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TO
AFROM
DESUBJECT
OBJET

A lot of this will be
incorporated into the
updated "Guide".

To: 05-11

SECURITY - CLASSIFICATION - DE SÉCURITÉ

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OUR FILE/NOTRE RÉFÉRENCE

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YOUR FILE/NOTRE RÉFÉRENCE

DATE 19 August 1988

Security Screening and Assessment Standards
(Some Initial Thoughts for Rational Thinking)

This note flows from recent discussion over the question of subject interview and/or field investigations for cause, and detailed security assessments flowing from circumstances which gave rise to action under s.15 of the Act. You were asked to develop a set of criteria which would delineate those cases that did not require a detailed assessment from those which do, with the view toward ensuring a standardized and consistent approach to security screening. You are aware of my opinion on the matter; I believe your task will prove a difficult one not only in terms of coming to grips with the Headquarters environment, but also in terms of enforcing a standardized approach in the field. Nevertheless, I offer the following for your consideration in the hopes it will help you avoid some common pitfalls.

FIRST PRINCIPLES

While reasonable consistency in reaching screening and assessment determinations is desirable and must be at the forefront of our minds, the nature and complexities of human behaviour will probably preclude the development of a single set of guidelines or policies that is equally applicable in every personnel security screening case. Screening cases require dependence on the analysts sound judgement, mature thinking, and careful analysis. Each case must be weighed on its own merits, taking into consideration all relevant circumstances, and prior experience in similar cases.

It follows that each case will require an overall common sense determination based upon consideration and assessment of all available information, both favourable and unfavourable, with particular emphasis being placed on the seriousness, recency, frequency and motivation for the individual conduct; the extent to which the conduct was negligent, willful, voluntary, or undertaken with knowledge of the circumstances or consequences involved; and, to the extent that it can be estimated, the probability that the conduct will or will not continue in the future.

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SOME DISQUALIFYING AND MITIGATING FACTORS

The listed "Disqualifying Factors" and "Mitigating Factors" contained herein reflect the consideration of those factors of seriousness, recency, frequency, motivation, etc., to common situations and types of behaviour encountered in security screening cases. The "Disqualifying Factors" establish some of the types of serious conduct that can justify a recommendation to deny or revoke an individual's eligibility for access to information and assets classified in the national interest. The "Mitigating Factors" establish some of the types of circumstances that may mitigate the conduct listed under the "Disqualifying Factors".

LOYALTY

- (i) Disqualifying Factors (behaviour falling within one or more of the following categories):
 - (a) Furnishing information to, or close continuing association with, a representative of a foreign government. (Main emphasis is information which could do damage to the national security of Canada or its allies).
 - (b) Membership in an organization or activity that has been characterized as falling within the meaning of "Threats to Security of Canada" definition contained in the Act.
 - (c) Knowing participation in acts that involve force or violence or threats of force or violence to prevent others from exercising their rights under the Constitution, or to overthrow or forcibly alter the form of government in Canada.
 - (d) Monetary contributions, service, or other support of the organizations described above.
 - (e) Participation, support, aid, comfort or sympathetic association with persons, groups, organizations involved in terrorist activities, threats, or acts.
 - (f) Evidence of continuing sympathy with the unlawful aims and objectives of organizations described above.
 - (g) Holding a position of major doctrinal or managerial influence in organizations described above.

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(ii) Mitigating Factors (circumstances which may mitigate disqualifying information):

(a)

(b)

(c)

(d)

FOREIGN PREFERENCE

(i) Disqualifying Factors:

(a) The active maintenance of dual citizenship, by one or more of the following:

- possession of a passport issued by a foreign nation and use of this passport to obtain entry into a sovereign state in preference to use of a Canadian passport.
- military service in the armed forces of a foreign nation and the continued willingness to comply with an obligation to so serve, or the willingness to bear arms at any time in the future on behalf of a foreign state.
- exercise or acceptance of rights, privileges or benefits offered by a foreign state to its citizens (e.g. voting in a foreign election; receipt of honours or titles; financial compensation due to employment).
- travel to or residence in a foreign state for the purpose of fulfilling citizenship requirements or obligations.

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- (b) Employment as an agent or other official representative of a foreign government, or seeking or holding political office in a foreign state.
- (c) Use of a Canadian government position of trust or responsibility to influence decisions in order to serve the interests of another government in preference to those of Canada.

