

Government Orders

This decision is important because it limits the police in using not only this technique, but also body packs to help undercover agents deal with suspected criminals.

The second case arose out of a suspected gambling operation. A pin-hole video camera was installed in a hotel room. It produced evidence which allowed police to conduct a raid on illegal gambling activities. The court decided that video surveillance and locale, where there was a reasonable expectation of privacy without prior judicial authorization, was also contrary to the charter.

The court also noted that as there is no explicit statutory authority for video surveillance, Parliament should provide for it.

The third case involved the tailing of a suspected serial murderer by using an electronic tracking device installed in the suspect's car. The suspect was eventually charged with blowing up a \$2 million communications tower based on evidence collected this way.

• (1650)

The court ruled that an unreasonable search and seizure had occurred because police used the tracking device. However, it also indicated that legislation should be drafted to allow judicial or statutory authority to police to engage in these practices when criminal activities are suspected.

The fourth case arose in a trial for conspiracy to import cocaine. Much of the evidence was based on intercepted private communications obtained by the police after receiving various authorizations. During an appeal, the court held that section 7 of the charter entitled an accused to have access to the material used to obtain an authorization. It noted there was a procedural quagmire to establishing this in an orderly fashion. It called on Parliament to eliminate these difficulties through legislative amendment.

As a result of these four cases and the recommendations made by the courts, the Minister of Justice is proposing the following amendments to the Criminal Code: first to provide for a statutory authority for an electronic lifeline to permit police and others in potentially dangerous situations to have their conversations surreptitiously intercepted by backup teams; second to provide for a warrant procedure for police and others to intercept communications with the consent of a partici-

pant to a conversation, to gather evidence or information relevant to suspected criminal activity on reasonable grounds; third, to provide for warrant procedures so the police and other enforcement officials can use video and other surveillance technology such as electronic tracking devices; fourth, to provide protection from civil or criminal liability for individuals assisting in the execution of authorizations or warrants; fifth, to provide for warrants and orders to engage in activities or obtain information or co-operation which would otherwise constitute an unreasonable search or seizure; sixth, to streamline the evidentiary and procedural regime applicable to evidence gathered through electronic surveillance.

[Translation]

The primary purpose of these amendments is to permit the use of technology by police forces in the performance of their duties, but only in a way that does not contravene the Canadian Charter of Rights and Freedoms.

The amendments would have the effect of simplifying the rules of admissibility of evidence. They would also increase the effectiveness of both the police and Crown prosecutors, in accordance with the recommendations of the Supreme Court.

We are talking about the resources police officers need to perform their duties satisfactorily.

[English]

The second amendment included in Bill C-109 is close to my own heart and deals with the issue of cellular radios and personal privacy. Not long ago *The Financial Post* conducted an experiment listening to cellular conversations on an easily obtainable inexpensive scanner. In a brief period of time the *Post* intercepted calls made by stockbrokers, real estate agents, federal bureaucrats, police and others. The subjects varied from the mundane to the illegal, everything from what to serve for dinner to where to conduct a drug transaction.

The *Post* gained access to all kinds of confidential information from personal and corporate finances to intimate personal conversations. When you think about it, the potential for damage if scanned information were to be misused is staggering.