



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

PROTECTED B

s.16(1)(c)

DATE: *DEC 08 2017*

File No.: PS - 019674

MEMORANDUM FOR THE MINISTER

**REQUEST FOR DESIGNATIONS TO APPLY FOR AUTHORIZATIONS
TO INTERCEPT PRIVATE COMMUNICATIONS**

(Signature required)

ISSUE

Request to designate [REDACTED] who may intercept private communications under judicial authorization. These files are considered time-sensitive as delays may affect police operations.

BACKGROUND

Before carrying out electronic surveillance, the law enforcement community must apply to a judge of a superior court of criminal jurisdiction for an authorization to intercept private communications by audio and video surveillance.

Regular Process

Subsection 186(5) of the *Criminal Code* authorizes you to designate persons and positions who may intercept private communications under judicial authorization. This includes both peace officers and civilian members of the law enforcement agencies, since a number of these agencies have civilians who carry out electronic surveillance functions without exercising peace officer powers.

Judicial authorizations to intercept private communications are limited by paragraph 186(4)(e) of the *Criminal Code* to a period not to exceed sixty (60) days. However, these authorizations may be renewed.

Emergency Process

Paragraph 188(1)(a) authorizes you to designate peace officers who may make an application *ex parte* to intercept private communications under judicial authorization in

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exceptional circumstances before a regular authorization under section 186 can be obtained. For example, an emergency authorization might be necessary in cases where there is a barricaded suspect with hostages, or a tip has been received that a gang is planning to commit a serious crime within a few hours.

This provision is rarely used and is valid only for a period of 36 hours, whereas a regular authorization is valid for up to 60 days.

Video Surveillance

Designations made under sections 186 and 188 with respect to the interception of private communications also include video surveillance.

Where law enforcement personnel have been authorized by warrant to observe, by means of a television camera or other similar electronic device, any person who is engaged in activities or in circumstances in which the person has a reasonable expectation of privacy, subsection 487.01(4) provides that the warrant "shall contain such terms and conditions as the judge considers advisable to ensure that the privacy of the person or of any other person is respected as much as possible".

CURRENT STATUS

The incoming requests mentioned below are attached (**TAB A**) and numbered as follows:

1. Chief Constable Del Manak of the Victoria Police Department in British Columbia has requested designation for [REDACTED] to intercept private communications pursuant to subsection 186(5) and paragraph 188(1)(a) of the *Criminal Code*. Chief Constable Manak is also requesting revocations pursuant to subsection 186(5) and designation pursuant to subsection 667(5). These requests have been sent to the Assistant Deputy Minister under separate covers as per delegated authority.
2. Deputy Chief Constable Shane Barber of the West Vancouver Police Department in British Columbia has requested designation for [REDACTED] to intercept private communications pursuant to subsection 186(5) of the *Criminal Code*. Deputy Chief Constable Barber is also requesting revocations pursuant to subsection 186(5). This request has been sent to the Assistant Deputy Minister under separate cover, as per delegated authority.

The Department has verified that the requests are in accordance with all policies and requirements. See attached for the verification checklist (**TAB B**).

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RECOMMENDATION

It is recommended that you sign the attached [REDACTED] for these individuals (TAB C).


Should you require additional information, please do not hesitate to contact me or Ms. Kathy Thompson, Assistant Deputy Minister, Community Safety and Countering Crime Branch, at 613-990-2703.


Malcolm Brown

Enclosures: [REDACTED]

I approve:

I do not approve:


Ralph Goodale, P.C., M.P.

Ralph Goodale, P.C., M.P.

