

SUPERIOR COURT OF JUSTICE

5 C O N F I D E N T I A L H E A R I N G
I N C A M E R A

HIS MAJESTY THE KING

10 v.

CAMERON JAY ORTIS

15 E X C E R P T S O F P R O C E E D I N G S A T T R I A L
E V I D E N C E O F C A M E R O N J A Y O R T I S
(AFTERNOON SESSION)

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY
on November 2, 2023, at OTTAWA, Ontario

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**INFORMATION CONTAINED HEREIN IS PROHIBITED FROM
PUBLICATION PURSUANT TO AN ORDER UNDER SECTION 486 OF
THE *CRIMINAL CODE OF CANADA* BY THE HONOURABLE JUSTICE MARANGER
OF THE SUPERIOR COURT OF JUSTICE, DATED: SEPTEMBER 28, 2023
(PLEASE SEE FULL ORDER DETAILS ATTACHED HEREIN) AND SECTION 517
OF THE *CRIMINAL CODE OF CANADA* BY JUSTICE OF THE PEACE S.
LEGAULT OF THE ONTARIO COURT OF JUSTICE,
DATED: OCTOBER 17, 2019**

30 APPEARANCES:

J. MacFarlane / J. Kliewer

Counsel for the Federal Crown

M. Ertel / J. Doody

Counsel for Cameron Jay Ortis

In Camera

COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

**ORDER EXCLUDING THE PUBLIC FROM PARTS OF THE TRIAL PROCEEDINGS
PURSUANT TO SECTION 486 OF THE *CRIMINAL CODE*
AND FOR A STATUTORY PUBLICATION DELAY OF PRE-TRIAL APPLICATIONS**

Whereas the Accused, Cameron Jay Ortis, is charged with offences contrary to the *Criminal Code* and *Security of Information Act*; and

Whereas the Federal Court has ordered certain information in relation to those charges cannot be disclosed due to injury to national security that would be caused by disclosure; and

Whereas the Respondent has brought an application pursuant to section 486 of the *Criminal Code*, that the public be excluded from the courtroom during parts of the trial against Cameron Jay Ortis, and that access to transcripts of those proceedings be made available to the public after review and redaction of any information that is subject to an order made by Justice Norris of the Federal Court of Canada pursuant to s.38.06(3) of the *Canada Evidence Act*, and any information that may be subject to an objection to disclosure pursuant to s.38.01 of the *Canada Evidence*; and


Whereas the publication of pre-trial applications is statutorily prohibited until the jury retires to consider its verdict pursuant to section 648(1) and section 645(5) of the *Criminal Code*; and

After hearing the submissions of the parties and considering the materials filed;

IT IS ORDERED THAT:

1. Pursuant to section 486 of the *Criminal Code*, the public be excluded from the courtroom during the testimony of witnesses Dan Morris, Gregory O’Hayon, Walter Mendonca, and the accused, Cameron Ortis.
2. Transcripts of the witnesses’ testimony shall be made available to the public as soon as possible after having been reviewed and redacted to ensure that Justice Norris’ Order prohibiting disclosure has been complied with, and that no sensitive information or potentially injurious information that has not yet been subject to a determination by the Federal Court is made public. Transcripts can be obtained by contacting PPSC media relations at media@ppsc-sppc.gc.ca or 613-954-7803. Audio of morning sessions shall be made available to the transcriptionist at lunchtime to allow for expedient preparation of transcripts.
3. All information regarding this and any other pre-trial application, and any decisions made, shall not be published until the jury retires to consider its verdict or the case otherwise concludes. When the persons named in paragraph 1 testify, the media are free to report to the public that they have been excluded from the courtroom, after a consortium of the media opposed this measure, and that they are reporting from transcripts as well as to indicate whether the transcripts have been redacted.

DATED at the City of Ottawa, Ontario, this th28 day of September, 2023.


The Honourable Justice Maranger of the
Superior Court of Justice of Ontario

**COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)**

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

**ORDER EXCLUDING THE PUBLIC FROM
PARTS OF THE TRIAL PROCEEDINGS
PURSUANT TO SECTION 486 OF THE
CRIMINAL CODE AND FOR A STATUTORY
PUBLICATION DELAY OF PRE-TRIAL
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SUPERIOR COURT OF JUSTICE

T A B L E O F C O N T E N T S

5 **INFORMATION CONTAINED HEREIN IS PROHIBITED FROM**
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W I T N E S S E S

<u>WITNESSES</u>	<u>Examination-</u> <u>in-Chief</u>	<u>Cross-</u> <u>Examination</u>	<u>Re-</u> <u>Examination</u>
ORTIS, Cameron Jay	1	-	-

Legend

[sic] - Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) - Indicates preceding word has been spelled phonetically.

30 Transcript Ordered: November 2, 2023
Transcript Completed: November 3, 2023
Ordering Party Notified: November 3, 2023

THURSDAY, NOVEMBER 2, 2023

R E C E S S (12:52 a.m.)

U P O N R E S U M I N G : (2:06 p.m.)

CAMERON JAY ORTIS: RETAKES THE WITNESS STAND

... JURY ENTERS (2:09 p.m.)

CLERK REGISTRAR: All members of the jury are now present. Please be seated.

MR. ERTEL: Thank you, Your Honour.

EXAMINATION-IN-CHIEF (CONTINUED) BY MR. ERTEL:

Q. You still have Exhibit 1, there? I'd ask you to turn to Tab 1 which is your job description, dated....

A. Got it.

Q. Or I guess signed in November and December of 2013.

A. Yeah.

Q. So, I guess the starting point is this. The Operations Research, or OR, was established 2009, 2010. Is this the only job description that you ever had in OR?

A. No, it's not. There is another job description for when I was the off - Officer in Charge of Operations Research.

Q. Okay. And so,...

A. [Throat clearing] Excuse me.

Q. ...you at first, you were the Officer in Charge, and then as - at the time that this policy was put into place, you became, or this, sorry, job description was put into place, you had become the Director of Op - Operations Research,

which was a promotion, as you described before.

A. That's correct.

Q. And have you seen a copy of the job description from when you were the officer in charge anywhere in the disclosure or anything that's been provided?

A. No, I have not.

Q. Okay. Was there any change between - well, when would the first one have been prepared, I guess?

A. Late 2009, early 2010.

Q. And was there any change in your job specification between that time and this time in 2013, when this description was - was produced?

A. Yes, there was. There are more responsibilities in the Director - Operations Research job description than there was in the OIC of Operations Research. The authorities are different. The mandate is also different.

Q. Okay. And so, we've heard some evidence that the mandate of the OR evolved and expanded over time?

A. Correct.

Q. You say its different. Does it reflect evolution and expansion of the mandate, what's in here?

A. It does reflect an evolution.

Q. Okay. And was there any other job description ever prepared for - for you as the Director of Operations Research, between 2013 and when you stopped being the director while you went on French language training? Maybe I could ask it in an easier way. Is this the job description that you had until the end of your time at the OR?

