



**2017 ANNUAL REPORT
On the Use of Electronic Surveillance**

Section 195(5) of the *Criminal Code* requires the Attorney General of each province to prepare an annual report relating to the interception of private communications. This information is derived from reports submitted by police agencies in British Columbia between January 1, 2017, and December 31, 2017, and is reported below according to the year that the authorization was obtained, pursuant to section 186 or 188 of the *Criminal Code*; the year that the warrant was obtained, pursuant to section 487.01 of the *Criminal Code*; or the year that the interception occurred, pursuant to section 184.4 of the *Criminal Code*.

Section 195(1) of the *Criminal Code*

The agents and peace officers, specially designated in writing by the Attorney General for the purposes of sections 185 and 188, who applied for authorizations are named in Appendices A and B.

Section 195(2) of the *Criminal Code*

(a) The number of applications made for authorizations:

	2015	2016	2017	Total
s. 185	1	10	14	25
s. 188	0	1	0	1
s. 487.01	1	6	11	18

(b) The number of applications made for renewals of authorizations:

	2015	2016	2017	Total
s. 185	0	0	0	0
s. 487.01	0	0	0	0

(c) The number of authorizations granted:

	2015	2016	2017	Total
s. 185	1	10	14	25
s. 188	0	1	0	1
s. 487.01	1	6	11	18

The number of authorizations granted subject to terms and conditions:

	2015	2016	2017	Total
s. 185	1	10	14	25
s. 188	0	1	0	1
s. 487.01	1	6	11	18

(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 an authorization:

2009	2010	2013	2014	2015	2016	2017	Total
8	3	9	8	3	3	0	34

(ii) an offence other than an offence specified in the authorization, but in respect of which an authorization may be given:

2009	2010	2013	2014	2015	2016	2017	Total
1	0	0	0	0	5	0	6

(iii) an offence in respect of which an authorization may not be given:

2009	2010	2013	2014	2015	2016	2017	Total
0	0	1	3	0	2	0	6

(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, 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, in respect of:

(i) an offence specified in an authorization:

2009	2010	2013	2014	2015	2016	2017	Total
0	0	0	0	0	0	0	0

(ii) an offence other than an offence specified in the authorization, but in respect of which an authorization may be given:

2009	2010	2013	2014	2015	2016	2017	Total
0	0	0	0	0	2	0	2

(iii) an offence in respect of which an authorization may not be given:

2009	2010	2013	2014	2015	2016	2017	Total
0	0	0	0	0	0	0	0

- (f) The average period for which authorizations were given and for which renewals were granted:

	2015	2016	2017	Average
s. 185	60 days	60 days	113 days ¹	60 days
s. 188	n/a	36 hours	n/a	36 hours
s. 487.01	60 days	60 days	105 days ²	60 days

- (g) The number of authorizations that, by virtue of one or more renewals, were valid for more than:

	2015	2016	2017	Total
60 days	0	0	0	0
90 days	0	0	0	0
180 days	0	0	0	0
240 days	0	0	0	0

- (h) The number of notifications given, pursuant to section 196:

Authorization Year	2009	2015	2016	Total
# Notifications	29	13	77	119

Thirty-three of these notification letters were returned to the Ministry of Attorney General, undelivered.

- (i) The offences in respect of which authorizations were given, specifying the number of authorizations given in respect of each of those offences (*Criminal Code* offences, unless otherwise specified):

Offence	2015	2016	2017	Total
201 Keeping gaming or betting house	0	0	3	3
235 Murder	2	2	12	16
239(1)(a.1) Attempt murder (firearm)	0	10	0	10
244(1) Discharge firearm with intent	0	10	0	10
347 Criminal interest rate	0	0	3	3
462.31 Laundering proceeds of crime	0	0	3	3
464 Counselling offence that is not committed	0	0	2	2
465 Conspiracy to commit offence	0	0	2	2
465(1)(a) Conspiracy to commit murder	0	10	0	10

¹ Four authorizations were granted for more than 60 days and three were granted for less than 60 days.

² Three warrants were granted for more than 60 days and three were granted for less than 60 days.

