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Montreal Police Face a Storm of Criticism Over Surveillance of a Journalist

By IAN AUSTEN

OTTAWA -- Investigators looking into corruption within Montreal's police force for almost six months focused their attention on one of Quebec's most prominent journalists even though he had neither reported on the corruption case nor had any strong connection to it.

Advocates of press freedom expressed alarm about revelations this week that the police had captured calls and text messages to and from an iPhone belonging to the journalist, Patrick Lagacé, a columnist with the Montreal newspaper La Presse, and were given permission to track his movements by using the phone's GPS function.

In response, legal scholars have questioned the legality of the police action, and journalism organizations and politicians have condemned the police monitoring. On Tuesday, the government promised greater protections for journalists.

On Monday, La Presse reported that Mr. Lagacé had been spied on as part of an effort by Montreal's police force to find the source of leaks to news outlets about an internal inquiry into allegations that members of a drugs and street-gang unit had fabricated evidence.

From January to July this year, the police obtained 24 warrants, allowing

them to track Mr. Lagacé's movements by activating the GPS chip on his phone and to record all the numbers associated with texts and calls to and from the device, according to La Presse.

Most of the warrants, the newspaper reported, were approved by Josée De Carufel, a justice of the peace who was previously a criminal prosecutor.

Mr. Lagacé said he believed that the surveillance was prompted by general concern within the police force over leaks to the media by its members rather than by worries that the leaked information about the drugs and street-gang unit might jeopardize the investigation. He added that most of the articles based on the leaks that concerned the police did not appear in La Presse but in a competing newspaper and on a television network owned by the same corporation.

"It's really a witch hunt disguised as a criminal investigation," said Mr. Lagacé, who has written articles critical of the police in the past. "There's a climate of paranoia at the police department and a premium on finding sources. This has led to a stupid decision to spy on a reporter."

Mr. Lagacé said he had heard rumors in recent weeks that he was connected to the police corruption case. That was

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surprising to him because he had never written about it. Then last Thursday, the police revealed their surveillance program to a lawyer for La Presse.

"It seemed too obscene to be true," Mr. Lagacé said. "As a journalist I was really, really, really mad."

A news conference called hastily on Monday by Phillippe Pichet, the city's police chief, only appeared to intensify criticism of the force.

Chief Pichet confirmed that Mr. Lagacé was never the subject of a criminal investigation and repeatedly emphasized that the department had followed all rules governing surveillance.

"The City of Montreal Police Force recognizes freedom of the press," Chief Pichet said. "But, on the other hand, there were criminal allegations against a police officer." While the internal investigation that swept up Mr. Lagacé's phone number led to charges against two police officers, they were not related to the leaking of information to reporters.

"The Montreal police haven't internalized the importance of not looking into journalists," said Jean-François Lisée, the leader of the opposition Parti Québécois in Quebec's legislature and a former journalist at La Presse. "They seem just not to get it."

On Tuesday, Philippe Couillard, the province's premier, said the government would form a three-member committee, including one journalist, to examine police surveillance of reporters. He also said the province would change regulations to make it more difficult for

the police to obtain warrants in cases involving journalists.

In an open letter published on Tuesday, 10 editors from news outlets in Quebec called for tighter rules for warrants and also demanded that the police disclose details about all surveillance operations they had conducted against reporters.

Le Journal de Montréal reported on Monday that three other journalists, including one of its reporters, had been under surveillance by the Montreal police. Chief Pichet said on Tuesday that he was not aware of any other journalists who had been singled out for surveillance.

Many experts said that the extent and duration of the surveillance of Mr. Lagacé appeared to be disproportionate. Mr. Lagacé said he understood that the police sought the warrants only because his name and telephone number were found on a cellphone belonging to one of the officers being investigated.

While there are now widespread calls for stricter laws, Stéphane Beaulac, a professor of constitutional law at the Université de Montréal, said that several court decisions, including one by the Supreme Court of Canada, had long restricted the police's ability to obtain warrants to eavesdrop on journalists.

"It is extremely unlikely that they warranted such a broad scope," he said of the warrants in Mr. Lagacé's case. "This seems to blatantly be a misapplication of the system."

Lawyers for La Presse have asked a court to unseal the applications the police used to obtain those warrants. Mr. Lagacé said he had not had time to

consider whether he would file a lawsuit.

But, he added, if he did sue and was successful "it would be a great day for press freedom."