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*"A well prepared and presented conference. I am leaving with some great resources for future use"*  
RCMP Participant (2009)

## 4th Annual National Symposium on Technology Crime and Electronic Evidence

Get the up-to-the-minute information you need to successfully investigate, prosecute, defend or adjudicate technology and internet crimes, including:

- The newest trends in digital crime and how to combat them
- Search and Seizure issues and answers
- What's new in computer forensics? Cell phones, Smartphones and other gadgets
- The latest procedures and systems to gather, analyze and present electronic evidence
- PIPEDA update
- Disclosure requirements and how to meet them

### Special Guest Speaker

Susan W. Brenner, NCR Distinguished Professor of Law & Technology  
University of Dayton School of Law, Ohio, USA

*"The Fourth Amendment in Cyberspace: Emerging Issues in Digital Search and Seizure under U.S. Law"*

### Chairs

Susheel Gupta, Counsel, Department of Justice, Crimes Against Humanity and War Crimes Section

Steven Johnston, Senior Crown Attorney, Special Prosecutions, Manitoba Justice

Scott K. Fenton, Fenton, Smith Barristers



### DATE & TIME

Saturday, February 20, 2010  
9:00 a.m. - 4:30 p.m. EDT/EST

### LOCATION

Osgoode Professional  
Development Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON

### ENDORSED BY



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## 4th Annual National Symposium on Technology Crime and Electronic Evidence

**Computer crime  
knows no borders or  
boundaries...**

**T**he rapid speed with which technology crime mutates and expands presents a critical challenge to criminal justice systems worldwide and Canada is no exception: where do you draw the legal line between free speech, privacy rights and criminal behaviour in a free world?

If you are a Crown, defence litigator, law enforcement professional, computer/forensic specialist or Judge, it is essential to be on top of the latest developments in this complex, rapidly changing area.

The *Osgoode Professional Development National Symposium on Technology Crime and Electronic Evidence* has developed into a lively national forum in which top players from throughout the criminal justice system share their valuable insights, practices and varied opinions. You'll hear from an expert faculty of top Crown and defence litigators, experienced forensic investigators and special guest speaker, Susan W. Brenner, Distinguished Professor of Law and Technology, University of Dayton School of Law, Dayton, Ohio. A renowned cybercrime scholar, Professor Brenner speaks internationally and writes extensively on cybercrime. She is a member of the U.S. Department of Justice's National Forensic Science Technology Center Digital Evidence Project.

These experts will address key issues such as:

- Disclosure of e-data gathered in a forensic investigation
- How to effectively utilize a project management approach in computer forensic investigation
- Technical and legal key search and seizure developments
- How to prepare and present electronic evidence in Court
- Cybercrime in 2010 and government responses
- How to properly preserve the chain of custody of e-evidence and more

There will be time for your questions after each session. Don't miss this opportunity to consult and learn from experts and your peers.

This event draws a large audience of Crowns, defence lawyers, police, judges, forensic investigators and others. Spaces fill quickly.

**Register now by visiting [www.osgoodepd.ca](http://www.osgoodepd.ca), calling 416.597.9724 or 1.888.923.3394, emailing [opd-registration@osgoode.yorku.ca](mailto:opd-registration@osgoode.yorku.ca) or faxing 416.597.9736.**

### Chairs

**Susheel Gupta**, Counsel, Department of Justice, Crimes Against Humanity and War Crimes Section  
**Steven Johnston**, Senior Crown Attorney, Special Prosecutions, Manitoba Justice  
**Scott K. Fenton**, Fenton, Smith Barristers

### Special Guest Speaker

**Susan W. Brenner**, NCR Distinguished Professor of Law & Technology  
University of Dayton School of Law, Ohio, USA

### Faculty

**Daniel Embury**, Senior Forensic Hardware Engineer, R&D Team Leader, Technical Analysis Team  
Technological Crime Branch, Royal Canadian Mounted Police  
**Michal Fairburn**, Crown Counsel, Crown Law Office- Criminal, Ministry of the Attorney General (Ont.)  
**Philip Fodchuk**, CISSP, CISA, Principal, ForensicWorks Inc. Calgary, AB  
**Stephen McCammon**, Legal Counsel, Office of the Ontario Information and Privacy Commissioner

**8:15 Registration and Continental Breakfast**

**9:00 Welcome and Introduction**

**Susheel Gupta**, Counsel, Department of Justice  
Crimes Against Humanity and War Crimes Section

**9:05 Crime and Technology in 2010: New Issues, Crimes, Criminals, Laws and Challenges**

**Susheel Gupta**, Counsel, Department of Justice  
Crimes Against Humanity and War Crimes Section

Mr. Gupta will describe the evolving landscape and latest threats facing the criminal justice system in the world of crimes involving the use of technology. Learn how many of your cases already have a digital evidence element to them and why you need to be aware of all the relevant issues.

