



2011

***Annual Report
Section 195 of the
Criminal Code of Canada***

**Office of Attorney General
of New Brunswick**

TO: The Honourable Graydon Nicholas
Lieutenant-Governor of New Brunswick

May It Please Your Honour:

I have the pleasure to submit to Your Honour the 2011 Annual Report, which provides the information required by the **Criminal Code of Canada** (Section 195).

Respectfully submitted,



Hon. Hugh J. Flemming, Q.C.
Attorney General of New Brunswick

Attorney General of New Brunswick

Annual Report

Section 195 of the Criminal Code

This report covers the period January 1, 2011 to December 31, 2011.

Pursuant to Section 195(5), it is reported that:

(a) The list of designated agents who made applications in accordance with Sections 185 and 186:

1

(1) Michel J. Bertrand

(b) The list of designated peace officers who made applications in accordance with Section 188:

Nil

Section 195(2)

(a) THE NUMBER OF APPLICATIONS MADE FOR AUTHORIZATIONS:

- | | | |
|------|---------------------------|-----|
| (i) | Under paragraph 185(1)(b) | 2 |
| (ii) | Under paragraph 188(1)(b) | Nil |

(b) THE NUMBER OF APPLICATIONS MADE FOR RENEWALS OF AUTHORIZATIONS

- | | | |
|-----|-------------------------|-----|
| (i) | Under subsection 186(6) | Nil |
|-----|-------------------------|-----|

(c) THE NUMBER OF APPLICATIONS GRANTED:

- | | | |
|-------|---------------------------|-----|
| (i) | Under paragraph 185(1)(b) | 2 |
| (ii) | Under paragraph 188(1)(b) | Nil |
| (iii) | Under subsection 186(6) | Nil |

THE NUMBER OF AUTHORIZATIONS REFUSED UNDER

- | | | |
|-------|---------------------------|-----|
| (i) | Under paragraph 185(1)(b) | Nil |
| (ii) | Under paragraph 188(1)(b) | Nil |
| (iii) | Under subsection 186(6) | Nil |

THE NUMBER OF APPLICATIONS GRANTED SUBJECT TO TERMS AND CONDITIONS:

- | | | |
|-------|---------------------------|-----|
| (i) | Under paragraph 185(1)(b) | Nil |
| (ii) | Under paragraph 188(1)(b) | Nil |
| (iii) | Under subsection 186(6) | Nil |

(d) THE NUMBER OF PERSONS IDENTIFIED IN AN AUTHORIZATION AGAINST WHOM PROCEEDINGS WERE COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK IN RESPECT OF:

- | | | |
|-------|--|-----|
| (i) | an offence specified in the authorization | Nil |
| (ii) | an offence other than an offence specified in an authorization but in respect of which an authorization may be given | Nil |
| (iii) | an offence in respect of which an authorization may not be given | Nil |

(e) THE NUMBER OF PERSONS NOT IDENTIFIED IN AN AUTHORIZATION AGAINST WHOM PROCEEDINGS WERE COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK IN RESPECT OF:

- | | | |
|-----|---|-----|
| (i) | an offence specified in such an authorization | Nil |
|-----|---|-----|

- | | | |
|-------|---|-----|
| (ii) | an offence other than an offence specified in such an authorization but in respect of which an authorization may be given | 1 |
| (iii) | an offence other than an offence specified in such an authorization in respect of which an authorization may not be given | Nil |

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 THEREOF WERE GRANTED:

- | | | |
|------|---------------------------|---------|
| (i) | Under paragraph 185(1)(b) | 47 Days |
| (ii) | Under paragraph 188(1)(b) | Nil |

(g) THE NUMBER OF AUTHORIZATIONS THAT, BY VIRTUE OF ONE OR MORE RENEWALS THEREOF, WERE VALID:

- | | | |
|-------|------------------------|-----|
| (i) | for more than 60 days | Nil |
| (ii) | for more than 120 days | Nil |
| (iii) | for more than 180 days | Nil |

(h) THE NUMBER OF NOTIFICATIONS GIVEN PURSUANT TO SECTION 196:

26

APPLICATIONS FOR AN EXTENDED PERIOD FOR NOTIFICATION PURSUANT TO SECTION 196(2):

Nil

(i) THE OFFENCES IN RESPECT OF WHICH AUTHORIZATIONS WERE GIVEN, SPECIFYING THE NUMBER OF AUTHORIZATIONS GIVEN IN RESPECT OF EACH SUCH OFFENCE:

- | | | |
|---|-------------|---|
| Reckless Discharge of Firearm | s. 244.2(1) | 2 |
| Conspiracy to Commit Indictable Offence | s. 465 | 2 |

(j) A DESCRIPTION OF ALL CLASSES OF PLACES SPECIFIED IN AUTHORIZATIONS AND THE NUMBER OF AUTHORIZATIONS IN WHICH EACH SUCH CLASS OF PLACE WAS SPECIFIED:

- | | |
|-----------------|---|
| Residences | 1 |
| Other Buildings | 1 |

(k) A GENERAL DESCRIPTION OF THE METHODS OF INTERCEPTION INVOLVED IN EACH INTERCEPTION UNDER AN AUTHORIZATION:

Electromagnetic, Acoustic, Mechanical or Other Devices
("bugs" in dwellings or other locations, and telephone interceptions)

- (l) **THE NUMBER OF PERSONS ARRESTED WHOSE IDENTITY BECAME KNOWN TO A PEACE OFFICER AS A RESULT OF AN INTERCEPTION UNDER AN AUTHORIZATION:** 1
- (m) **THE NUMBER OF CRIMINAL PROCEEDINGS COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK 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 6
 - (ii) Resultant Convictions 6
- (n) **THE NUMBER OF CRIMINAL INVESTIGATIONS IN WHICH INFORMATION OBTAINED AS A RESULT OF THE INTERCEPTION OF A PRIVATE COMMUNICATIONS UNDER AN AUTHORIZATION WAS USED ALTHOUGH THE PRIVATE COMMUNICATIONS WAS NOT ADDUCED IN EVIDENCE IN CRIMINAL PROCEEDINGS COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK AS A RESULT OF THE INVESTIGATIONS:** Nil

OTHER INFORMATION:

- (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:** Nil
- (b) **GENERAL ASSESSMENT OF THE IMPORTANCE OF INTERCEPTION OF PRIVATE COMMUNICATIONS FOR THE INVESTIGATION, DETECTION, PREVENTION AND PROSECUTION OF OFFENCES IN CANADA, AND MORE PARTICULARLY, IN THE PROVINCE OF NEW BRUNSWICK:**

The lawful interception of private communications in New Brunswick by law enforcement agencies continues to occur only after the use of conventional techniques in criminal investigations has been exhausted. When electronic surveillance has been resorted to, the results have sometimes been significant.