

# 10<sup>TH</sup> NATIONAL SYMPOSIUM ON TECH CRIME AND ELECTRONIC EVIDENCE

Join the top experts on key and current issues in technology and internet crimes and e-evidence. Topics include:

- How to deal with cloud data storage and private social media content off-device
- Top 2017 investigation and drafting issues in electronic evidence cases
- Meeting the unique challenges in white-collar crime investigations
- Authenticating social media evidence
- Search and Seizure – the latest “need to know” legal developments
- Effective approaches in conducting cross-border electronic searches
- Strategies in dealing with commercial service providers, customer privacy rights, and locked smartphones

Register today at:

[osgoodepd.ca/techcrime](http://osgoodepd.ca/techcrime)

## Program Chairs:

**Susheel Gupta**, Vice-Chairperson,  
Canadian Human Rights Tribunal,  
(on leave from the Public  
Prosecution Service of Canada)

**Steven Johnston**, Crown  
Prosecutor, Special Prosecutions  
Branch, Alberta Justice

**Scott K. Fenton**, Fenton, Smith  
Barristers

## Keynote Speaker:

**Alan Butler**, Senior Counsel,  
Electronic Privacy Information  
Center, (EPIC), Washington, D.C.

## Program Details:

DATE AND TIME:

**January 27, 2017**

**9:00 a.m. – 4:30 p.m. EST**

**In Person or Webcast**

LOCATION

**Osgoode Professional  
Development**

1 Dundas St. West, 26th Floor  
Toronto, ON

# 10<sup>TH</sup> NATIONAL SYMPOSIUM ON Tech Crime and Electronic Evidence

Rapidly changing and pervasive technology continues to provide a gold mine of opportunity, mobility and anonymity for criminals. Combined with the expanding world of e-forensics, secret surveillance systems and massive cyber-attacks, the result is a complex and ever changing set of challenges for professionals working in the criminal justice system.

If you are a lawyer, law enforcement professional, regulatory investigator, computer forensic specialist, or judge, it is critical that you are on top of the latest and emerging issues, best approaches and have a firm grounding in the current law.

Now in its 10th year, this national forum once again brings together a top faculty who will equip you with the knowledge and strategies you need to tackle the complex issues involved in tech crime and e-evidence, including:

- Effectively using international co-operation in online investigations
- Ensuring your mobile evidence will stand up in court
- Identifying issues related to compelled documents from regulatory and criminal computer searches
- Application of the *Canada Evidence Act* and section 487(2.1) of the *Criminal Code* to social media
- Developing an effective search strategy for e-evidence from the initial search to the presentation of evidence in court
- Knowing the limits of “plain view” in the computer search context
- Continued developments in major decisions dealing with stored communications and landed text messages in cell phone searches

**Don't miss this opportunity to have your questions answered and to learn, discuss and debate with the experts and your peers.**

## Who Should Attend?

Law enforcement professionals, crown and defence lawyers, tech company legal advisors, regulatory investigators, computer forensic specialists, judges

## Agenda

**8:15**

**Registration and Continental Breakfast**

**9:00**

**Welcome, Introduction and Overview**

**Susheel Gupta**, Vice-Chairperson,  
Canadian Human Rights Tribunal,  
(on leave from the Public Prosecution  
Service of Canada)

**9:15**

**Top 2017 Investigation and Drafting  
Issues in Cases Involving Electronic  
Evidence**

**Gerald Chan**, Stockwoods LLP

**Susan Magotiaux**, Counsel, Ministry of  
the Attorney General (Ontario), Crown  
Law Office - Criminal

**Sgt. David Cobey**, Legal Application  
Support Team, RCMP

- Critical warrant drafting challenges in searching for electronic evidence
- Drafting in anticipation of possible live acquisition
- Co-coordinating and supervising large scale, multiple jurisdiction search cases
- Cross-border electronic search and seizure cases
- Developing a search strategy for electronic evidence from the search to the presentation of the case in Court

**10:30**

**Refreshment Break**

**10:45**

**White Collar Crime; Current Issues and  
Special Challenges**

**David M. Porter**, McCarthy Tétrault LLP

**Steven Johnston**, Crown Prosecutor,  
Special Prosecutions Branch, Alberta Justice

**Andrew Fish**, Team Leader, Criminal Investigations Division, Canada Revenue Agency

- Effectively organizing and dealing with the vast scope of documents in white collar crime investigations
- Identifying issues related to compelled documents from computer searches
- Meeting challenges relating to the reasonable expectation of privacy of agents
- Searches of servers for corporations
- Managing solicitor client privilege on servers

**11:45**

**Lunch**

**12:30**

**Keynote Address:  
Surveillance, Transparency, and the Rule of Law: Towards Surveillance Oversight**

**Alan Butler**, Senior Counsel, Electronic Privacy Information Center, (EPIC), Washington, D.C.

Law enforcement agencies in the US and abroad are becoming increasingly reliant on new surveillance technologies to conduct investigations. But law enforcement agencies have been reluctant to publicly acknowledge the development and use of these new technologies (including StingRays, hacking techniques, predictive algorithms, and license plate readers). The lack of transparency has stunted the development of appropriate legal frameworks for new surveillance methods. Going forward, oversight of these new methods will be impossible without adequate transparency.

