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Public Inquiry Into Foreign Interference  
in Federal Electoral Processes and  
Democratic Institutions

Enquête publique sur l'ingérence étrangère  
dans les processus électoraux et les  
institutions démocratiques fédéraux

## Public Summary of the Classified Interview of: Deputy Commissioner Mark Flynn

Mark Flynn was interviewed by Commission Counsel on February 15, 2024. The interview was held in a secure environment and referenced classified information. This is the public version of the classified interview summary that was entered into evidence in the course of the Commission's in camera hearings held in February and March 2024.

### Notes to Reader

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.
- This summary has been produced in reliance on subclause (a)(iii)(C)(II) of the Commission's Terms of Reference. It discloses the evidence pertinent to clauses (a)(i)(A) and (B) of the Commission's Terms of Reference that, in the opinion of the Commissioner, would not be injurious to the critical interests of Canada or its allies, national defence or national security.
- This summary contains information that relates to the Commission's mandate under clauses (a)(i)(A) and (B) of its Terms of Reference. Any information provided during the interview that relates to other aspects of the Commission's Terms of Reference has been omitted from this summary, but may be adduced by the Commission at a later stage of its proceedings.
- This summary should be read with the unclassified RCMP Institutional Report and the unclassified summary of the interview of RCMP Commissioner Michael Duheme, which took place on February 5, 2024.

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## Background

Mark Flynn began his role as Deputy Commissioner for Federal Policing (“FP”) in March 2023. Before assuming this role, he was the Assistant Commissioner responsible for Governance and Oversight of the RCMP FP National Security and Protective Policing Programs (December 2020 – March 2023), and Director General for FP Cybercrime and Financial Crime programs (2019 – December 2020).

## RCMP internal organization with respect to foreign interference (“FI”)

### Working definition of FI

The RCMP’s working definition of FI has evolved considerably as the agency refines its understanding of the nature of FI. In 2019, the RCMP approached FI-related incidents with a focus on whether the particular issue could result in prosecution. If it could not, the agency would end its investigation. The RCMP has since revised its views on how to investigate FI-related offences. Whether an offence can be prosecuted is not the threshold or “gold standard” of threat mitigation. In the FI-context, there are many threats for which a criminal prosecution is neither appropriate nor the most effective threat management measure.<sup>1</sup> Now the agency takes a more holistic approach when they receive FI-related intelligence which may not lead directly to a prosecution, and considers how that information fits into a bigger picture. This developing appreciation of the complexity of FI investigations was evidenced by the creation of the Foreign Actor Interference Team in 2020. The RCMP is aware that FI-related activities interplay with other illegal activities, such as money laundering and intimidation of diaspora communities.

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<sup>1</sup> Mr. Flynn referred to Document CAN000150, p. 2: “As identified in the OIR, CSIS and the RCMP need to adapt their culture to accept that prosecution is no longer considered to be the ‘gold standard’ of threat mitigation, as there are many threats for which a criminal prosecution is neither appropriate nor the most effective threat management measure.”

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Ministerial Directives: countering FI as a priority

There were no priority changes between the 2019-2021 and the 2021-2023 RCMP **Ministerial Directives (“MD”)**. Countering FI remained an important concern for the agency.

In 2021, the RCMP implemented a feature that allows investigators to electronically tag occurrences to capture qualitative aspects of their files, including those with an FI dimension. This methodology allows the RCMP to capture information about the prevalence of FI-related occurrences.

Sensitive Sector Request

Criminal investigations involving certain public institutions or individuals (such as media outlets, religious institutions or politicians) must be pre-approved by the Assistant Commissioner, National Security through a Sensitive Sector Request. The RCMP recognizes that some of these investigations may negatively impact the foundations of democratic society, such as freedom of speech and freedom of religion. Before launching a sensitive investigation, the RCMP considers necessity, the impact of an investigation on the individual/institution, the mitigation of harm (to the individual/institution and to the harm being investigated) and an assessment of the options available.