A. I did.

Q. It is?

A. It is.

Q. Okay. Okay. So, I'm gonna take you through

some of the job description.

A. Sure.

Q. And did you understand this job - first of all, how does it come about that this job description is prepared in the first place?

A. I was tasked with writing the job description. I was tasked with writing a classified version for the consumption of senior management. And then a unclassified version which I've - is this version, was generated from that classified document, in order to be shared with RCMP HR, or Human Resources, so that it could be validated before it was signed.

Q. Okay. And when you say, "shared with HR." Is that a requirement of HR, as a new position, I guess, here, as a result of you getting this promotion? And does HR require this to be prepared, then?

A. It does require something - a document like this to be prepared so that it can be validated.

Q. Okay. And when you say that there's also a classified version, are you say - are you saying that there's another version that has information that would probably be redacted if it was released?

A. That's correct, yeah.

Q. So, it would've had some potential references to confidential information?

A. Correct.

Q. And like - like high-sides information or partners or what kind of information?

A. Partners, tools, technologies, and techniques.

Q. Okay. And what's left here is - is - is what could be put, I guess, on the RCMP HR system.

A. Correct.

Q. So, under the heading of "General Accountability" it says:

The Director of Ops - Operations Research is accountable for developing the strategic and operational frameworks that enable the building and maintenance of cooperative operationally focussed relationships with both the Canadian security intelligence community as well as allied party agencies on threats to national security, stemming from terrorism, transnational crime, cyber security, and other major, imminent threats.
[As read]

Does that describe sort of the - the general, I guess, the - the general scope of work for the OR at that time?

A. It does.

Q. Now, there's something here about positioning FPSS. So, that's Federal Policing...

A. Special Services.

Q. ...Special Services to increase its visibility, reach, and leadership among domestic and allied partner agencies.

A. That's correct.

Q. Was - was there some need to increase visibility and reach and leadership among these agencies? Was - was that something that was raised as a - as a need that needed to be addressed by you in your role as the director?

A. Yes, it was.

Q. How did that come about?

A. It was....

Q. Or do you know?

5 A. I do know. There was a general understanding that Canada, in the 5EYES community, was a - lets call it a net importer of intelligence. So, we consumed and used more intelligence than we gave back into the 5EYES system. And the RCMP specifically was a much greater consumer and produced very little to be provided back into the 5EYES, let's call it system. And so, one of my jobs was to try and rectify that over time.

10 Q. Okay. And when you say to rectify that over time, to create more of a balance between what you're taking and what you're giving?

A. Correct.

15 Q. And did - did you, in your role as Director of Operations Research, or did Operations Research begin the process of contributing more than they were taking?

A. We did.

20 Q. And what type of - of information would be contributed?

A. So, I think there are three types of streams of information that we would on a regular basis, send back into the 5EYES system. The first stream would be our infographics themselves. The second stream would be what we call selector packages.

25 Q. Yeah, what does that mean, a selector package?

A. So, a selector pack - a selector in the intelligence community is anything - any identifying information. So, it could be a name, [REDACTED], an e-mail address, a phone number, [REDACTED]. Anything that identifies a particular entity in some way.

30 So, in the packages, we're gathering up of those selectors, that were collected by Operations Research from existing criminal investigations and other sources within the

RCMP and providing that into the 5EYES community.

Q. Okay. So, infographics, selector packages, and was there a third?

A. Our work overseas. So, Operations Research
5 began to travel abroad and we would meet with partners, work with the RCMP liaison officers overseas, as well as the analyst deployed overseas. And we would return, often, with information that we could in - that we had uniquely, that we could send back into the 5EYES community.

10 Q. Okay. So, that would be information that was received from partners, other than the 5EYES community?

A. That's correct.

Q. And you would introduce that information into the 5EYES community.

15 A. That's correct.

Q. And the - that - is that what it means by increasing visibility, reach and leadership? Is that what you're talking about?

A. It does, yeah.

20 Q. It seems pretty obvious that your - your - part of your role was to advise the Assistant Commissioner and the Deputy Commissioner on security intelligence opportunities. Is that the identifying the next threat intelligence led policing that you're talking about before?

25 A. It is.

Q. "Risk mitigation and identifying investigative opportunities." Is that - is that - is that using intelligence to try and - and - and direct in criminal investigations?

A. Not to direct criminal investigations, but to
30 help inform those who were responsible for those criminal investigations, so that they can make decisions on behalf of the RCMP.

Q. Okay. Then it says, "For preparing reports on operational progress under [Canada] Government of Canada's intelligence priorities." Is that the Memorandum - Memorandum of Cabinet that you were talking about before?

5 A. That's correct. So, I was responsible for preparing regular reports as to how we were accomplishing the objectives laid out in the intelligence priorities MC.

Q. And then it says, "For representing the Assistant Commissioner in a variety of domestic and
10 international fora." Did you do that?

A. I did.

Q. "For leading the development of integrated policy and strategic/[slash] business planning performance management and accountability frameworks to support the RCMP's
15 priorities." What does that mean?

A. It means I was tasked with coming up with a performance, essentially business metrics, that all of the units underneath Todd Shean at the time, could use to begin keeping track of their performance and keeping track of their successes.

20 Q. And did you do that?

A. I did.

Q. And is that something that's been disclosed to
ya on the case?

A. No, it has not.

25 Q. Obviously, you were in charge of overall financial management and human resource management and planning for the OR?

A. Correct.

30 Q. Okay. Were the - were you as the director, and also the people working for OR, were they intelligence analysts?

A. No, they were not.

Q. What's the difference between an intelligence analyst and what you were doing and what the people working for you were doing with the OR?

5 A. One of the main differences between an intelligence analyst and an intelligence research specialist, and what we were doing, is that analysts through the ordinary course of their daily routine, or in their job descriptions, do not necessarily go out into the world, and collect information, and meet with people, and try to build new - let's call them
10 conduits or streams of reporting that can be pointed back into the RCMP.

Q. So, an analyst would analyze information that was already available,...

A. Correct.

15 Q. ...and a researcher might actually try to acquire information.

A. That's correct.

Q. And - and maybe we'll talk about that document about the OR abroad...

20 A. Uh-hmm.

Q. ...later. But is - you - is that part of acquiring information, the - the travelling abroad that was described by the witnesses before?

A. It is.

25 Q. So, on the next page it looks like the first - on page 2, it looks like the first four paragraphs really are - are more generally about the RCMP, and the RCMP mandate, and criminal intelligence, and that sort of thing. But I'm gonna ask you to take a look at the last paragraph, there.

