

Criminal Code

Mr. Leggatt: Take out the offences section or narrow it down.

Mr. Fox: In response to some of the comments made in the debate, I should like to point out that a very high standard is required on the part of the Crown in seeking authorizations. I think hon. members opposite make too little of the internal procedures that apply to police forces, the RCMP in particular. For instance, the investigating police officer must satisfy his superiors that the need exists for such an authorization. Secondly, an agent of the Crown must be satisfied, and finally a judge must be convinced by the Crown agent on the basis of affidavits and, under the provisions of this bill, more detailed information than in the original act. The requirement for an annual report to parliament and also on the provincial level forms a part of this accountability process.

What we are trying to do here is to improve the law in so far as it unduly restricted police effectiveness in the fight against crime, and especially organized crime, while maintaining the basic right to privacy of the individual. I believe these amendments accomplish that goal.

I am aware, Mr. Speaker, that some have criticized the electronic surveillance sections of the code and have cited in support of their argument certain figures showing a low total of convictions registered as a result of the use of wiretap evidence. I should like to point out that trials often take some time to conclude after a charge is laid, and that examination of updated figures for earlier years indicates a larger number of convictions than shown by preliminary figures which must be released in January of each year.

Furthermore, this conviction total refers only to cases in which the electronic evidence is used as formal evidence, and therefore does not include the number of charges laid and convictions obtained as a result of wiretaps, but where the wiretap evidence itself is not adduced at trial. Furthermore, such interceptions have uncovered serious offences previously unknown or unreported and have led to the seizure of substantial quantities of illicit narcotics. In other words, the utility of the tool is highly valued in the investigation, detection, prevention and prosecution of offences in Canada.

● (1650)

While I do not like to engage in battles over statistics, I wish to point out that the appropriate annual report to parliament for 1975 showed, under section (1)(i), that criminal proceedings in which a private communication obtained under authorization was adduced in evidence totalled 18. The annual report to parliament for 1976 showed updated figures for 1975 under this section which revealed that the figure had risen to 70. Similarly, under the same section, the 1975 report showed resultant convictions as totalling 18, but when the updated figures for 1975 were published the 1976 figure had risen to 69.

These figures reflect only those prosecutions and convictions made on the use of wiretap evidence produced in court. It is important to realize that many persons arrested as a result of

wiretap information decided to plead guilty when confronted with the wiretap evidence. In such cases, the actual wiretap evidence is not produced in court. Thus, the updated figures for 1976 show, under sections (l) and (m) of my report, that 514 convictions out of 1,492 arrests resulted directly or indirectly from evidence obtained through wiretaps. And, of course, the prosecution of many of those arrested and charged in 1975 is still before the courts. The end result will be an extremely high ratio of conviction to arrest on the basis of evidence collected under the provisions of this law.

However, it is important to realize the strength of the ratio of arrests to authorizations made on the strength of wiretap investigations. The updated figures for 1975 show that 1,492 persons were arrested on the strength of 563 applications for intercept. This ratio, of roughly three to one, is considered by all police jurisdictions to be extremely high.

These statistics indicate several points: first, that where wiretap evidence is produced in court, the resultant conviction rate is almost 100 per cent; second, that the annual reports required by parliament do not reflect action before the courts which at the time of compilation is still incomplete. Accordingly, I think it is necessary to analyse not just one year's report but successive reports in order to fully appreciate the success achieved under this law. Third, wiretap investigations are only taken when other investigative methods seem unlikely to succeed. Thus, wiretaps are used against individuals who might well be free from arrest and prosecution were this means not available. Such persons are normally important members of the criminal community and the convictions reflected in the statistics given represent the apprehension of persons more important than, say, simple burglars. In other words, wiretaps represent a means of getting at some upper echelons of the criminal community in Canada.

There are other benefits—spin-offs, if you like—resulting from investigations carried out under this law. In 1975, for example, the following narcotics seizures were made as a result of wiretap investigations: heroin 27 pounds; cocaine 18 pounds; hashish, 1,335 pounds; liquid hashish 81 pounds and marijuana 2,235 pounds. Similarly, other offences were detected, including murder, fraud, bookmaking, firearms and escape from custody.

I now deal with the dangerous offenders legislation. I sometimes think that the very stringent safeguards which protect individual rights are forgotten in the discussion. We are concerned here with the need to protect society against those very few individuals who pose a serious and continuing threat to the security of the public. This concern was voiced in such reports as that of the Ouimet committee and the committee chaired by Senator Goldenberg, which both recommended replacement of the current sections dealing with habitual and dangerous sexual offenders by dangerous offenders provisions such as those contained in this bill.

That such a need exists would be denied by few, Mr. Speaker. Yet in providing for such a means the bill takes care to surround the dangerous offenders procedure with stringent safeguards aimed at protecting the rights of the individual as