

2007 ANNUAL REPORT

INVASION OF PRIVACY

PART VI of the *CRIMINAL CODE OF CANADA*

This report covers the period January 1, 2007 to December 31, 2007, inclusive.

<u>Section 195(2) C.C</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
(a) The number of applications made for authorizations under:				
(i) s.185	67	54	39	
(ii) s.188	6	0	0	
(b) The number of applications made for renewals of authorization under:				
(i) s.185	0	0	0	
(ii) s.188 (renewals are not granted under this section)	n/a	n/a	n/a	
(c) The number of applications granted:				
(i) s.185			39	
(ii) Original authorizations - s.188			0	
(iii) Renewals of authorizations - s.185			0	
The number of applications refused under:				
(i) s.185			39	
(ii) Original authorizations - s.188			0	
The number of applications granted, which were granted with conditions under:				
(i) s.185			0	
(ii) s.188			0	
(d) The number of persons identified in an authorization against whom proceedings were commenced at the instance of the Attorney General of British Columbia in respect of:				
(i) an offence specified in the authorization. (Incomplete number, some investigations are still ongoing as of December 31, 2008)				u/k
(ii) an offence other than an offence specified. (Incompleted number, some investigations are still ongoing as of December 31, 2008)				0

Section 195(2) C.C

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
(iii) an offence in respect of which an authorization may not be given. (Incomplete number, some investigations are still ongoing as of December 31, 2008)			0	
(e) The number of persons not identified in an authorization against whom proceedings were commenced at the instance of the Attorney General of British Columbia in respect of:				
(i) an offence specified in such an authorization. (Incomplete number, some investigations are still ongoing as of December 31, 2008)			u/k	
(ii) an offence other than an offence specified in such an authorization but in respect of which an authorization may be given. (Incomplete number, some investigations are still ongoing as of December 31, 2008)			0	
(iii) an offence other than an offence specified in such authorization for which no such authorization may be given. (Incomplete number, some investigations are still ongoing as of December 31, 2008)			0	
and whose commission or alleged commission of the offence became known to a peace officer as a result of an interception of a private communication under an authorization.				
(f) The average period for which authorizations were given and for which renewals were granted:				
(i) s.185			60	
(ii) s.188			days 0	
(g) The number of authorizations by virtue of one or more renewals were valid:				
(i) for more than 60 days			0	
(ii) for more than 90 days			0	
(iii) for more than 180 days			0	

Section 195(2) C.C

(h) The number of notifications given pursuant to Section 196 (for 2007: 317 delivered, 121 undelivered)

2005 2006 2007 2008
740 503 438

(i) The offences in respect of which authorizations were given, specifying the number of authorizations given in respect of each such offence:

<i>Criminal Code of Canada</i>		Number of Authorizations			
<u>Type of Offence</u>	<u>Section</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Using Explosives	81	3	0	0	
Possession Without Lawful Excuse	82	3	0	0	
Possession of Weapon for Dangerous Purpose	88	1	0	0	
Weapons Trafficking	99	7	7	0	
Possession for Purpose of Weapons Trafficking	100	7	7	0	
Breach of Trust by Public Officer	122	0	1	0	
Obstructing Justice	139	0	1	0	
Providing the Necessaries of Life	215	0	2	0	
Murder	235	48	33	35	
Attempt Murder	239	12	8	4	
Accessory After the Fact (Murder)	240	22	15	24	
Criminal Harassment	264	3	0	0	
Assault with a Weapon	267	2	1	6	
Aggravated Assault	268	0	6	0	
Unlawfully Causing Bodily Harm	269	4	0	0	
Kidnapping	279	21	16	2	
Theft, Forgery, etc. of Credit Card	342	0	1	0	
Robbery	344	5	0	4	
Extortion	346	2	6	1	
Breaking & Entering	348	5	0	5	
Possession of Property Obtained by Crime	354	3	1	3	
Fraud	380	0	1	0	
Arson / Disregard for Human Life	433	39	1	2	
Arson / Damage to Property	434	38	1	2	
Attempts, Accessories	463	0	0	4	
Conspiracy	465	63	38	24	
Participation in Activities of Criminal Organization	467	0	1	0	

(j) A description of all classes and places specified in authorizations and the number of authorizations in which each such class of place was specified:

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
(i) Residence: Permanent temporary	19	36	28	
temporary	13	17	9	
(ii) Commercial premises	10	11	13	
(iii) Vehicles	17	25	14	
(iv) Other	24	41	13	

(k) A general description of the methods of interception involved in each interception under an authorized:

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
(i) Telecommunications	1674	489	331	
(ii) Microphone	581	211	135	
(iii) Other	223	81	168	

(l) The number of persons arrested whose identity became known to a peace officer as a result of an interception under an authorization. (Incomplete number, some investigations are still ongoing as of December 31, 2008)

2007
unknown

(m) The number of criminal proceedings commenced at the instance of the Attorney General of British Columbia in which private communications obtained by interception under an authorization were adduced in evidence and the number of such proceedings that resulted in a conviction:

(i) Criminal Proceedings adduced in evidence. (Incomplete number, some cases are still before the courts as of December 31, 2008) unknown

(ii) Resultant Convictions (Incomplete number, some cases are still before the courts as of December 31, 2008) unknown

(n) The number of criminal investigations in which information obtained as a result of the interception of a private communication under an authorization was used although the private communication was not adduced in evidence in Criminal proceedings commenced at the instance of the Attorney General of British Columbia as a result of the investigation:

	<u>2007</u>
(i) Intercepted information used but not adduced. (Incomplete number, some cases are still before the courts as of December 31, 2008)	unknown
(ii) Resultant convictions (Incomplete number, some cases are still before the courts as of December 31, 2008)	unknown

Section 195(3) C.C.

Other information

	<u>2007</u>
(a) The number of prosecutions commenced against officers or Servants of Her Majesty in right of Canada or members of the Canadian Forces for offences under Section 184 or Section 193:	
(i) Number of Prosecutions	0

General Assessment

Interception of private communications pursuant to the provisions of Part VI of the *Criminal Code of Canada* is still proving to be an essential element in combating serious crime. Often, the police obtain information via wiretapping that they could not have received by any other means. New information may also trigger additional investigations. Due to the serious nature of invasions of privacy, there are statutory safeguards to ensure that abuses do not take place. Generally, the interception of private communications must only be done with the authorization of a Justice of the Supreme Court. When the police require an authorization, a designated Crown Counsel reviews the application to ensure it complies with the appropriate laws. (Designated senior police officers may in cases of emergencies directly apply to the Courts for an authorization.) The application is then brought before a Justice or Judge, who will grant the authorization if it is in the best interests of the administration of justice and the application meets other criteria, set out in Part VI of the *Criminal Code of Canada*. The authorizations are valid for a specific amount of time, and must be renewed by a Justice if they are required for a longer period of time. The application process is complex and time-consuming, but is necessary to ensure that an individual's right to privacy is not breached without cause or appropriate authorization.

Appendix A

Section 195(1)(a) requires that the agents who made applications for purposes of s.185 and s. 487.01 of the *Code* be named in the Annual Report. They are as follows:

Craig Dykes
Lorne Fisher
Melissa Gillespie
Michael Hicks
Lothar Kiner
Gordon Matei
Teresa Mitchell-Banks
Marion Paruk
Scott Van Alstine
Ronald Webb
Norman Yates

Appendix B

Section 195(1)(a) requires that the peace officers who made application under urgent circumstances for an authorization pursuant to s. 188 of the *Code*, be named in the Annual Report. As there were no s. 188 applications in the year 2007, no names are provided.