30 It is in consideration of the evolving threat environment that the Government of Canada has seen a need to broaden the role of the RCMP

Cameron Jay Ortis - in-Ch.

5 through [new] a new operations research program that makes greater use of security intelligence and foreign intelligence, to identify imminent threats, and provide actionable intelligence in support of criminal investigations. [As read]

10 What is the "evolving threat environment?" Or what did the "evolving threat environment" mean at that time when you wrote that in your job description?

15 A. It meant that the threat from terrorist actors and organizations to Canada was getting worse, not better. And there were new threat actors that were beginning to have a clear impact on Canada's national security. And here you can think of counter intelligence. So, hostile State actors. Proliferation. So, the movement of technology from the West to countries that are under sanction. And then finally, of course, transnational organized crime.

20 Q. And was the - like when the job description was provided, was - was it - was it meant to be frozen in time with a certain threat environment? Or was that something that was - was meant to - what the threats were and what was gonna be done to - meant to evolve from this day of this job description was made, moving forward?

25 A. It was always meant to track the evolving threats. It was not meant to be a static interpretation of specific targets to work on.

30 Q. At the top of page 3, I won't read the beginning of the paragraph. But in the middle of the paragraph there, there's a sentence that starts with:

The director's primary objective is to establish a strategic and operational

Cameron Jay Ortis - in-Ch.

framework that strengthens Canada's ties with the 5EYES intelligence community. As well as enhances the RCMP's ties with government intelligence agencies e.g., CSIS and CSEC.

[As read]

A. Is that -...

Q. Is that correct?

A. ...that's correct.

Q. Okay. So, the second half of - of that, is about RCMP integrating its intelligence work with other Canadian agencies that are in the intelligence network.

A. That's correct.

Q. But the first part, is this about the - the strengthening of Canada's ties with the 5EYES intelligence community. Is this about what you identified before? The - the giving and taking?

A. That's correct.

Q. And the - and does the - does the significance of Canada's role in the 5EYES in terms of your employment, does it in - does it continue in the start of the - of the next paragraph, there? "A primary challenge for the director?"

A. Yeah, that's correct.

Q. And sort of - is it - is it sort of summed up there in the end of the paragraph, where it says:

The director's ability to achieve and sustain credibility and trust among intelligence partners is crucial to success, as there must be confidence in the RCMP's ability to separate and insulate provided intelligence from criminal operations, and preserve and protect sources and methods of information

Cameron Jay Ortis - in-Ch.

collection. [As read]

A. That's correct.

5 Q. And was preserving and protecting sources and methods of information collection important to you, as the director of OR?

A. Extremely important.

10 Q. Was there any point in time when it ceased to be important to you?

A. No.

15 Q. Okay. So, in the next paragraph there, it says:

15 Given the unique nature of the Operations Research group involving high-risk operational intelligence, the director is expected to provide RCMP senior executives with situational awareness on national security and national [in] interest targeting issues that involve near-term security threats. [As read]

20 Does "near-term security threats," does that reflect some type of imminence or - or some type of time-sensitive security threat?

25 A. It is time-sensitive.

30 Q. And you describe the products that you produced in the OR, one of them being the infographic and the other one being the briefing binders. But does this, "Providing RCMP senior executives with situational awareness," does that only apply to providing them with infographics? Or would sometimes information be provided for a situational awareness, in some other form?

A. Often information would be provided in other forms. It could simply be a verbal briefing.

Q. So, it could be, and I guess, it's because in the next - it says in the next sentence, "Given the perspective of imminent national security threats, the unit must evolve in a no-fail operational environment that demands that its outputs lead to significant outcomes." There is a sense of imminence in these security threats, is there?

A. There always is.

Q. Okay. And what is a "no-fail operational environment?"

A. That's a term used to describe units or branches that have an elevated or increased responsibility to ensure that they are successful.

Q. And I would imagine even a no-fail operation, sometimes will fail. Is that -...

A. Yes, that's correct.

Q. ...is it a goal or a requirement, I guess?

A. It's an aspiration and a goal.

Q. Okay. And then it says, "In this regard, the director's instrumental in developing the capacity to provide situational awareness intelligence that will support a strategic or tactical response by the RCMP."

A. That's correct.

Q. What is the difference between a strategic and a tactical response by the RCMP?

A. A tactical response could be a disruption. So, a field unit being deployed to meet the threat on the ground. Or a strategic response could be positioning the Commissioner or the Deputy Commissioner, Federal Policing, to engage his counterparts in other 5EYES agencies quickly and effectively, to elicit their cooperation.

Q. Okay. So, you used the word disruption. What does that mean, disruption?

A. So, disruption in its essence, is to do something to change the threat that doesn't involve a criminal investigation, or with a goal towards a criminal prosecution.

Q. And would a disruption necessarily take place within Canada, if the RCMP was involved in it?

A. No. Disruption can take place overseas as well.

Q. Would disruption be something that would be utilized sometimes to prevent something from becoming a problem in Canada?

A. Its the key objective. If you can see the problem before it gets to Canada's shores, the time is to engage the problem before it gets to Canada's shores.

Q. So, for example, if you had some information that a drug shipment was gonna take place from a foreign country that - that supplies drugs to Canada, what would a disruption look like? Or how would a disruption take place?

A. In that case, Operations Research would take Signals intelligence or intelligence from the 5EYES community, sanitize that information, release that to our LO or our ADO in theatre, who can then make contact with a vetted team, or an individual contact that they had, so that they could consume that information, and then go do something with it.

Q. So, in - in - in plain words, some information would be provided to the LO or the ADO?

A. Correct.

Q. And you said in a sanitized form, and I'll come back to "sanitized" in just a minute. But would - would there be, like, would there be some communication that there's a hope that the information will be acted on by the other party?

A. I think there were, yes.

Q. Some way of preventing the drugs from being shipped or something like that?

A. That's correct.

5 Q. And what - what is "sanitized" mean?

A. So, sanitization is a process whereby you can take - you can do two things. You can take a piece of highly classified information and you can de-classify it, down to some level that you're looking to get to. Or, you can take words, 10 ideas, out of that particular high-side reporting, and create a form of words. It can be a paragraph, it could be a sentence, or it could just be a few words, that would be released to somebody outside of the intelligence community.

Q. Okay. And so, in those cases, that 15 information is being released to somebody who is not sworn to secrecy, I guess.

A. That does happen.

Q. And like, how is it decided if information can be released to someone who's not sworn to secrecy?

A. So, the first decision point is the director 20 of OR, who makes a decision to authorize the sanitization request to take place. That sanitization request goes to a close RCMP partner agency in Canada, who then looks at the request, what we - what we want to do with that. And then 25 approves or does not approve or makes changes. That gets sent back to OR. And then the director of OR would approve releasing that information to the LO or the ADO.

