

2008 ANNUAL REPORT

INVASION OF PRIVACY

PART VI of the *CRIMINAL CODE OF CANADA*

This report covers the period January 1, 2008 to December 31, 2008, 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	29
(ii) s.188	6	0	0	1
(b) The number of applications made for renewals of authorization under:				
(i) s.185	0	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	29
(ii) Original authorizations – s.188			0	1
(iii) Renewals of authorizations – s.185			0	0
The number of applications refused under:				
(i) s.185			0	0
(ii) Original authorizations – s.188			0	0
The number of applications granted, which were granted with conditions under:				
(i) s.185			0	0
(ii) s.188			0	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	u/k
(ii) an offence other than an offence specified. (Incomplete number, some investigations are still ongoing as of December 31, 2008)			0	0
(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)			u/k	u/k

Section 195(2) C.C

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
(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	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)			u/k	u/k
(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)			u/k	u/k
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 days	60 days
(ii) s.188			0	60 days
(g) The number of authorizations by virtue of one or more renewals were valid:				
(i) for more than 60 days			0	0
(ii) for more than 90 days			0	0
(iii) for more than 180 days			0	0
(h) The number of notifications given pursuant to Section 196 (for 2008: 142 delivered, 32 undelivered)	740	503	438	174

Section 195(2) C.C2005200620072008

(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	2
Possession Without Lawful Excuse	82	3	0	0	0
Possession of Weapon for Dangerous Purpose	88	1	0	0	0
Weapons Trafficking	99	7	7	0	0
Possession for Purpose of Weapons Trafficking	100	7	7	0	0
Breach of Trust by Public Officer	122	0	1	0	0
Obstructing Justice	139	0	1	0	0
Providing the Necessaries of Life	215	0	2	0	0
Murder	235	48	33	35	18
Attempt Murder	239	12	8	4	11
Accessory After the Fact (Murder)	240	22	15	24	5
Criminal Harassment	264	3	0	0	1
Assault with a Weapon	267	2	1	6	2
Aggravated Assault	268	0	6	0	0
Unlawfully Causing Bodily Harm	269	4	0	0	0
Kidnapping	279	21	16	2	3
Theft, Forgery, etc. of Credit Card	342	0	1	0	0
Robbery	344	5	0	4	0
Extortion	346	2	6	1	0
Breaking & Entering	348	5	0	5	2
Possession of Property Obtained by Crime	354	3	1	3	0
Fraud	380	0	1	0	0
Arson / Disregard for Human Life	433	39	1	2	0
Arson / Damage to Property	434	38	1	2	0
Attempts, Accessories	463	0	0	4	0
Conspiracy	465	63	38	24	15
Participation in Activities of Criminal Organization	467	0	1	0	0
Laundering Proceeds of Crime	462				2
Abduction	250 (83)				3
2008 Conspiracy to use Explosives	423				2
Trafficking in Controlled Substances	5(1)CDSA				2
Possess Controlled Substances	5(2)CDSA				2

	<u>2007</u>	<u>2008</u>
(i) Intercepted information used but not adduced. (Incomplete number, some cases are still before the courts as of December 31, 2009)	unknown	unknown
(ii) Resultant convictions (Incomplete number, some cases are still before the courts as of December 31, 2009)	unknown	unknown

Section 195(3) C.C.

Other information

	<u>2007</u>	<u>2008</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	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 for 2008:

Paige Johnstone
Terence A. Schultes
Maurizio Dattilo
Gregg Goodfellow
Scott Van Alstine
David Fitzsimmons
Colleen Smith
Marion Paruk
Lothar Kiner
Teresa Mitchell-Banks

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. They are as follows for 2008:

Ranjit Hayre