Prepared by: Colleen Lapointe-Lavictoire



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s.19(1)

October 17, 2017

REGISTERED

Federal Ministry of Public Safety
269 Laurier Avenue West
12th Floor,
OTTAWA, ONTARIO K1A 0P8
Attention: Ms. Colleen Lapointe-Lavictoire
Authorizing Officer

To whom it may concern:

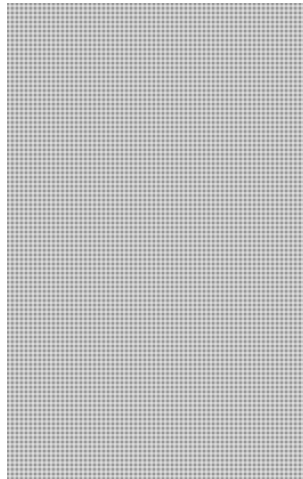
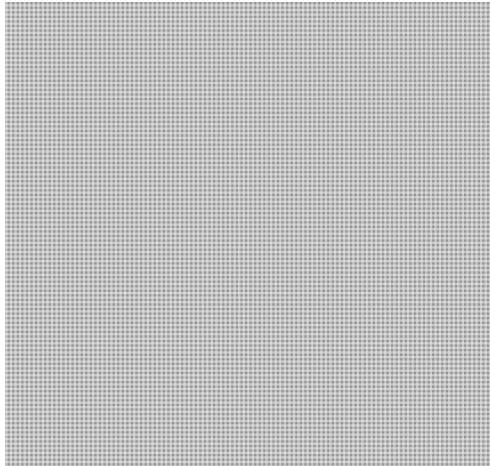
RE: Designation under Part VI & Part XV of the Criminal Code

On behalf of the Victoria Police Department, please designate the following [redacted] pursuant to Section 186(5) of the Criminal Code for a person to intercept private communications under authorization, pursuant to Sections 186(1) and 188(2) and for video observations described in Sections 487.01(4) and 487.01(5) authorized by a warrant issued under Section 487.01(1) of the Criminal Code of Canada.

The following personnel are employed with the Victoria Police Department and require designations:

NAME:

TITLE:





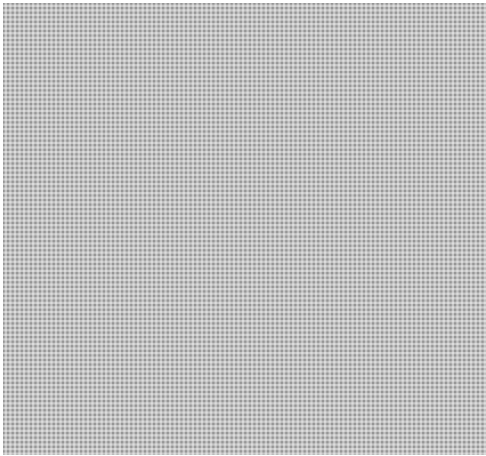
s.16(1)(c)

s.19(1)

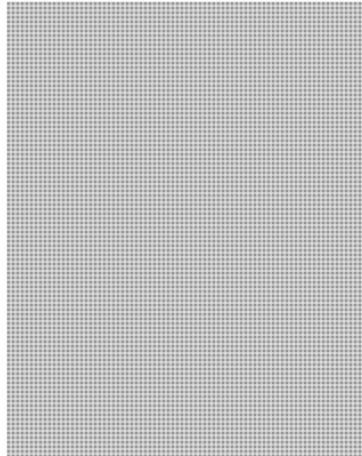


The following people have left the employment of the Victoria Police department or have moved to positions no longer requiring this designation. Please remove designations for the following previously designated employees of the Victoria Police Department:

NAME:



TITLE:



I have enclosed the original designations that we had, for the list of revocations, but unfortunately not all. If we locate any further we will forward them to your office. I have also enclosed some outdated original documents that were recently located.

On behalf of the Victoria Police Department, please designate the following individual, pursuant to Section 667 of the Criminal Code of Canada, as a fingerprint examiner. See attached CV.



Should you have any questions regarding this request, please do not hesitate to contact Inspector Keith Lindner at (250) 995-7213.