(ii) Mitigating Factors:

- (a)
- (b)
- (c)
- (d)



SECURITY RESPONSIBILITY SAFEGUARDS

(i) Disqualifying Factors:

- (a) Deliberate or reckless disregard of security regulations or laws which could have resulted in the loss or compromise of classified information.
- (b) Deliberate or reckless violations of security regulations, including, but not limited to, taking classified information home or carrying classified data while in travel status without proper authorization; intentionally copying classified information in order to obscure classification markings; disseminating classified information to cleared personnel who have no "need to know"; or disclosing classified information to persons who are not cleared.

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(c) Pattern of negligent conduct in handling or storing classified documents.

(ii) Mitigating Factors:

(a)

(b)

(c)

CRIMINAL CONDUCT

(i) Disqualifying Factors:

(a) Criminal conduct involving:

(1) commission of an indictable offence.

(2) force, coercion, or intimidation.

(3) firearms, explosives, or other weapons.

(4) dishonesty or fake statements; e.g. fraud, theft, embezzlement, falsification of documents or statements.

(5) obstruction or corruption of government functions.

(6) violence against persons.

(b) Criminal conduct punishable by confinement for one year or more.

(c) An established pattern of criminal conduct, whether the individual was convicted or not.

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- (d) Failure to complete a rehabilitation program resulting from disposition of a criminal proceeding or violation of probation, even if the violation did not result in formal revocation of probation. Rehabilitation should not be considered a success or failure while the individual is still on parole/probation.
 - (e) Criminal conduct that is so recent in time as to preclude a determination that recurrence is unlikely.
 - (f) Close and continuing association with persons known by the individual to be involved in criminal activities.
 - (g) Criminal conduct indicative of a serious mental aberration, lack of remorse, or insufficient probability of rehabilitative success, (e.g., spouse or child abuse).
 - (h) Arrest record. In evaluating an arrest record, information that indicates that the individual was acquitted, that the charges were dropped or the subject of a "stet" or "nolle prosequi", that the record was expunged, or that the case was dismissed due to error not going to the merits, does not negate the security significance of the underlying conduct. Personnel security determinations are to be made on the basis of all available information concerning a person's conduct and actions rather than the legal outcome of a criminal proceeding.
- (ii) Mitigating Factors:

- (a)
- (b)
- (c)
- (d)
- (e)

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(f)

MENTAL OR EMOTIONAL DISORDERS

(i) Disqualifying Factors:

- (a) Diagnosis by competent medical authority (board certified psychiatrist or clinical psychologist) that the individual has an illness or mental condition which may result in a significant defect in judgement or reliability.
- (b) Conduct or personality traits that are bizarre or reflect abnormal behaviour or instability even though there has been no history of mental illness or treatment, but which nevertheless, in the opinion of competent medical authority, may cause a defect in judgement or reliability.
- (c) A diagnosis by competent medical authority that the individual suffers from mental or intellectual incompetence or mental retardation to a degree significant enough to establish or suggest that the individual could not recognize, understand or comprehend the necessity of security regulations, or procedures, or that judgement or reliability are significantly impaired, or that the individual could be influenced or swayed to act contrary to the national security.
- (d) Diagnosis by competent medical authority that an illness or condition that had affected judgement or reliability may recur even though the individual currently manifests no symptoms, or symptoms currently are reduced or in remission.
- (e) Failure to take prescribed medication or participate in treatment (including follow-up treatment or aftercare), or otherwise failing to follow medical advice relating to treatment of the illness or mental condition.

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(ii) Mitigating Factors:

(a)

(b)

(c)

(d)

FINANCIAL MATTERS

(i) Disqualifying Factors:

(a) History of bad debts, garnishments, liens, repossessions, unfavourable judgements, delinquent or uncollectable accounts or debts written off by creditors as uncollectable losses with little or no apparent or voluntary effort by the individual to pay amounts owed.

(b) Bankruptcy:

(1) Due to financial irresponsibility, or

(2) With continuing financial irresponsibility thereafter.