Q. And is there some consideration of need to know?

30 A. There is a consideration of need to know.

Q. And what does mean, need to know?

A. Need to know as referred is a very subjective

test. And the need to know principle can apply upwards and it can apply across. And in this particular case, the individual who is getting that information, must have some need to know in order to take action. So, if the person was not in a position to take action, and we knew that, they would have no need to know that information.

Q. The - the - I guess the fourth paragraph there on page 3, talks about risks associated with OR's work. You see that?

A. That's correct. Yeah.

Q. "Members of the branch have zero interaction with those directly involved in criminal investigations." It - was that always the case, that there would never be any interaction with those directly involved in criminal investigations?

A. That's correct.

Q. So, it says there, "It is not a unit/branch that collects evidence or works in support of enforcement operations." Right?

A. That's correct.

Q. Does that mean that it - that the OR doesn't collect evidence? Or just that it doesn't collect evidence to support enforcement operations?

A. It doesn't collect evidence, and it doesn't collect evidence to support operations.

Q. If you receive information from a - a 5EYES partner, are you collecting evidence, or is that something different?

A. That's something different.

Q. What would you call that?

A. Collecting information.

Q. Okay. So, they don't collect evidence. The

OR does not collect evidence, but the OR does collect information.

A. It does.

5 Q. And these partners that are listed here, in this paragraph, CSIS and CSEC, we know those are Canadian partners. Homeland Security, CIA, and NSA. Are those American agencies?

A. Correct.

10 Q. And what - and I think we know what a Homeland Security and CIA is the Central Intelligence Agency, right?

A. That's correct.

Q. And what is NSA?

A. That's the United States National Security Agency.

15 Q. And all of those agencies are involved in - are all of those agencies involved in national security issues for the United States?

A. They are.

20 Q. And how would you compare the scale of - of - of agencies in the United States participating in the national security issues, to the scale in Canada?

A. Picture a small marble,...

Q. Yeah.

A. ...and then a big bowling ball.

25 Q. Yeah.

A. And that's the difference in scale.

Q. Okay. United States has a far more extensive network.

30 A. It's much, much larger. Larger than all the other 5EYES agencies combined.

Q. It's - it's clearly indicated in here that - that the director has to ensure that the Government of Canada

standards for handling and use of highly sensitive information are followed?

A. That's correct.

Q. Okay. Now, we've heard some examples of cases
5 where maybe it wasn't followed. For example, if - if information was - was given outside of a SCIF to a senior officer, or left behind with a senior officer,...

A. That's correct.

Q. ...that sort of thing?

10 A. That's correct.

Q. So - so, there are examples where the standards are not completely followed.

A. That's correct.

Q. And how does that fit in with your mandate?
15 It seems like your mandate requires strict compliance with those - with those standards?

A. The responsibility is on the director to make decisions to achieve the mission, while trying to achieve the standards and stick to the standards as much as possible. But
20 there are exceptions.

Q. So, then there's a - a reference in the next sentence to the, "Sensitive Information Handling Unit framework." That's SIHU?

A. That's correct.

Q. And at least at this time, OR is the only
25 entity in Federal Policing with a mandate to action the type of information that you action?

A. That's correct.

Q. Okay. So then, in the next paragraph, it
30 says:

A challenging aspect of the director's work will therefore be to establish a framework of

Cameron Jay Ortis - in-Ch.

policies, protocols, business rules, and operational procedures that will ensure that the human and Signals intelligence received by the work unit is segregated. [As read]

5

Q. Were OR policies, protocols, and business rules prepared?

A. Yes, they were.

Q. And when were they first prepared?

10

A. 2009.

Q. And were any prepared after this job description was - was prepared?

15

A. Yes, there were business rules. There were business rules for the SIHU framework. How OR and SIHU would work together underneath that framework. There were concepts of operations documents prepared. And several others.

MR. ERTEL: Okay. Now, could the witness be shown Exhibit 12, please? I'm just gonna make brief reference to it, ladies and gentlemen of the jury.

20

... ADMINISTRATIVE DISCUSSION FINDING THE CORRECT EXHIBIT DOCUMENTS

25

MR. ERTEL: Q. So, I'm gonna take you to these documents in a little more detail later. But I'm just taking you there now because you said that there - there are documents that describe, for example, the relationship with - with OR and - and SIHU. And are these documents that describe sort of the role and the work and scope of the work of - of OR?

30

A. These are - these do describe that, yeah.

Q. Okay. Are there other documents like this that have not been provided?

Cameron Jay Ortis - in-Ch.

A. There are.

Q. Okay. And so, when you were referring to these documents just now, this is the type of document that you're talkin' about?

5 A. That's correct.

Q. Okay. And those would fit under sort of policies or protocols, descriptions of the work that OR does.

A. That's correct.

10 Q. And would those policies and protocols, would they be approved by your superior, or you, or both?

A. Both.

Q. Okay. So, over on page 4, there's a paragraph there that starts off, "The special nature of OR's work depends on teamwork to rapidly triage incoming high-risk threat-related information."

A. You're back at the work description?

Q. Sorry, yes. Yeah, so we're back to Tab 1, I'm sorry.

A. Okay. No, I'm coming.

20 Q. So, on page 4, first little paragraph starts, "The special nature of OR's work depends on teamwork to rapidly triage incoming high-risk threat related information." You see that?

A. I do.

25 Q. And was - you mentioned the word "triage" before. Is that what you were talkin' about?

A. That is what I'm talking about, yeah.

Q. Okay. And - and like how did that work? Like, who's doing the triage of the incoming information?

30 A. Everyone in OR, regardless of rank, was responsible for triage.

Q. And what would someone - so, someone is - is

triaging, and sees some high-risk threat related information that looks imminent, how is that brought to the attention of other members of OR? Or is it?

5 A. It is brought to the attention of other members of OR, either verbally, via e-mail, phone call, or simply walking over and telling them.

Q. Okay. And if it was a e-mail, would it be on the CTSN e-mails, or?

10 A. No, not necessarily. It would be - if it was urgent threat information, it would be on the RCMP's ROSS e-mail or the general corporate e-mail, that we used 90 percent of the time.

15 Q. And what is the reaction then, or if - if it turns out that there's something imminent that you didn't have your eyes on before, what's the reaction? Or what's your role as the - as the director at that point?

20 A. Depending on who was notified about the threat information. Generally, Dan and Greg, who would be heard from, would be briefed. They would review the material. They would reach out to their counterparts in the Canadian community. And then they would come and brief me.

25 Q. Okay. So, I'm just gonna take you to the bottom of the paragraph, about four lines up is a sentence there that begins, "On the later point, the director will be tasked with providing advice to senior management on opportunities to diminish threats through input to regulatory agencies and partners." You see that?