Yours truly,

Chief Constable Del Manak





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October 17, 2017

REGISTERED

Federal Ministry of Public Safety
269 Laurier Avenue West
12th Floor,
OTTAWA, ONTARIO K1A 0P8
Attention: Ms. Colleen Lapointe -Lavictoire Program Specialties Officer- Designations

To whom it may concern:

RE: Designation under section 188(1)(a) of the Criminal Code

On behalf of the Victoria Police Department, please designate [REDACTED] pursuant to Section 188(1)(a) of the Criminal Code.

[REDACTED]

NAME:

TITLE:

[REDACTED]

[REDACTED]

Should you have any questions regarding this request, please do not hesitate to contact Inspector Keith Lindner at (250) 995-7213.

Yours truly,
KL #31

Inspector Keith Lindner
Designate for Acting Chief Del Manak



Len Goerke

Chief Constable

WEST VANCOUVER POLICE DEPARTMENT

755 16th Street, West Vancouver, BC, V7V-0B8 Tel: 604.925.7300 Fax: [REDACTED] wvpd.ca

s.16(1)(c)

s.19(1)

November 10, 2017

WVPD Admin File #450-4 (FED)

Ms. Colleen Lapointe-Lavictoire
Program Specialities Officer - Designations
Public Safety Canada
269 Laurier Avenue West,
Ottawa, Ontario K1A 0P8

Dear Ms. Colleen Lapointe-Lavictoire:

**Re: Update: (*Federal*) Designations and Revocations
West Vancouver Police Department – October 31, 2017**

In response to your letter received May 30, 2017 concerning West Vancouver Police Department designations pursuant to the Criminal Code of Canada, I am providing the following confirmations and updates:

- The following [REDACTED] of the West Vancouver Police Department remains delegated the authority to request Criminal Code of Canada designations on behalf of the Chief Constable:

[REDACTED]

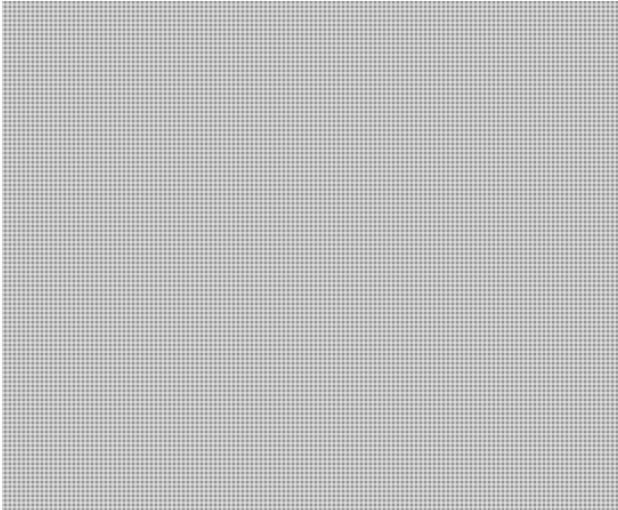
- The following [REDACTED] of the West Vancouver Police Department remain federally designated pursuant to subsections 186 of the Criminal Code of Canada;

[REDACTED]

*Update: (Federal) Designations and Revocations
West Vancouver Police Department – August 26, 2014*

s.16(1)(c)

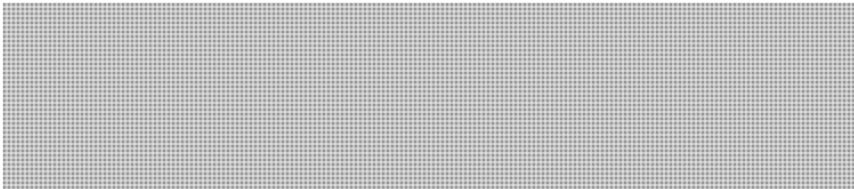
s.19(1)



[Redacted] of the West Vancouver Police Department require federal designations pursuant to subsections 186 of the Criminal Code of Canada;



- As of this date, the following [Redacted] no longer require designation pursuant to section 186 of the Criminal Code of Canada. On behalf of the West Vancouver Police Department, please **revoke/cancel** their designations;



- The following [Redacted] of the West Vancouver Police Department remain as a "Special Designation" pursuant to Section 188:



- The following [Redacted] remain currently designated pursuant to Section 667 of the Criminal Code of Canada:

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s.19(1)



Due to the September move of our Department from 1330 Marine Drive to 755 16th Street, access to original certificates are delayed until 2018.