**1:15**

**Admissibility of Evidence from Social Media; What are the legal and ethical limits?**

**The Hon. Justice Frances Kiteley**,  
Ontario Superior Court of Justice

**Cst. Christopher MacDonald**, Investigator,  
Peel Regional Police, Child Exploitation Unit

**Scott K. Fenton**, Fenton, Smith Barristers

**Steven Johnston**, Crown Prosecutor,  
Special Prosecutions Branch, Alberta Justice

The pervasive nature of social media means that it is a potential goldmine in terms of evidence. But its use in criminal and regulatory proceedings gives rise to issues of admissibility as well as ethical and procedural issues.

- Application of Canada Evidence Act and section 487(2.1) of the *Criminal Code* to social media
- Authenticating social media evidence; getting the full story for the Court
- Ethical issues relating to witnesses and their social media presence
- Ethical implications of access to the State of shared social media accounts

**2:15**

**Search and Seizure : The Forensics Bolstering Your Chances of Success with Solid Judicial Authorizations for Cutting-Edge Solutions**

**Daniel Embury**, Technical Director,  
Cellebrite Advanced Investigative Services

**Cst. Frank Dudas**, RCMP, Technological Crime Section

With continued fears of “going dark” due to encrypted communications and locked smartphones, it is imperative to build the foundation for a successful investigation at the outset to maximize technology investments and respect privacy rights within Canada when dealing with

- Cloud data storage and private social media content off-device
- Third party encrypted messaging applications (WhatsApp, Telegram, Wickr, etc.)
- Offshore servers facilitating PGP-encrypted communications
- Locked smartphones requiring unlocking by commercial service providers

**3:00**

**Refreshment Break**

**3:15**

**Search and Seizure: The Law Latest Cases, Practical Implications and Hot Button Issues**

**Susheel Gupta**, Vice-Chairperson,  
Canadian Human Rights Tribunal,  
(on leave from the Public Prosecution Service of Canada) Moderator

**Scott K. Fenton**, Fenton, Smith Barristers

**Randy Schwartz**, Deputy Director,  
Prosecution Support, Ministry of the Attorney General (Ontario), Crown Law Office - Criminal

- Continuing developments post *R. v. Vu*, and *R. v. Telus*, dealing with stored communications and landed text messages in cell phone searches
- Impact of *R. v. Fearon* as it relates to search of data incident to arrest on cell phones, and *USA v. Wurie* Docket No. 13-212
- *R. v. Spencer*; Implications for law enforcement and courts
- The limits of “plain view” in the computer search context
- “Big data” and privacy

**4:30**

**Closing Remarks and Program Concludes**

**Our participants say it best:**

“Great program and speakers. I really appreciated their varied perspectives and lively interaction on topical issues”  
Law Enforcement Investigator

“An excellent and practical review of the latest cases and new technologies”  
Crown Attorney

## Faculty Includes

**Gerald Chan**, Stockwoods LLP

**Sgt. David Cobey**, Legal Application Support Team, RCMP

**Cst. Frank Dudas**, RCMP, Legal Application Support Team

**Daniel Embury**, Technical Director, Cellebrite Advanced Investigative Services

**Andrew Fish**, Team Leader, Criminal Investigations Division, Canada Revenue Agency

**The Hon. Justice Frances Kiteley**, Ontario Superior Court of Justice

**Cst. Christopher MacDonald**, Investigator, Peel Regional Police, Child Exploitation Unit

**Susan Magotiaux**, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office- Criminal

**David M. Porter**, McCarthy Tétrault LLP

**Randy Schwartz**, Deputy Director, Prosecution Support, Ministry of the Attorney General (Ontario), Crown Law Office-Criminal

## Keynote Speaker



### Alan Butler

Senior Counsel, Electronic Privacy Information Center, (EPIC), Washington, D.C.

## Registration Details

### Fee per Delegate

**\$495 plus HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/groupdiscounts](http://www.osgoodepd.ca/groupdiscounts) for details. Please inquire about financial assistance.

### 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 is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.



Eligible CPD/MCLE Hours: LSUC (ON): 7.0 (1.75 Professionalism; 5.25 Substantive).

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca)



[osgoodepd.ca](http://osgoodepd.ca)

**Osgoode Professional Development**



416.597.9724

**1 Dundas Street West, Suite 2600**



@OsgoodePD

**Toronto, ON Canada M5G 1Z3**



## 4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

[osgoodepd.ca/techcrime](http://osgoodepd.ca/techcrime)