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- (c) Indebtedness aggravated or caused by gambling, alcohol, drug abuse, or other factors indicating poor judgement or financial irresponsibility.
 - (d) A history or pattern of living beyond the person's financial means or ability to pay, a lifestyle reflecting irresponsible expenditures that exceed income or assets, or a history or pattern of writing cheques not covered by sufficient funds or on closed accounts.
 - (e) Indication of deceit or deception in obtaining credit or bank accounts, misappropriation of funds, income tax evasion, embezzlement, fraud, or attempts to evade lawful creditors.
 - (f) Indifference to or disregard of financial obligations or indebtedness or intention not to meet or satisfy lawful financial obligations or when present expenses exceed net income.
 - (g) Unexplained affluence or income derived from illegal gambling, drug trafficking or other criminal or nefarious means.
 - (h) Significant unexplained increase in an individual's net worth.
- (ii) Mitigating Factors:

(a)

(b)

(c)

(d)

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(e)

(f)

ALCOHOL ABUSE

(i) Disqualifying Factors:

- (a) Habitual or episodic consumption of alcohol to the point of impairment or intoxication.
- (b) Alcohol-related incidents such as traffic violations, fighting, child or spouse abuse, non-traffic violation or other criminal incidents related to alcohol use.
- (c) Deterioration of the individual's health or physical or mental condition due to alcohol use or abuse.
- (d) Drinking on the job, reporting for work in an intoxicated or "hangover" condition, tardiness or absences caused by or related to alcohol abuse, and impairment or intoxication occurring during, and immediately following, luncheon breaks.
- (e) Refusal or failure to accept counseling or professional help for alcohol abuse or alcoholism.

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- (f) Refusal or failure to follow medical advice relating to alcohol abuse treatment or to abstain from alcohol use despite medical or professional advice.
 - (g) Refusal or failure to significantly decrease consumption of alcohol or to change lifestyle and habits which contributed to past alcohol related difficulties.
 - (h) Indications of financial or other irresponsibility or unreliability caused by alcohol abuse, or discussing sensitive or classified information while drinking.
 - (i) Failure to cooperate in or successfully complete a prescribed regimen of an alcohol abuse rehabilitation program.
- (ii) Mitigating Factors:

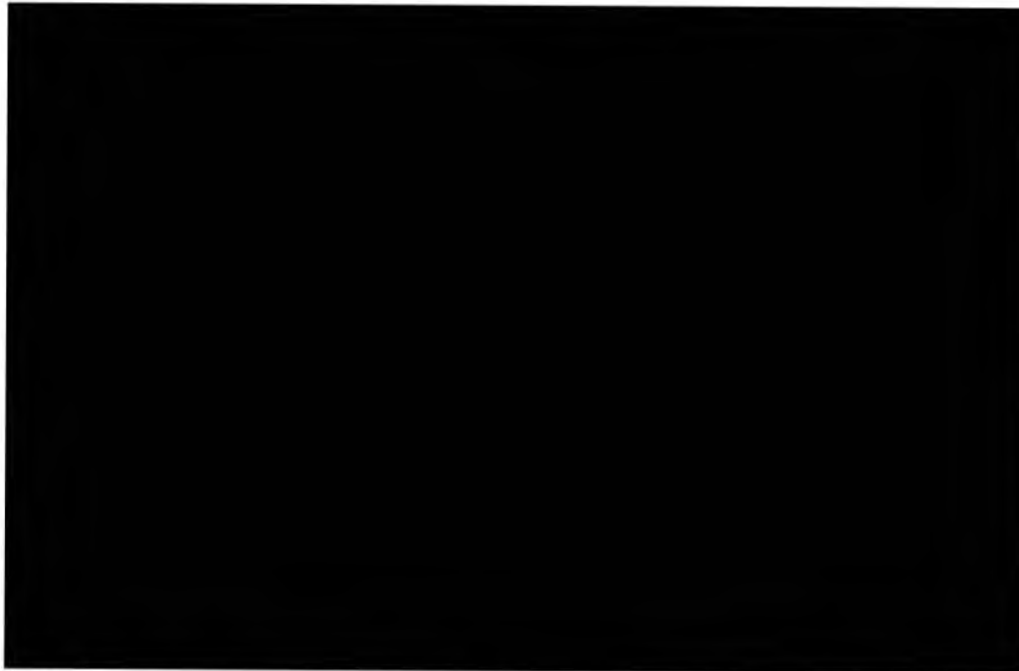
(a)

(b)

(c)

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DRUG ABUSE

(i) Disqualifying Factors:

(a) Abuse of cannabis only, not in combination with any other substance.