Thank you for your attention to this matter. Please direct any further inquiries to the undersigned at 604 [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to be 'Shane Barber', with a stylized flourish and the initials 'SB' at the end.

Shane Barber
Deputy Chief Constable

Attachments

WVPD ADMIN File: 450-4 (FED)

VERIFICATION CHECKLIST FOR ELECTRONIC SURVEILLANCE DESIGNATIONS /
LISTE DE CONTRÔLE POUR DÉSIGNATIONS DE SURVEILLANCE ÉLECTRONIQUE

The Community Safety and Countering Crime Branch (CSCCB), Public Safety Canada, has verified that: / Le Secteur de la sécurité communautaire et de la lutte contre le crime (SSCRC), Sécurité publique Canada, a vérifié que:

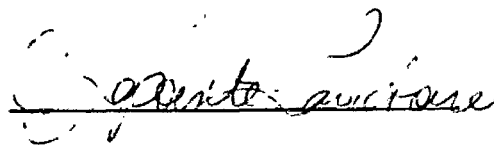
- the request has been submitted by the authorized individual;/ la demande a été soumise par un individu autorisé;
- the individual(s) being proposed for designation would not already possess the designation; and / une désignation n'a pas déjà été accordée à l'individu(s); et
- the designation package (memo and certificate[s]) is prepared accurately and correctly/ le paquet de désignations (note de service et certificat[s]) est préparé correctement et avec précision.

Next Steps Post Approval: / Prochaines étapes après approbation


Upon Deputy Minister/Ministerial approval, CSCCB will: / Une fois que l'approbation du Ministre/Sous-ministre sera reçue, SSCRC fera:

- update its designation database; and / une mise à jour de sa base de données des désignations; et
- forward the certificate[s] to the appropriate official from the requesting police agency / suivre le[s] certificat[s] à l'individu approprié du service de police faisant demande.

Reviewed by: / Revue complétée:




Colleen Lapointe-Lavictoire
Program Specialities Officer - Designations/
Agente des programmes spécialisés – Désignation


Date

Approved by: / Approuvé par:



Kathy Thompson
ADM, CSCCB / SMA, SSCRC


Date

**Pages 11 to / à 28
are withheld pursuant to sections
sont retenues en vertu des articles**

16(1)(c), 19(1)

**of the Access to Information
de la Loi sur l'accès à l'information**



Public Safety Sécurité publique
Canada Canada

s.16(1)(c)

Ottawa, Canada
K1A 0P8

DEC 13 2017

Shane Barber
Deputy Chief Constable
West Vancouver Police Department
755 16th Street
West Vancouver, British Columbia
V7V 0B8

Dear Deputy Chief Constable Barber:

The following is in response to your letter dated November 10, 2017, in which you requested the designation of [REDACTED] from the West Vancouver Police Department pursuant to subsection 186(5) of the *Criminal Code*.

Please find enclosed the designation [REDACTED] signed by the Minister of Public Safety and Emergency Preparedness. Also, I would appreciate being notified in writing each time an individual ceases to require certification for purposes of his or her work with the West Vancouver Police Department so that the designation may be rescinded.

Once again, thank you for your continued assistance in this matter. If you require additional information please feel free to contact me at (613) 991-9932, or Colleen Lapointe-Lavictoire, Program Specialities Officer – Designations at (613) 991-3303.

