

or facilities involved in each order, (e.g., a home, a jail, a business, a public telephone booth, a hotel, a place of public amusement and resort, a government office); the frequency of interception of incriminating conversations calculated in proportion to the frequency of interception of non-incriminating conversations; the number of arrests resulting from interceptions; the number of convictions resulting from interceptions; the types of crimes charged; the types of crimes for which convictions were obtained; the number of trials in which statements obtained through the interception of communications were sought to be introduced in evidence; the number of trials in which information obtained through the interception of communications was used in any way prior to the trial although no statements were sought to be introduced; similar statistics on hearings governed by the rules of evidence other than criminal trials; the number of prosecutions initiated against federal or provincial agents for unauthorized use of these methods of interception, or unauthorized use or disclosure of information obtained from interception of communications; the number of convictions of federal or provincial agents; the number of times that the responsible Minister has applied to a court for an extension of the period for notification to the person under surveillance; the number of times that such an extension has been granted; the number of persons presently under surveillance who have not been notified; an analysis of all these data; and a general assessment of the importance of the power to order wiretapping and surreptitious electronic device surveillance to the investigation, detection, prevention and prosecution of crime in Canada.

The Committee recommends such a report on the grounds that secrecy in these matters would not only serve no useful purpose, but that it might also seriously affect public confidence in the law enforcement process. Parliament must be informed in order to assess the propriety of the use of the power which it grants, the effectiveness of the safeguards and to maintain vigilance in preventing the erosion of civil liberties. Considering the nature of the power granted in this instance, Parliament must ensure that it is fully informed.

NOTIFICATION TO THE PERSON SUBJECTED TO SURVEILLANCE

The possibility of totally secret surveillance is one of the primary objections to any system of authorized interception of communication. Every person, the interception of whose communications has been authorized according to law, must therefore be informed of that fact within a reasonable period after the termination of the interception.

The Committee recommends that every order authorizing the interception of communications specify that the responsible Minister must notify the person who was the object of the surveillance, in writing, within 90 days of the termination of the interception; and that the fact of notification be certified by the responsible Minister to the Court issuing the authorization order. An exception to this rule should be made in the case of an interception involving espionage or sabotage on behalf of a foreign power, or where the responsible Minister certifies to the judge granting the authorization, prior to the expiration of the 90-day period that the investigation is continuing and the judge is of the opinion that the interests of justice require that a delay of a determinate reasonable length be granted.