- (1) Experimental abuse, defined as an average of once every two months or less, but no more than six times.
- (2) Occasional abuse, defined as an average of not more than once a month.
- (3) Frequent abuse, defined as an average of not more than once a week.
- (4) Regular abuse, defined as an average of more than once a week.
- (5) Compulsive use, habitual use, physical or psychological dependency, or use once a day or more on the average.

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- (b) Abuse of any narcotic, psychoactive substance or dangerous drug (to include prescription drugs), either alone, or in combination with another or cannabis, as follows:
 - (1) Experimental abuse, defined as an average of once every two months or less, but no more than six times.
 - (2) Occasional abuse, defined as an average of not more than once a month.
 - (3) Frequent abuse, defined as an average of not more than once a week.
 - (4) Regular abuse, defined as an average of more than once a week.
 - (5) Compulsive use, habitual use, physical or psychological dependency, or use on an average of once a day or more on the average.
- (c) Involvement to any degree in the unauthorized trafficking, cultivation, processing, manufacture, sale, or distribution of any narcotic, dangerous drug, or cannabis or assistance to those involved in such acts whether or not the individual was arrested for such activity.
- (d) Involvement with narcotics, dangerous drugs or cannabis under the following conditions whether or not the individual engages in personal use:
 - (1) Possession.
 - (2) Possession of a substantial amount, more than could reasonably be expected for personal use.
 - (3) Possession of drug paraphernalia for cultivating, manufacturing or distributing (e.g., possession of gram scales, smoking devices, needles for injecting intravenously, empty capsules or other drug production chemical paraphernalia).

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- (4) Possession of personal drug paraphernalia such as needles for injecting, smoking devices and equipment, etc.
- (e) Information that the individual intends to continue to use (regardless of frequency) any narcotic, dangerous drug or cannabis. (NOTE: There is no corresponding Mitigating Factor for this Disqualifying Factor because, as a general rule, if any individual expresses or implies any intent to continue use of any narcotic, dangerous drug, or other controlled substance, including marijuana and hashish, without a prescription, in any amount and regardless of frequency, it is to be considered contrary to the criminal law and it may be against the interests of national security to grant or allow retention of a security clearance for access to classified information.)
- (ii) Mitigating Factors:
 - (a) Abuse of cannabis only, as follows: (Use this to assess Disqualifying Factor 1.)

(1)

(2)

(3)

(4)

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(5)

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(b)

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(1)

(2)

(3)

(4)

(5)

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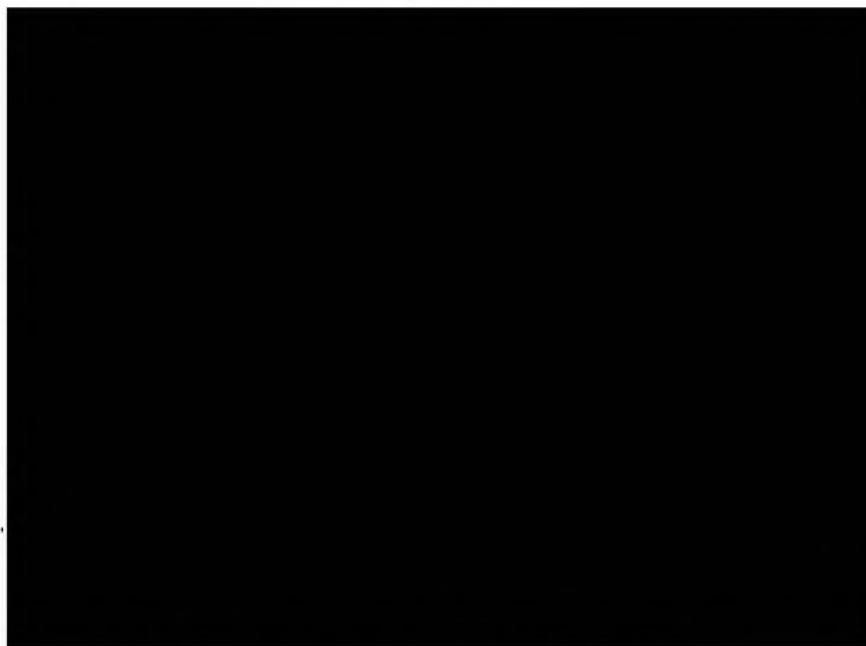


(c) Use this only to assess conduct under Disqualifying Factor 3.