Mr. Flynn used as an example the damage to **Member of Parliament (“MP”)** Han Dong’s reputation after public allegations linking him to the **People’s Republic of China (“PRC”)** [Mr. Dong left the Liberal Party of Canada following the media coverage]. Knowledge that the RCMP was investigating an MP could result in similar reputational damage. The RCMP therefore seeks pre-approval through the Sensitive Sector Request before launching certain investigative steps.

Toolkit with respect to FI

Criminal investigations and charges are only some of the numerous tools at the RCMP’s disposal to counter FI. The RCMP can also attempt to reduce threats by engaging in community policing and seeking to neutralize threats before an offence is committed. The RCMP is trying to move away from a focus on the “intelligence to evidence” problem that can make initiating a criminal investigation difficult or impossible.

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Extra-territoriality is as an investigative challenge, but that does not diminish the RCMP's capacity or the priority assigned to investigations with an international flavour. The RCMP has tools that enable international investigations, and the organization has international partnerships (such as with Interpol) that facilitate inter-agency cooperation during international investigations.

## Relationship with Other Agencies

### Relationship with CSIS

CSIS and the RCMP established the "One Vision" framework to govern information sharing between the two agencies.<sup>2</sup> The One Vision framework is meant to improve coordination between the RCMP and CSIS by ensuring there are no gaps in investigations, and equally, no duplication. Further, the framework is intended to ensure an RCMP investigation does not inadvertently take steps that could jeopardize CSIS sources. Where such a risk exists, CSIS and the RMCP can have a deconfliction discussion that could result in the RCMP not pursuing a particular investigative action or deciding to take another initiative.<sup>3</sup>

The RCMP and CSIS have regularly scheduled One Vision meetings, in addition to *ad hoc* meetings. During these meetings, the agencies speak frankly about files. For instance, if both authorities receive a tip from a foreign agency, CSIS and the RCMP will discuss between themselves who will take the lead or how they will use/investigate the incoming information.

CSIS will provide the RCMP with a "use letter" that informs how their raw intelligence can be used and referenced in a criminal investigation.

### Relationship with CSE

The RCMP's relationship with CSE is similar to the RCMP's relationship with CSIS. However, the RCMP receives far less intelligence from CSE because CSE has a distinct and specific mandate, including not being able to collect information on Canadians.

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<sup>2</sup> CAN000150, p 5/13.

<sup>3</sup> A discussion where both agencies determine which competing interest should be prioritized.

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Where CSE provides the RCMP with intelligence, it is required to suppress any Canadian identities. While the RCMP can ask for the unsuppressed identities, that request renders the intelligence non-actionable.<sup>4</sup> Non-actionable intelligence may nonetheless prove useful.

**Relationship with Office of the Commissioner of Canada Election (“OCCE”)**

The RCMP has a **Memorandum of Understanding (“MOU”)** with the OCCE, which allows the OCCE to request the RCMP’s assistance, analysis, advice, and recommendations in relation to OCCE investigations. The MOU also allows for the possibility that the OCCE and the RCMP jointly conduct an investigation.

The RCMP shares any RCMP information on possible offences under the *Canada Election Act* with the OCCE on a case by case basis. For instance, the RCMP offered their assistance to the OCCE after Member of Parliament Michael Chong publicly alleged that he was the target of FI. Mr. Flynn did not recall whether the OCCE had followed up on that offer of assistance.

**Relationship with Financial Transactions and Reports Analysis Canada (“FINTRAC”)**

The RCMP both receives and discloses information to FINTRAC. FINTRAC’s reporting to the RCMP can be very valuable. The reports can be quite voluminous, to the point of being overwhelming. When the RCMP investigates financial matters, it can run search queries within the FINTRAC report. The RCMP can also request a strategic analysis from FINTRAC relating to a particular issue.

**FI-related Investigations related to 43<sup>rd</sup> and 44<sup>th</sup> General Elections (“GE”)**

The RCMP did not open any FI election-related criminal investigations during GE43 or GE44. The RCMP has opened FI criminal investigation(s) involving elections and/or democratic institutions after GE44.

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<sup>4</sup> Intelligence that cannot be used in court as evidence.