A. Yes, I do.

30 Q. And then, it lists some partners, and says, "On regulatory/legislative approaches that have a threat diminishing impact." What are ya talkin' about there when you're talkin' about regulatory and legislative approaches?

Maybe if you can give an example.

A. So, I'm referring to two different categories. The first would be Memorandums to Cabinet. And then the second category would be leveraging our partner agencies' mandate in order to affect disruptions.

Q. Okay. Now, okay. So, we'll talk about disruptions - well, I guess we can talk about disruptions. But the wording that's used here in two places is, "diminish." It says, "Diminish threats through input to regulatory agencies." And then later it says, "Have a threat diminishing impact." Is that - is - is - what is a threat diminishing impact? And what is threat diminishing?

A. So, threat diminishment activities is a technical term that's used in the Canadian community to refer to a broad spectrum of activities. Could be a disruption. That aren't criminal investigations, in order to diminish the threat.

Q. Okay. So, there's a regulatory agency like Revenue Canada. They could do something regulatory that would diminish a threat?

A. That's correct. At the time of this writing, there was an intelligence - or not an intelligence. A Memorandum to Cabinet specifically on the threat diminishment activities issue. And the RCMP was putting together a policy paper that would scope out the various entities in the RCMP, including OR, as to what their roles and responsibilities would be under the threat diminishment activities.

Q. And was the OR responsibility on threat diminishment activities fleshed out more after this job description was provided?

A. It was. There's a - there's a paper that fleshes that out in more detail, including the definition of threat diminishment activity.

Q. And what was the OR role in threat
diminishment activity in that paper?

A. Lean forward as much as possible, and to
expand the people who would receive OR's infographics and
5 products. So, in this particular instance here, instead of
simply trying to transition an OR file into a criminal
investigation for the RCMP, we would also then consider
transitioning an OR file to another Canadian agency who has a
better position, more appropriate mandate, and could get on the
10 threat easier and faster.

Q. I'm gonna skip over that paragraph, and the
next paragraph which seems to be - well, you can tell me, does
this seem to be dealing with relationships between you and other
members of the RCMP?

A. Yes, that's correct.

Q. And - and other partners. And what is -
there's a phrase in there, "Operational trust." What does that
mean?

A. Sorry, say that again?

Q. There's a phrase in there, "Operational
20 trust." It actually says, "Operational trust and confidence."
What does that mean? If it has a meaning?

A. It means to OR proceeded always in an effort
to demonstrate operational capability and sophistication to both
25 internal partners, but especially to external partners.

Q. And when you're talkin' about trust with
partners, it - it would - it seems one aspect of trust between
partners that we've heard from witnesses is, trust that you will
not use information provided by a partner in an improper way.

A. That's correct.

Q. And is there any other aspect of trust that
fits into that trust equation?

A. So, that's only half of the equation. The other half of the equation is that partners have to trust that when they do give us information, we will do something with it. So, trust to protect the information and treat it accordingly. But equally, trust that something will be done with the information that's being provided.

Q. I - on the top of page 5, it - it talks there about the - the - the director being expected to develop regular briefings to the Assistant Commissioner and the Deputy Commissioner on situational awareness and achievements against stated Cabinet intelligence priorities?

A. That's correct.

Q. Was that done?

A. That - that was done.

Q. And it lists a bunch of - of high-value targets associated with terrorism, transnational crime, cyber crime, and other major threats against Canada. Were those topics covered in the briefings of the Assistant Commissioner, and the Deputy Commissioner, on situational awareness?

A. Those topics were covered, yeah.

Q. The next paragraph talks about implementing and maintaining a comprehensive evaluation and performance measurement. It - was that done?

A. There were comprehensive performance metrics. That's correct.

Q. And - and were the metrics applied and - and reported on?

A. They were.

Q. There's a reference in the bottom of the next paragraph to the - the integration of, "OR's current and evolving polices, directions, and program priorities." Is that something that you would have to brief on? How OR's current and

- and evolving policies, directions, and program priorities, were - were possibly changing from time to time?

A. Especially when they were changing. That's correct.

Q. Okay. And then, there's specific accountabilities that are listed. One through ten. And these specific accountabilities, are these all - did these all accurately describe the accountabilities that you had in your role as the director of OR?

A. They're accurate.

MR. ERTEL: This be a good time to take a short break, Your Honour.

THE COURT: Sure. We'll take - take 15 minutes.

COURT SERVICES OFFICER: Order please, everyone.

... JURY RETIRES (2:54 p.m.)

CLERK REGISTRAR: Court is in recess 'til 2:10. I mean 3:10.

R E C E S S (2:55 p.m.)

U P O N R E S U M I N G : (3:11 p.m.)

CLERK REGISTRAR: Court is now resumed. Please be seated.

CAMERON JAY ORTIS: RETAKES THE WITNESS STAND

MR. ERTEL: Oh, there's a redaction, Your Honour, that will have to be made.

THE COURT: Okay.

MR. ERTEL: In connection with the question about selectors. Like, part of the answer's okay, and

part of the answer's not okay. And we - we can advise.

THE COURT: I have to tell the jury what to disregard, though. Is there....

MR. MACFARLANE: Your Honour, we'd rather just not draw attention to it.

THE COURT: Okay.

MR. MACFARLANE: That's what I hear.

THE COURT: It'll just be redacted from the transcription.

MR. ERTEL: Yeah.

MR. MACFARLANE: Sir, it's my understanding as well there was an issue this morning, so there could be redactions on this morning's transcript as well, so....

THE COURT: Okay, that's fine.

MR. ERTEL: No that was - that was agreed to.

THE COURT: All right. Well, no problem.

MR. ERTEL: Not too bad. Two in a whole day.

THE COURT: No, no, no.

MR. MACFARLANE: So far, so good.

THE COURT: Yeah.

MR. ERTEL: Yeah, thank you, sir. Very kind words.

We - we have to quit before four, so....

THE COURT: Yes, four o'clock. And also, the transcripts can be....

MR. ERTEL: I'll quit at a convenient part.

THE COURT: Yeah.

MR. ERTEL: Maybe five to four, whatever's appropriate.

THE COURT: Perfect, yeah.

... PAUSE

COURT SERVICES OFFICER: Order, please. All rise.

... JURY ENTERS (3:12 p.m.)

CLERK REGISTRAR: All members of the jury are now present. Please be seated.

EXAMINATION-IN-CHIEF (CONTINUED) BY MR. ERTEL:

Q. I'm - I'm gonna now turn - direct your attention to, I think, was it - I think it was Tab 30, Exhibit 9. Did I get that right this time?

CLERK REGISTRAR: Tab 30.

MR. ERTEL: Q. Operations Research documents.

... PAUSE

MR. ERTEL: Q. There's a series of documents in this - in this exhibit. And I've referenced these documents before briefly, in your testimony. But I think you said that these documents described the work of Operations Research.

