



2013 ANNUAL REPORT

INVASION OF PRIVACY

PART VI of the *CRIMINAL CODE OF CANADA*

The information in this report is derived from Part VI *Criminal Code* Operational Reports completed by police agencies in relation to the interception of private communication for which notification, pursuant to sections 196(1) and 196.1(1) of the *Criminal Code*, was given between January 1, 2013 to December 31, 2013.

This report also provides information regarding criminal charges and court proceedings that occurred in 2013 in relation to intercepted private communications.

Information concerning the interception of private communications made pursuant to judicial authorizations and warrants is detailed below according to the year in which the authorizations and warrants were initially obtained.

<u>Section 195(2) Criminal Code of Canada</u>		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
(a)	The number of applications made for authorizations / warrants:				
	(ii) s.185	6	6	7	19
	(iii) s.188	0	0	1	1
	(iv) s.487.01	4	3	5	12
	Total	10	9	13	32
(b)	The number of applications made for renewals of authorizations / warrants:				
	(i) s.186	0	0	0	0
	(ii) s.487.01	0	0	0	0
	Total	0	0	0	0
(c)	The number of authorizations / warrants granted:				
	(i) s.186 - original	6	6	7	19
	(ii) s.186 - renewal	0	0	0	0
	(iii) s.188	0	0	1	1
	(iv) s.487.01 - original	4	3	5	12
	(v) s.487.01 - renewal	0	0	0	0
	Total	10	9	13	32
	The number of authorizations / warrants granted, which were granted subject to terms and conditions:				
	(i) s.186 - original	6	6	7	19
	(ii) s.186 - renewal	0	0	0	0
	(iii) s.188	0	0	1	1
	(iv) s.487.01 - original	4	3	5	12
	(v) s.487.01 - renewal	0	0	0	0
	Total	10	9	13	32

<u>Section 195(2) Criminal Code of Canada</u>		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>					
	The number of authorizations / warrants refused:									
(i)	s.186 - original	0	0	0	0					
(ii)	s.186 - renewal	0	0	0	0					
(iii)	s.188	0	0	0	0					
(iv)	s.487.01 - original	0	0	0	0					
(v)	s.487.01 – renewal	0	0	0	0					
	Total	0	0	0	0					
(d)	The number of persons identified in an authorization / warrant against whom proceedings were commenced at the instance of the Attorney General of British Columbia in respect of: (Incomplete; some investigations are still ongoing)									
	(i) an offence specified in the authorization / warrant									
		<u>2004</u>	<u>2005</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
		1	7	0	2	5	1	6	1	23
	(ii) an offence other than an offence specified in the authorization / warrant, but in respect of which an authorization / warrant may be given									
		<u>2004</u>	<u>2005</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
		0	0	0	0	0	1	1	3	5
	(iii) an offence in respect of which an authorization / warrant may not be given									
		<u>2004</u>	<u>2005</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
		0	0	2	0	0	0	1	0	3
(e)	The number of persons not identified in an authorization / warrant against whom proceedings were commenced at the instance of the Attorney General of British Columbia, 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 / warrant, in respect of: (Incomplete; some investigations are still ongoing)									
	(i) an offence specified in such an authorization / warrant:									
		<u>2004</u>	<u>2005</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
		0	0	0	0	0	0	1	0	1

Section 195(2) <i>Criminal Code of Canada</i>									
	(ii) an offence other than an offence specified In the authorization / warrant, but in respect of which an authorization / warrant may be given								
	<u>2004</u>	<u>2005</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
	0	0	0	0	0	0	2	2	4
	(iii) an offence other than an offence specified in such an authorization / warrant, and for which no such authorization / warrant may be given								
	<u>2004</u>	<u>2005</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
	0	0	0	0	0	0	0	0	0
(f)	The average period for which authorizations / warrants were given and for which renewals were granted:								
				<u>2011</u>	<u>2012</u>	<u>2013</u>			
	(ii)	s.186		60 days	60 days	57.7 days			
	(iii)	s.188		n/a	n/a	36 hours			
	(iii)	s.487.01		60 days	60 days	56.8 days			
(g)	The number of authorizations / warrants that, by virtue of one or more renewals, were valid:								
				<u>2011</u>	<u>2012</u>	<u>2013</u>			
	(i)	for more than 60 days		0	0	0			
	(ii)	for more than 90 days		0	0	0			
	(iii)	for more than 180 days		0	0	0			
	(iv)	for more than 240 days		0	0	0			
						<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
(h)	The number of notifications given, pursuant to section 196.					40	98	112	250
(i)	The offences in respect of which authorizations / warrants were given, specifying the number of authorizations/warrants given in respect of each of those offences (<i>Criminal Code</i> offences, unless otherwise specified):								
	<u>Section</u>	<u>Type of Offence</u>			<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>	
	122	Breach of trust by public officer			0	0	4	4	
	139	Obstructing justice			0	1	4	5	
	235	Murder			9	10	8	27	
	239	Attempt to commit murder			0	4	0	4	

<u>Section</u>	<u>Offence</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
239(1)(a)	Attempt to commit murder using restricted/prohibited firearm or firearm/criminal organization	0	0	24	24
240	Accessory after the fact to murder	2	0	0	2
244.2	Reckless discharge of firearm	1	0	0	1
264.1	Uttering threats	0	0	1	1
344	Robbery	0	4	0	4
344 (1)(a.1)	Robbery with firearm	0	4	0	4
346	Extortion	0	0	1	1
430(1.1)	Mischief in relation to data	1	0	0	1
433	Arson	1	0	0	1
465(1)(a)	Conspiracy to commit murder	7	0	32	39
465(1)(c)	Conspiracy to commit an indictable offence	0	0	2	2
CDSA 5(2)	Possession for the purpose of trafficking	0	0	2	2
CDSA 6(1)	Import and exporting	0	0	2	2