Yours sincerely,

Rob Daly
A/Director, Firearms and Operational Policing Policy Division
Public Safety Canada

Enclosures: [REDACTED]



Public Safety Sécurité publique
Canada Canada

Ottawa, Canada
K1A 0P8

DEC 13 2017

Del Manak
Chief Constable
Victoria Police Department
850 Caledonia Avenue
Victoria, British Columbia
V8T 5JB

s.16(1)(c)

Dear Chief Constable Manak:

The following is in response to your letters dated October 17, 2017, in which you requested the designation of [REDACTED] from the Victoria Police Department pursuant to subsection 186(5) and paragraph 188(1)(a) of the *Criminal Code*.

Please find enclosed the designation [REDACTED] signed by the Minister of Public Safety and Emergency Preparedness. Also, I would appreciate being notified in writing each time an individual ceases to require certification for purposes of his or her work with the Victoria Police Department so that the designation may be rescinded.

Once again, thank you for your continued assistance in this matter. If you require additional information please feel free to contact me at (613) 991-9932, or Colleen Lapointe-Lavictoire, Program Specialities Officer – Designations at (613) 991-3303.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Daly', with a long horizontal line extending to the right.

Rob Daly
A/Director, Firearms and Operational Policing Policy Division
Public Safety Canada

Enclosures: [REDACTED]



Public Safety / Sécurité publique
Canada / Canada

Community Safety and Countering Crime Branch
Secteur de la sécurité communautaire et de la réduction du crime

REÇU
DU SPM
DEC 07 2017
RECEIVED IN
DMS OFFICE

Routing Slip / Bordereau d'acheminement

CCM File No / No de dossier CCM : PS - 019674

DRAGON / RDIMS / SGDDI : _____

ADM's Quality Control / Contrôle de qualité du cabinet du SMA : _____

Title / Titre : Electronic Surveillance Designations Pursuant to Subsection 186(5) and Paragraph 188(1)(a) of the Criminal Code		<u>ACTION REQUIRED / MESURES À PRENDRE</u>		
Name / Nom	Date	Initials / Initiales	Approval or signature / Approbation ou signature (via)	Information (cc)
Originator / Auteur Colleen Lapointe-Lavictoire	Nov 30 / 17	C. L.	<input type="checkbox"/>	<input type="checkbox"/>
Manager / Gestionnaire			<input type="checkbox"/>	<input type="checkbox"/>
A/Director / Directeur par intérim Rob Daly	Nov 30 / 17	R. D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général			<input type="checkbox"/>	<input type="checkbox"/>
Acting Chief Audit Executive / Dirigeant principal de la vérification par interim Gabrielle Duschner			<input type="checkbox"/>	<input type="checkbox"/>
Director General Communications / Directeur général des communications Jamie Tomlinson			<input type="checkbox"/>	<input type="checkbox"/>
Executive Director & Senior General Counsel LS / Directeur exécutif et Avocat général principal SJ Michael Sousa			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister PACB / Sous-ministre adjoint SAPC Jill Wherrett			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CSCCB / Sous-ministre adjointe SSCRC Kathy Thompson	DEC 01 2017	K. T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief Financial Officer and Assistant Deputy Minister CMB / Dirigeant principal des finances et Sous-ministre adjoint SGM Caroline Weber			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister EMPB / Sous-ministre adjointe SGUP Patrick Tanguy			<input type="checkbox"/>	<input type="checkbox"/>
Senior Assistant Deputy Minister NCSB / Sous-ministre adjointe principale SSCN Monik Beauregard			<input type="checkbox"/>	<input type="checkbox"/>
Associate Deputy Minister / Sous-ministre déléguée Vincent Rigby			<input type="checkbox"/>	<input type="checkbox"/>
Deputy Minister / Sous-ministre Malcolm Brown	DEC 08 2017	M. B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minister / Ministre The Honourable / L'honorable Ralph Goodale			<input checked="" type="checkbox"/>	<input type="checkbox"/>

CONSULTATIONS: Non-applicable / NIL: **X**

If yes, enter details on reverse.