A. They do.

Q. They aren't exhaustive of all the documents like this.

A. They are not.

Q. But these documents, I believe your evidence was, were prepared by Operations Research, and approved by you and the Assistant Commissioner.

A. That's correct, yeah.

5 Q. Okay. So, the first document in the pile is called "Background and Operations Research."

A. Got it.

Q. Is that the first one? Thank you.

A. Second or third one.

Q. I'm sorry?

A. Second one, I believe.

Q. It's the second one? Okay.

10 So, the one that I'm showing is one that's completely unredacted. Maybe that's the second document. It looks like it's the first document for...

UNIDENTIFIED SPEAKER: Yeah.

MR. ERTEL: Yeah? Okay,

15 A. Yeah.

MR. ERTEL: ...I'm getting about nine nods that it's the first document, Your Honour.

THE COURT: It is his first one.

20 MR. ERTEL: The jury's gonna find out about the requirement of unanimity, but for now, we're doin' good with nine out of twelve.

25 Q. So, this document, "Background and Operations Research," which doesn't have any redactions on it, this - is this a document that was prepared by Operations Research?

A. Yes, it was.

Q. Okay. And you're familiar with this document?

A. I am.

30 Q. And you - you said before that there's a job description for you that - that would have some classified information on it, and then a sanitized one that could go into the HR records?

A. That's correct.

Q. Is this a document that would've been prepared with a view to not needing anything to be excised from it, and this....

5 A. That's the purpose of it, yeah.

Q. And where would this document have been, or what would the - the - the purpose of this document being prepared in advance?

10 A. So, the purpose of this document being prepared was to explain to our partner agencies and to a few portions of the RCMP that weren't aware of what O - OR was, or what it did, in a lower classification level. So, we could send this - send it around.

Q. To partner agencies and others in the RCMP.

15 A. Correct.

Q. Okay. So, we'll see if I got it right. But - but - there's a - a document called, "Operations Research and the Divisions." Is that the next document in your package, there? Two for two?

20 So, what was the purpose of this document being prepared, if you know?

A. There were two purposes for this document. The first purpose was to share with our security intelligence partners about how we work with divisions. And the second one was to share with our security intelligence partners about how we were advancing on the [REDACTED] intelligence priority.

30 Q. Okay. So, just - just a - a couple things here. It looks like under the heading, "Why we use investigative data." It says:

OR uses information from investigative

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5
10
holdings for two primary purposes. The first one, to validate and contextualize information we are collating from other sources. And the second one, to provide leads to CSEC in support of its foreign intelligence mandate to collect on Government of Canada intelligence priorities, including the intelligence priority number one. [As read]

A. Yeah, that's accurate.

15
Q. Okay. And it doesn't say what intelligence priority number one is, and its redacted, presumably so that - because its - its classified what intelligence priority number one was at the time.

A. Correct.

Q. Right? But whatever the number one intelligence priority was, OR was workin' on it.

A. Correct.

20
Q. And in - in this document, "Operations Research in the Divisions," is this refer to all intelligence priorities, or are we talkin' about criminal intelligence priorities here?

A. We're talking about [REDACTED]

25
[REDACTED] priority.

Q. Okay. So, whatever that intelligence priority number one was, Operations Research was workin' on it.

A. That's correct.

Q. Okay.

30
So, over on the second page, at the second bullet point, there's a - there's a - a reference there to, "OR's work

on Dominion."

A. Correct.

Q. That's the project when you realized that Skyfall was the name of a James Bond movie, you changed the name?

A. Yeah. That's - that's one of the motivations. But the second motivation was that I simply couldn't do the work by myself, anymore. And so, when the file moved from me, alone, to Greg O'Hayon, we changed the name.

Q. And it says - so, it - so, that's one of the attempts, I guess, to trans - transition intel to enforcement. You talked about that. It involved Quebec?

A. That's correct. So, there were two attempted transitions to enforcement, both in Quebec.

Q. And were they successful?

A. No, they were not.

Q. And then a little further down, in the last bullet point there, at the end, it says, "OR's engagement with the FBI generated a disclosure letter to FPCO that enabled police to police discussion on a possible CT." Is that counterterrorism?

A. Correct.

Q. "Threat." What does that mean, a - a - a generated a disclosure letter. What does that mean? Just in general terms, without speakin' specifically about that letter, if you know what it was.

A. So, as a result of work with and meetings with the FBI, they were able to understand the RCMP's posture with respect to a threat and they were able to identify an area that they could help. And that generated a disclosure letter or law enforcement to law enforcement information.

Q. So, is that an example of using a foreign

partner in some way to get information back that you wouldn't otherwise have been able to disclose yourself?

A. That's one way.

5 Q. Okay. I'm gonna move to, "Federal Policing and the CSEC X process." So, that one, I - I don't have an [indiscernible...mumbling]. The two-pager. This is a brief for the Assistant Commissioner. At the top it says it's top secret. Oh, I should've said this on the previous document. The previous document also was top secret. Right?

10 A. That's correct.

Q. And when something is top secret, that means it could have classified information in it?

A. That's correct.

15 Q. And so, like, this next one that I - I'm referring to, the "Federal Policing and the CSEC X process," brief for the Assistant Commissioner, FPSS, who would this top secret - who would've seen this document? Or who should've seen this document, I guess?

20 A. The Assistant Commissioner, FPSS. The Deputy Commissioner of Federal Policing. And the Commissioner of the RCMP.

Q. And what was the purpose of this document being prepared?

25 A. It was to sensitize senior executives in the RCMP to the - the risks associated and the opportunities that go along with OR's use of the X process. And I believe a recommendation to keep the use of that process within the remit of Operations Research.

30 Q. Okay. If you look at the - under the heading, "Overview," the second bullet point there, there's a reference to, "Obtaining suppressed identity information from a SIGINT report."

A. Yeah, I see that.

Q. Is that a - a - a function of the X process?

A. It is.

Q. And does the X process, I mean, obviously you
5 can't describe the process, because its called...

A. No, I can't.

Q. ...the X process. Right?

A. Yeah.

Q. There's a limit. Does the X process require
10 requests be - to be submitted?

A. Yes, it does.

Q. And is SIHU involved in that?

A. At this time, SIHU was involved.

Q. And was there - so, at this time, is 2014,
15 January the 7th.

A. That's correct.

Q. Was there a point in time when SIHU was no
longer involved? Or were they involved from this point on?

A. SIHU became involved in carrying out
20 activities using the X process, on or about 2012, 2013, to help
deal with the load that the senior intelligence research
specialists were under operationally. So, the SIHU unit
analysts and members working in that unit were tasked with
helping OR with the X process.

Q. From 2012 onward?
25

A. Onward, correct.

Q. And before that, OR was on their own?

A. OR was on its own, yeah.

Q. And you said something before about
30 sanitization.

A. Correct.

Q. Is sanitization something that's done or was

done, starting in 2012 under the X process by SIHU?