Offence		2015	2016	2017	Total
467.11	Participation in activities of criminal organization	0	0	3	3
467.111	Recruitment of members by a criminal organization	0	5	6	11
467.12	Commission of offence for criminal organization	0	5	9	14
467.13	Instructing commission of offence for criminal organization	0	5	9	14

- (j) A description of all classes of places specified in authorizations and the number of authorizations in which each of those classes of places was specified:

	2015	2016	2017	Total
Permanent residence	0	9	11	20
Temporary residence	0	6	6	12
Commercial premises	0	6	0	6
Vehicle	0	9	11	20
Cellular/Blackberry	0	9	4	13
Other	1	11	7	19

- (k) A general description of the methods of interception involved in each interception under an authorization³:

	2015	2016	2017	Total
Telecommunication	2	14	20	36
Microphone	0	53	38	91
Video	0	17	4	21
Tracking	0	0	2	2
Cellular/Blackberry/Pager	0	112	28	140
Internet/Data	0	0	1	1
Other	0	0	1	1

- (l) The number of persons arrested whose identity became known to a peace officer as a result of an interception under an authorization:

							Total
Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown

³ The number of installations reported for each method of interception.

- (m) The number of criminal proceedings⁴ 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:

2009	2010	2013	2014	2015	2016	2017	Total
0	3	13	18	3	30	0	67

and the number of those proceedings that resulted in a conviction:

2009	2010	2013	2014	2015	2016	2017	Total
1	3	4	3	3	1	0	15

- (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.

2009	2010	2013	2014	2015	2016	2017	Total
3	0	0	3	0	0	0	6

Section 195(2.1) of the *Criminal Code*

- (a) The number of interceptions made pursuant to section 184.4.

2016	2017	Total
69	174	243

- (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.

2016	2017	Total
0	1	1

⁴ Number of charges proceeded.

- (c) The number of persons who were not parties to an intercepted private communication but whose commission or 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.

2016	2017	Total
0	0	0

- (d) The number of notifications given, pursuant to section 196.1.

2016	2017	Total
3	5	8

One of these notification letters was returned to the Ministry of Attorney General, undelivered.

- (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:

Offence	2016	2017	Total
235 Murder	1	0	1
282 Abduction in contravention of order	0	1	1
283 Abduction by parent/guardian	0	1	1
343 Robbery	1	0	1
465(1)(a) Conspiracy to commit murder	1	0	1

- (f) A general description of the methods of interception used for each interception:

	2016	2017	Total
Telecommunication	5	4	9

- (g) The number of persons arrested whose identity became known to a police officer as a result of an interception.

2016	2017	Total
0	0	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.

2016	2017	Total
0	0	0

- (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.

2016	2017	Total
0	0	0

- (j) The duration of each interception⁵ 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.

Investigation	Number of Interceptions	Aggregate Duration of All Interceptions (h:mm:ss)
Investigation A	98	0:7:11
Investigation B	76	6:11:00
Investigation C	69	0:35:16
Investigation D	Details not yet provided	8:30:00
Aggregate duration of all interceptions		15:23:27

Section 195(3)(a) of the *Criminal Code*

- (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.

2016	2017	Total
0	0	0

⁵ See Appendix C

Section 195(3)(b) of the *Criminal Code*

Interception of private communications, pursuant to the provisions of Part VI of the *Criminal Code*, is an essential element for the investigation, detection, prevention and prosecution of offences in Canada. 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 court for an authorization. The application is 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. In certain circumstances, a police officer may intercept private communications without judicial authorization if the interception is immediately necessary to prevent an offence that would cause serious harm to any person or to property, as set out in Part VI of the *Criminal Code*.

Appendix A

Section 195(1)(a) requires that the agents who made application for an authorization pursuant to section 185 of the *Criminal Code* be named in the annual report. They are as follows:

Craig Dykes
Joel Gold
Peter Hogg
Michel Huot
John Labossiere
Kirstin Murphy
Lori Stevens
Craig Yamashiro

Appendix B

Section 195(1)(b) requires that the peace officers who made application for an authorization pursuant to section 188 of the *Criminal Code* be named in the annual report. They are as follows:

Corporal Dylan Emery

Appendix C

Duration of each interception made pursuant to section 184.4:

	Number of interceptions	Duration of each interception
Investigation A	98	Details not yet provided
Investigation B	76	Details not yet provided
Investigation C	69	Details not yet provided
Investigation D	Not yet provided	Details not yet provided