(j)	A description of all classes of places specified in authorizations / warrants and the number of authorizations / warrants in which each of those classes of places was specified: (Incomplete, some investigations are still ongoing)				
		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
	(i) Permanent Residence	3	6	0	9
	(ii) Temporary Residence	3	0	0	3
	(iii) Commercial Premises	0	0	0	0
	(iv) Vehicles	3	6	0	9
	(v) Cellular	3	0	0	3
	(vi) Payphone	0	2	0	2
	(vii) Jail	0	1	0	1
(k)	A general description of the methods of interception involved in each interception under an authorization / warrant: (Incomplete; some investigations are still ongoing)				
		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
	(i) Telecommunication	42	51	0	93
	(ii) Microphone	10	18	0	28
	(iii) Video	4	0	0	4

<u>Section 195(2) Criminal Code of Canada</u>						
(l)	The number of persons arrested whose identity became known to a peace officer as a result of an interception under an authorization / warrant. (Incomplete; some investigations are still ongoing)					
	<u>2004</u>	<u>2005</u>	<u>2008</u>	<u>2009</u>	<u>2012</u>	<u>Total</u>
	0	0	0	0	0	0
(m)	The number of criminal proceedings commenced at the instance of the Attorney General of British Columbia: (Incomplete; some investigations are still ongoing)					
	(i) in which private communications obtained by interception under an authorization/warrant were adduced in evidence					
	<u>2004</u>	<u>2005</u>	<u>2008</u>	<u>2009</u>	<u>2012</u>	<u>Total</u>
	1	9	0	3	4	17
	(ii) the number of those proceedings that resulted in a conviction					
	<u>2004</u>	<u>2005</u>	<u>2008</u>	<u>2009</u>	<u>2012</u>	<u>Total</u>
	1	9	0	0	0	10
(n)	The number of criminal investigations in which information obtained as a result of the interception of a private communication under an authorization / warrant 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. (Incomplete; some legal proceedings are still ongoing)					
	<u>2004</u>	<u>2005</u>	<u>2008</u>	<u>2009</u>	<u>2012</u>	<u>Total</u>
	0	2	2	0	0	4

Information concerning the interception of private communications made pursuant to section 184.4 of the *Criminal Code* is detailed below.

<u>Section 195(2.1) Criminal Code of Canada</u>		<u>2013</u>
(a)	The number of interceptions made pursuant to section 184.4.	6
(b)	The number of parties to each intercepted private communication against whom proceedings were commenced in respect of the offence that the police officer sought to prevent in intercepting the private communication or in respect of any other offence that was detected as a result of the interception.	1
(c)	The number of persons who were not parties to an intercepted private communication but whose commission of alleged commission of an offence became known to a police officer as a result of the interception of a private communication, and against whom proceedings were commenced in respect of the offence that the police officer sought to prevent in intercepting the private communication or in respect of any other offence that was detected as a result of the interception.	0
(d)	The number of notifications given under section 196.1.	6
(e)	The offences in respect of which interceptions were made and any other offences for which proceedings were commenced as a result of an interception, as well as the number of interceptions made with respect to each offence:	
	<u>Section</u>	<u>Offence</u>
	279	Kidnapping
		<u>Number of Interceptions</u>
		6
(f)	A general description of the methods of interception used for each interception:	
	<u>Method</u>	<u>Number of Interceptions</u>
	Telecommunications	6
(g)	The number of persons arrested whose identity became known to a police officer as a result of an interception.	0
(h)	The number of criminal proceedings commenced in which private communications obtained by interception were adduced in evidence and the number of those proceedings that resulted in a conviction.	0

<u>Section 195(2.1) Criminal Code of Canada</u>		<u>2013</u>
(i)	The number of criminal investigations in which information obtained as a result of the interception of a private communication was used even though the private communication was not adduced in evidence in criminal proceedings commenced as a result of the investigations.	1
(j)	The duration of each interception and the aggregate duration of all the interceptions related to the investigation of the offence that the police officer sought to prevent in intercepting the private communication.	
	<u>Duration of each interception</u>	<u>Aggregate duration of all interceptions</u>
	0 hrs 2 min 10 sec	0 hrs 3 min 32 sec
	0 hrs 0 min 33 sec	
	0 hrs 0 min 49 sec	
	0 hrs 31 min 43 sec	1 hrs 33 min 57 sec
	0 hrs 30 min 4 sec	
	0 hrs 32 min 10 sec	
	Total	1 hrs 37 min 29 sec

<u>Section 195(3) Criminal Code of Canada</u>		<u>2013</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.	0

General Assessment

Interception of private communications pursuant to the provisions of Part VI of the *Criminal Code* is still proving to be an essential element in combating serious crime. Often the police obtain information through the interception of private communications 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, as set out in Part VI of the *Criminal Code*. The authorizations are valid for a specific period 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 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 application for an authorization or a video warrant, pursuant to sections 185 and 487.01 of the *Criminal Code of Canada*, be named in the Annual Report. They are as follows:

Maurizio Dattilo
Wendy E. Dawson
Craig Dykes
Lorne Fisher
Peter Hogg
Andrew MacDonald
Gordon Matei
Paul Sandhu
Craig Yamashiro

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 *Criminal Code of Canada*, be named in the Annual Report. They are as follows:

Paul Anthony Sellars