A. That's correct.

Q. There's a - there's a document in there called, "RCMP implementation of the 2012, 2013 transnational organized crime intelligence priority." You see that?

A. I do see it.

Q. It's a - it says it's a four-page document but it sure looks like a five-page document to me. But what - what was this document prepared for?

A. So, this document was prepared for senior management, or senior executives in the RCMP, as well as a [REDACTED] that was tasked to work with OR in the wake of the intelligence priorities MC approving the transnational organized crime priority. And this was an initial draft of how we conceived of implementing the instructions that came along with that intelligence priority MC - Memorandum of Cabinet.

Q. Okay. And that priority, is that - we - we saw that on a document earlier, a reference to OR [REDACTED]

[REDACTED] Is that the priority that we're talkin' about?

A. That's correct.

Q. [REDACTED]

A. Correct.

Q. Okay. So, what was the approach that was gonna be taken, or the change that resulted in Cabinet making that a priority?

A. There were a number of changes. The first was operational. When you add new priorities and essentially add new targets to OR, it increased the work. We also had to change many of the pile - policies that we were working under. Adding transnational organized crime to an existing counterterrorism mission and mandate requires some tweaking of existing policies

and procedures. And then the third, we were required to help stand up, by working very closely with ██████████ to quickly build operational capability for them and for us.

5 Q. To - to be working ██████████ on transnational organized crime?

A. Yes.

... PAUSE

10 MR. ERTEL: Sorry, I'm just....

THE COURT: That's fine.

MR. ERTEL: ...dealing with a potential national security issue, obviously, and I - okay. I'm not a - not gonna spend a lot more time on this document, but there is on page 3, 15 these - are these the changes that you were talkin about? Changes in intelligence requirements, expanded sharing with the Canadian intelligence community, and the annual report on the Memorandum to Cabinet?

20 A. Those are some of the changes. They were the immediate changes that could be discussed and written at the secret Canadian eyes only level.

Q. And the - the reporting on the Memorandum to Cabinet, about how the priorities were being addressed, is that something that was done?

25 A. Yes.

Q. And who was the reporting done to? Or you can't say?

A. The report - the reporting was done....

30 Q. Was the reporting done internally in the RCMP, or did it go somewhere else?

A. Both.

Q. Okay. So, internally in the RCMP, did you

report to your superior?

A. I did.

Q. Okay. And where - where also was reported, is a matter that we probably shouldn't be talkin' about. Right?

A. I think that's fair.

Q. Yeah. So, then I'm gonna take you to the document, "How OR advances Federal Policing interests abroad." This is the one that's attached to an e-mail from Daniel Morris, on March 10th, 2015.

A. Yeah.

Q. And actually, in the e-mail, but also in the document, it says, "Top secret. SI - Canadian eyes only." So, who is the - who is the - the limit on who gets to see that document?

A. This document was limited to the Assistant Commissioner, the Deputy Commissioner of Federal Policing, and the Commissioner of the RCMP.

Q. This OR advancing Federal Policing's interests abroad. Is this an example of the evolution of the OR from the initial formation of the OR with you lookin' at SIGINT information, to a sort of a broader mandate?

A. Yes.

Q. And it says under "Key Points" that "International engagement trips are a core component of OR's intelligence mission and mandate." So, is this something that happened, like, occasionally, or did it become a frequent part of the OR's operations?

A. It became a regular part of OR's operations.

Q. Okay. And would Mr. O'Hayon and Mr. Morris have gone abroad on these missions?

A. Yes, they did.

Q. And you?

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A. I did.

Q. And others?

A. There were others.

5 Q. So, it says, "OR's approach to international missions is unique within FP. No one else is doing this." Are we talkin' - sorry.

A. No.

10 Q. No, is that talking about, like, making contact with ADOs and LOs around the world? No one else is doing this? Or is it about something else?

A. It's about that and something else.

Q. Okay. So, the ADO. What - who is the ADO or what is the job, ADO?

15 A. The acronym, and it must be an acronym, it stands for Analyst Deployed Overseas. It was the brainchild of Assistant Commissioner Todd Shean, and Deputy Commissioner Todd Shean. And the - the thinking behind it was to put intelligence professionals, in this case, analysts, and station them permanently in key locations around the world, working in concert with but not for, the RCMP regular member, or the police officer that was acting as a liaison officer, on behalf of the RCMP and the Canadian policing community. So, the ADOs job was to work with local partners, and to begin to understand the threat better.

25 Q. And when you say, understand the threat, is that a threat to Canada?

A. That's correct.

Q. But it exists or its in part, has a nexus to some other country?

30 A. That's correct.

Q. And are these 5EYES partners, or are these other countries?

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A. Both. But it takes place in other countries, outside of the 5EYES.

Q. So, there - so, there's a reference here, just as an example of - of a trip to East Africa.

5 A. Correct.

Q. So, that would be a - obviously a country that's not part of the 5EYES.

A. It is not.

10 Q. So, there - Canada would have an embassy there, and there would be a - an ADO assigned to the embassy, or how does that work?

A. So, there - there is an embassy in [REDACTED] [REDACTED] And there is an ADO and a - there is both an ADO and LO, at that time were based out of that embassy. But the trip that 15 this - or the - lets call it a trip that took place, and that's being referenced here, was not in [REDACTED]

Q. Okay. But what's described here in the middle of the document is, "A need to build non-traditional partnerships."

20 A. That's correct.

Q. Okay. So, is OR involved in developing partnerships with countries that Canada previously didn't have relationships with?

A. It was.

25 Q. And was Canada providing information or exchanging information with these new partners that were being developed?

A. In exceptional circumstances, yes.

30 Q. And was any of that connected in any way to threat diminishment activity?

A. Yes.

Q. It's obvious that a lot of this document is

blacked out, and so I'm trying to be careful in the questions that I ask you. But this obviously - well, you've already said, this expanded, obviously, OR's role, because it has a - an international role with travel. Right?

5 A. It was considerable expansion.

Q. Yeah. Who - did the NICC do that?

A. No, they did not.

Q. So, on the - on the second page, then, there's a series of bullet points about what OR does abroad. And
10 there's a reference to spending a week, or two weeks on the ground with the LO and ADO. We're not talkin' about flying over for one meeting, here. It's obviously a one or two week trip.

A. That's correct. There are a number of activities.

15 Q. Some of those activities would be confidential.

A. Correct.

Q. Okay. But what you - what we do have here is that in terms of bullet points, that the objectives that OR is
20 seeking to achieve here is, one, assess the extent to which the interlocker [sic] - interlocutor is in a position to assist the RCMP.