- What is cybercrime in 2010?
- The implementation of new criminal laws
- Why every criminal lawyer needs to be aware of crimes involving the use of technology and digital evidence
- How is technology being used today by criminals to commit crimes and by investigators to build cases and provide evidence?

**10:05 Refreshment Break**

**10:20 Digital Forensics: Cell phones, Smartphones, and other Gadgets**

**Daniel Embury**, Senior Forensic Hardware Engineer  
R&D Team Leader, Technical Analysis Team, Technological  
Crime Branch, Royal Canadian Mounted Police

This presentation will provide participants with an overview of the latest use of items including Smartphones and other electronic gadgets, and the challenges they present to digital forensic analysis. The presentation will address specific issues related to such devices including the manner of the forensic search and the criminal use of BlackBerry devices connected to fully secure/encrypted domestic and offshore servers and the challenges/roadblocks that this presents.

The discussion will also include information about how such devices have become an integral part of the criminal's electronic "footprint" and what types of evidence can be discovered from the forensic analysis of such devices. Finally, it will provide participants with information about the considerations which need to go into presenting such evidence, the possible uses of it (inculpatory and exculpatory) and strategies for approaching this type of evidence.

**12:15 Networking Luncheon**

**1:00 How to Present Evidence and Prove Your Case**

**Scott K. Fenton**, Fenton, Smith Barristers  
**Steven Johnston**, Senior Crown Attorney  
Special Prosecutions, Manitoba Justice  
**Phillip Fodchuk**, CISSP, CISA, Principal  
ForensicWorks Inc. Calgary, AB

- Disclosure: how to present the e-data gathered during the course of an investigation
- Proving the chain of custody of electronic evidence
- The essential elements of an offence
- Where technology offences can occur: access device fraud and more
- Processing the information
- Presenting the evidence at trial

**2:00 Search and Seizure – Part One  
Key Technical Issues**

**Phillip Fodchuk**, CISSP, CISA, Principal  
ForensicWorks Inc. Calgary, AB

The combination of rapidly growing digital storage capacities and the amount of data being stored by users raises many challenges which will be addressed in this session, including:

- What is the current legal environment surrounding potential over-seizure allegations?
- How to best address the ability to search data in a rapidly growing and changing environment?
- Current legal issues surrounding computer forensic methodologies
- What are legal counsel looking for today when a computer forensic report is material to the case?
- How has the evolution of computer forensics in investigations affected the investigators, counsel and the courts?
- Exculpatory evidence

**3:00 Refreshment Break**

**3:15 Search and Seizure – Part Two  
Key Legal Issues**

**Scott K. Fenton**, Fenton, Smith Barristers  
**Michal Fairburn**, Crown Counsel, Crown Law Office–  
Criminal, Ministry of the Attorney General (Ont.)  
**Steven Johnston**, Senior Crown Attorney  
Special Prosecutions, Manitoba Justice  
**Stephen McCammon**, Legal Counsel, Office of the  
Ontario Information and Privacy Commissioner

- How do *R. v. Grant*, 2009 SCC 32, and *R. v. Patrick*, 2009 SCC 17 impact on electronic evidence and reciprocal privacy policies?
- *Personal Information Protection and Electronic Documents Act* (PIPEDA) update
- Search incident to arrest
- Tower searches and the seizure of electronic devices

**11:20 Special Guest Speaker**

**Susan W. Brenner**, NCR Distinguished Professor of Law &  
Technology, University of Dayton School of Law, Ohio, USA

*"The Fourth Amendment in Cyberspace: Emerging  
Issues in Digital Search and Seizure under U.S. Law"*

## Agenda [Cont'd]

### 4:15 Round-Up and Open Forum

**Susheel Gupta**, Counsel, Department of Justice  
Crimes Against Humanity and War Crimes Section

**Steven Johnston**, Senior Crown Attorney  
Special Prosecutions, Manitoba Justice

**Phillip Fodchuk**, CISSP, CISA, Principal  
ForensicWorks Inc. Calgary, AB

**Daniel Embury**, Senior Forensic Hardware Engineer  
R&D Team Leader, Technical Analysis Team  
Technological Crime Branch, Royal Canadian  
Mounted Police

The faculty will identify, examine and explain other developments in the law of technology crime and electronic evidence and how these changes will impact on the investigation, prosecution and defence of criminal cases. Topics covered will include sentencing practices and other "hot off the press" issues and the focus will be on practical tips and techniques.

### 4:45 Program Concludes

*"Excellent presentations with some very good and informative content"*

**Public Prosecution Service  
of Canada (2009)**

## Registration

Register me for:  Technology Crime and Electronic Evidence

I will attend:  On site  Via webcast - single viewer

I am unable to attend. Please send me information about ordering program materials.

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### Fee Per Delegate

\$450 plus 5% GST for a total of \$472.50.

Fees include attendance, program materials, continental breakfast, lunch, and break refreshments.

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### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

### Date & Time

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Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

### Location

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