finally, SIRC found no evidence of any meeting notes/tracking processes used by managers to record lessons learned and designate timely solutions to identified problems (where warranted). SIRC cannot account for the divergent opinions between CSIS management and the majority of employees

ATIP version

dated: JUN 04 2019

interviewed. At a minimum, a communication gap exists between CSIS managers and employees.

Most importantly, employees believed that the DOE concept needs a revised framework. Initially devised to advise the Minister of Public Safety and Emergency Preparedness of overseas locations where it may be necessary to arm employees,¹³ interviewees were often unable to explain or understand how a country became designated a DOE.¹⁴ Many suggested that the arming of employees is only one of many equally important considerations and that the DOE classification process was inadequate for the variety of additional safety and operational issues that should also feed into such a designation.

_____ has the role of designating DOEs,¹⁵ but most interviewees felt that expert analysis _____ would be beneficial, as would a more prominent role from _____

Finding #2: CSIS has not consistently addressed the increased risk to its employees when operating overseas in dangerous environments.

Senior managers who spoke to SIRC stressed the importance of context in making assessments related to employee health and safety overseas. These managers pointed to what they considered noteworthy improvements to CSIS activities within DOEs _____ in particular, CSIS's operations _____ were frequently referenced as contributing to improved policies, processes and procedures for foreign operations. Indeed, although in the majority of cases employees who spoke with SIRC were satisfied with the care they received within DOEs, nonetheless, a number of cases SIRC examined raised serious concerns about how CSIS conducts its duty of care for personnel working in dangerous environments.

¹⁴ For example, SIRC heard concerns as to why some countries are not designated DOEs when they are as dangerous as those that have been designated.

¹⁵ CSIS stated that the process for submitting a request for the designation of a DOE is responsibility. The DOE designation is based on _____

_____ Upon finalization of the request, it is current practice for _____ to consult _____ The request is then submitted through the approval chain _____

CSIS

_____ is also involved in this process if the environment is considered dangerous from a health perspective ie: ebola, pandemic, etc. (SIRC questions for CSIS regarding operations within high-risk environments; and CSIS response to SIRC questions, question #11, December 8, 2017.)

SIRC Study 2017-06

TOP SECRET // CEO

- 5 -

ATIP version

JUN 04 2019

dated: _____

SIRC Study 2017-06

TOP SECRET // CEO

- 6 -

In examining CSIS's responses to questions on training, SIRC noted that CSIS has a wide range of training that is available to employees that are travelling to DOEs.

Following up on employee comments and CSIS's corporate responses, SIRC noted that CSIS decided to shift from required training to recommended training for employees deployed to DOEs,

ATIP version

JUN 0 4 2019

dated: _____

SIRC Study 2017-06

TOP SECRET // CEO

- 7 -

Another frequent concern for employees was a lack of clarity with respect to responsibility for their management prior to or while working within a DOE.

Ensuring adequate and predictability of compensation packages for those working within these environments were also issues frequently cited.³²

Employees also contended that the absence of predictability in compensation packages can be an unnecessary distraction and affect morale while deployed abroad.

All employees SIRC spoke with were highly complementary of the Moreover, employees emphasized that the use of was crucial to operational safety and collection utility,

Finding #3: CSIS faces a number of challenges in managing sources within DOEs, including difficulties in

³² SIRC acknowledges that many of the changes to employee benefits cited as issues of concern by employees were linked to changes made by Global Affairs Canada, and therefore, may have been outside of CSIS control.

ATIP version

dated: JUN 04 2019

SIRC Study 2017-06

TOP SECRET // CEO

- 8 -

as well as legal risks associated with

To operate in a DOE, where there is a high risk to life for employees, CSIS (like all intelligence agencies) is highly reliant for operational information.

ATIP version

JUN 04 2019

dated: _____

SIRC Study 2017-06

TOP SECRET // CEO

- 9 -

Finding #4: CSIS appropriately assessed information as required by ministerial direction, and applied the required caveats and assurances to mitigate the risk of sharing.

SIRC examined whether information that could result in a negative action against an individual that was shared was assessed as required by the 2011 Ministerial Direction on Information Sharing with Foreign Entities and the 2015 DDO directive. The [redacted] was consistently and appropriately included/not included in all messages with the exception of two; in these cases, the caveat was included unnecessarily

[redacted] with respect to the application of the [redacted] caveat. SIRC notes that the process of establishing policy and procedures with respect to the application of the [redacted] caveat remains ongoing, and encourages CSIS to finalize and promulgate at the earliest opportunity.

ATIP version

dated: JUN 04 2019

SIRC Study 2017-06

TOP SECRET // CEO

- 10 -

SIRC also examined ⁴⁵ in the information provided to partners, and whether ⁴⁵ were consistent across all exchanges. SIRC had no concerns, and noted there was adequate documentation when ⁴⁵ changed.

Recommendations

SIRC recommends that CSIS develop a comprehensive strategic framework for operating in dangerous environments.

SIRC recognizes that CSIS is primarily a domestic intelligence service for which there are fewer resources available for foreign operations. However, CSIS's duty-of-care responsibilities extend to wherever a particular employee is working on behalf of CSIS.

To this end, CSIS requires additional clarity for employees being deployed to DOEs to help ensure that expectations are appropriately tempered, and that roles, responsibilities, and processes are clear and appropriately constructed for overseas activities.

The recommended strategic framework should address, among other considerations, the following issues:

- create a more sophisticated rationale for designating DOEs, and consider the associated implications of such a designation;
- requirements for employee training pre-deployment;
- updated policies and standard operating procedures;
- clarified stakeholder roles and responsibilities;
- expectations for and current feasibility of the and
- development of a communications plan between management and employees specifically geared for high-risk deployments.

ATIP version

JUN 04 2019

dated: _____