(1)

(2)

(3)



(d) Use this only to assess conduct under Disqualifying Factor 4 in the corresponding subparagraphs.

(1)

(2)

(3)



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(4)



FALSIFICATION

(i) Disqualifying Factors:

- (a) Deliberate omission, concealment, falsification or misrepresentation of relevant and material facts including, but not limited to information concerning arrests, drug abuse or treatment, alcohol abuse or treatment, treatment for mental or emotional disorders, bankruptcy, military service information, organizational affiliations, financial problems, employment, foreign travel, or foreign connections from any Personnel Security Questionnaire, Personal History Statement or similar form used by any agency to conduct investigations, determine employment qualifications, aware benefits or status, determine security clearance or access eligibility, or award fiduciary responsibilities.
- (b) Deliberately providing false or misleading information concerning any of the relevant and material matters listed above to an investigator, employer, supervisor, security official or other official representative in connection with application for security clearance or access to classified information or assignment to sensitive duties.

(ii) Mitigating Factors:

(a)

(b)



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(c)

(d)

(e)

(f)

REFUSAL TO ANSWER

(i) Disqualifying Factors:

- (a) Failure or refusal to provide full, frank and truthful answers or to authorize others to do so, in connection with any application for security clearance or access, to include required non-disclosure and security termination agreements.
- (b) Failure or refusal to provide appropriate investigative forms, including release forms, for use by investigators in obtaining information from medical institutions, agencies or personal physicians, therapists, psychologists, psychiatrists, counselors, rehabilitation treatment, agencies or personnel; from police or criminal agencies, probation agencies or officers, financial institutions, employers, professional associations or any other organizations as required as part of an investigation for security clearance.
- (c) Failure or refusal to authorize others to provide relevant and material information necessary to reach a security clearance determination.

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- (d) Failure or refusal to answer questions or provide information required by a court or agency when such answers or information concern relevant and material matters pertinent to evaluating the individual's trustworthiness, reliability and judgement.

(ii) Mitigating Factors:

(a)

(b)

(c)

SEXUAL MISCONDUCT

(i) Disqualifying Factors:

(a) The conduct involves:

- (1) Acts performed or committed in open or public places.
- (2) Acts performed with a minor, or with animals.
- (3) Acts involving inducement, coercion, force, violence or intimidation of another person.
- (4) Prostitution, pandering or the commission of sexual acts for money or other remuneration or reward.
- (5) Sexual harassment.
- (6) Self mutilation, self punishment or degradation.

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- (7) Conduct that involves spouse swapping, or group sex orgies.
 - (8) Adultery that is recent, frequent and likely to continue and has an adverse effect on good order or discipline within the workplace (e.g., supervisor/subordinate, instructor/student).
 - (9) Conduct determined to be criminal in the locale in which it occurred.
 - (10) Deviant or perverted sexual behaviour which may indicate a mental or personality disorder (e.g., transexualism, transvestism, exhibitionism, incest, child molestation, voyeurism, bestiality, or sodomy.)
- (b) The conduct has been recent.
 - (c) The conduct increases the individual's vulnerability to blackmail, coercion or pressure.
 - (d) Evidence that the applicant has intention or is likely to repeat the conduct in question.

(ii) Mitigating Factors:

(a)

(b)

(c)

(d)

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(e) [REDACTED]

ADDITIONAL OBSERVATIONS

The above factors are obviously incomplete; you probably can think of other factors relevant to security screening cases, and you might not agree with those I have identified. I believe, however, that this will provide a useful basis for future discussion and guidance to analysts and investigators alike. One area not covered adequately is that involving "Foreign Connections/Vulnerability to Blackmail or Coercion". I would, therefore, encourage you to actively promote discussion of the issues within your units so we might all come to some common understanding of the factors involved and the weight that should be given to each.

I hope this proves to be of some assistance.

[REDACTED]
Unit

c.c. Director General
Security Screening

[REDACTED]
Chief, [REDACTED][REDACTED]
Unit