A. That's correct.

Q. So, that's not the LO or the ADO. That's the
25 person from that new country or new partner, who may be able to assist the RCMP with information.

A. That's correct.

Q. Which - which you will collect. Intelligence which you will collect if they are in a position to assist.

30 A. And/or assessment suggested that it was - it made sense to do so.

Q. Okay. And then the second thing is, "Evaluate

the benefits and risks of engagement, including info-sharing considerations."

A. Correct.

5 Q. So, that was something that was - that was being considered, and was taking place. There was engagement and sharing of information with partners, many of them outside of the 5EYES.

A. That's correct.

10 Q. And to these new partners, you would signal the RCMP's operational and strategic interests, priorities, and capabilities.

A. To certain degrees and in - to certain extents, yes, that's correct.

15 Q. "Demonstrate the RCMP's interest in the country, and/or commitment to the relationship." It would vary, I guess, depending on the country.

A. It varies, depending on the country, and then, of course, the commitment varies as well.

20 Q. Okay. And when you're talkin' about a commitment, does that relate to sharing of information?

A. It can.

Q. "Glean unique insight into how the interlocutor understands the threat environment."

A. What it - yeah.

25 Q. So that's - that's trying to find out whether they understand what you perceive the threat to be.

A. Trying to understand what they perceive the threat to be, and what kind of near-term actions they might be taking to address that threat.

30 Q. "Assess the likelihood that the interlocutor has intelligence of interest to the RCMP." This is so that you can collect in - intelligence, if necessary. Or if its - if its

valuable.

A. That's correct.

Q. And then it says, "Increase the likelihood that relevant information and intelligence will be shared with the LO." The purpose for sharing it with the LO would be so

A. Yeah. And also, to enable the LO and the ADO to do their jobs more effectively.

Q. So, what's described in there, in that, would you call that a policy document? Or it's a - what would you call that? "How OR advances Federal Policing interests abroad?"

A. Depending on how you define policy, but it is what we would consider to be a policy document.

Q. It's approved?

A. It is approved.

Q. Is the work that's being described in there, the work of an intelligence analyst?

A. No, it is not.

Q. Is it even the work that OR was doing when you first started out?

A. It is not.

Q. I just have a couple more things that I wanna ask you about, and then we'll be done for the day.

What type of training did people workin' in the OR have?

A. They had extensive training. Ranging from use of the X process, all the way through to operations training, such as elicitation training, countersurveillance, and other types of training to allow them to work effectively both in Canada and abroad.

Q. When you said operations training, including

el - elicitation training, what were you referring to there?

A. So, elicitation training is twofold. It helps to train an individual to guard themselves against being elicitation - elicited, or approached by, lets call it a hostile State actor, or an agent that works for a hostile State actor. But it also, in the second pillar, trains someone to - how to elicit information from somebody else, themselves. So, its both a defensive training and offensive.

Q. Okay. And was that training because the people from the OR were gonna be involved in criminal operations?

A. No, absolutely not.

Q. Did you see it as beneficial to them, for example, in the work abroad that we've just been talkin' about?

A. It was.

Q. What is - is there - is there something called, KRAWL, K-R-A-W-L?

A. There is, or was.

Q. What was that?

A. So KRAWL was a - was an informer - informal, highly classified gathering of counterterrorism professionals at the operations level. It was strictly for what we would call, operators.

Q. Were you ever in attendance at any meetings with KRAWL?

A. So, I wasn't but both Dan Morris and myself were invited to attend a KRAWL.

Q. What is deconfliction?

A. So, deconfliction is a term that's used both in the law enforcement world and the intelligence community. And its a - a way to instigate a conversation so that each party understands what the other is doing. So, if there are

investigations, let's say a criminal investigation into a terrorist threat to Canada, and the Canadian Security - Security Intelligence Service has a parallel investigation, they will have meetings which will allow them to deconflict each investigation, so that it run smoothly.

Q. And I guess the - maybe that - what was identified yesterday was that police officers could actually wind up invest - investigating each other if there isn't deconfliction or something.

A. Right. That's a - that was referred to as the blue-on-blue problem. And both the pure intelligence community in the 5EYES, and in the law enforcement side, in different environmental contexts, especially online, there is frequently a blue-on-blue problem, whereby, for example, a police officer will try to covert the purchase, let's say of guns, from somebody who's trying to sell them, and they will realize that they're both police officers.

Q. You - we heard that you went away on French language training and came back and you were made the Director General of the NICC.

A. That's correct.

Q. And that was in 2016?

A. Early 2016.

Q. Did you - did you - did you have a good reception by the NICC when you were given that job? Or by the members of the NICC?

A. No, I think it's fair to say that I did not receive a warm welcome. For example, on the first day, arriving back from French language training, my office was trashed.

Q. When you say trashed, what do you mean?

A. Destroyed. I walked in and the furniture was all over the place. There was garbage on the wall. Food strewn

across the wall, and dirt dumped in the corner.

Q. In - In your time that when you were in OR, did ya - did ya notice any antagonism between other units and OR?

5 A. I noticed antagonism, but I didn't see it to that scale.

Q. That - when you were made the Director General of the NICC, who was your second in charge?

10 A. So, my second, number two, was the Director of the NICC, and that was Superintendent Marie-Claude Arsenault.

Q. And we heard from Deputy Commission Todd Shean that Marie - Marie-Claude Arsenault had written letters complaining about you. Did you know anything about that?

15 A. I did. I saw letters delivered by her, on behalf of her analysts, outlining a long list of complaints about my arrival as Director General.

Q. And did you ever find out whether Marie-Claude Arsenault was married to anybody?

20 A. I did. She's married to Superintendent Mike McLean, who turned out to be the officer in charge of Project Ace, or the RCMP investigation into me.

Q. So, it was her husband that was the officer in charge of investigating you?

A. That's correct.

25 MR. ERTEL: I think this would be a good place for me to break, if that's agreeable, Your Honour. We had to break by four anyway, and I'd be moving into something new now.

30 THE COURT: All right. We'll - we'll start up again tomorrow at ten o'clock.

MR. ERTEL: Thank you, sir.

COURT SERVICES OFFICER: All rise.

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... JURY RETIRES (3:48 p.m.)

... MATTER ADJOURNED TO NOVEMBER 3, 2023 (3:48 p.m.)

50.
Certification

FORM 3

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

5 I, Linda A. Lebeau, certify that this document is a true and accurate transcript of the recording of R. v. Cameron Jay Ortis in the Superior Court of Justice, held at 161 Elgin Street, Ottawa, Ontario taken from Recording No.

10 0411_CR31_20231102_091235__10_MARANGRO.dcr which has been certified by Fabio Scheibler in Form 1.

November 3, 2023

Linda A. Lebeau

15 Date

Linda A. Lebeau (ACT #8097321162)

Rockland, Ontario (Canada)



Lebeau
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