



# 13<sup>TH</sup> ANNUAL INTENSIVE COURSE ON **DRAFTING AND REVIEWING SEARCH WARRANTS**

The **essential** course for anyone whose work involves search warrants

Leading experts will provide you with practical advice and a comprehensive and up to date understanding of the key issues. Topics include:

- Computer, tech and media searches; meeting the latest challenges
- Anonymous sources; strategies for effectively using and attacking this evidence
- Need to know on Sealing Orders, body cameras and media searches
- Critical case law update
- Tips and traps on giving affiant testimony
- Practical issues and effective responses in the Warrant process

Register today at:

[osgoodepd.ca/warrants](https://osgoodepd.ca/warrants)

## Program Chairs

**Scott C. Hutchison**, Partner,  
Henein Hutchison LLP

**Fraser M. Kelly**, General Counsel,  
Ministry of the Attorney General  
(Ontario)

## Date and Time

**Monday, March 2, 2020**  
**9:00 a.m. - 5:00 p.m. EST**  
**In Person or Webcast**

**Optional Workshop**  
**(for Day One registrants only):**  
**Tuesday, March 3, 2020**  
**9:00 a.m. - 1:00 p.m. EST**  
**In Person**

## Location

**Osgoode Professional  
Development**  
1 Dundas St. West, 26th Floor  
Toronto, ON

# 13<sup>TH</sup> ANNUAL INTENSIVE COURSE ON Drafting and Reviewing Search Warrants

Search warrants are powerful tools that can make or break your case. Recent court decisions continue to make apparent the importance of clear, accurate and complete Search Warrant Applications and the potential dire consequences of deficient drafting.

At this **comprehensive** *OsgoodePD* program, you will get the knowledge and skills you need to draft a wide variety of search warrants with clarity and certainty, to review and revise warrants, and to identify and develop strategies for defending or attacking them. You'll hear from our expert faculty on:

- Strategies for dealing effectively with common problems in the warrant process from a cross-discipline panel
- Hot issues with computer and technology searches
- Warrant writing and reviewing 101; a great primer for even very experienced writers
- Using informers and tipsters; special challenges for the writer and common problems with affidavits
- Testifying as the Warrant affiant; review of cross-examination tactics and common witness shortcomings

**Make sure you can put your day one learning into practice! Don't miss the Optional Warrant Drafting Workshop (exclusively for day one registrants).**

You'll draft and review portions of a warrant based on a crime fact scenario (**Note: advanced preparation is required**). This course fills up quickly.

## Who Should Attend

Law enforcement officers, Regulatory investigators, Crown Attorneys, Defence lawyers, Judges

## Agenda

Monday, March 2, 2020

**8:15 a.m.**  
**Registration**

**9:00 a.m.**

**Welcome and Introduction from the Chairs**

**9:05 a.m.**

**Foundation Principles of Search and Seizure**

**Scott C. Hutchison**, Partner, Henein Hutchison LLP

This opening session will give you comprehensive and up-to-date coverage of the organizing principles governing search and seizure, including:

- Reasonable expectations of privacy
- The role of the issuing justice
- Reasonable grounds for belief or suspicion

**10:00 a.m.**

**Warrant Writing and Reviewing 101 – Part 1**

**Fraser M. Kelly**, General Counsel, Ministry of the Attorney General (Ontario)

Taking you through examples, Fraser Kelly will address the fundamentals of warrant drafting and reviewing, including:

- Analyzing fact situations, spotting issues and developing investigative strategies to acquire evidence

- Reviewing fact situations to identify issues with sourcing and confidential information
- Analyzing and drafting outlines for complex fact patterns
- Writing to the section and three question writing

**10:30 a.m.**

**Refreshment Break**

**10:45 a.m.**

**Warrant Writing and Reviewing Continued – Part 2**

**11:15 a.m.**

**Latest Hot Issues in Computer and Related Technology Searches**

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

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

Searching computers and tech devices on site or seizing them for later examination both pose unique challenges to investigators, issuers, reviewers and litigators. The Supreme Court of Canada's decisions in *Vu*, *Telus Communications Co.*, *Fearon*, *Spencer*, *Marakah*, *Reeves* and *John* (2018 ONCA) make this a particularly dynamic area of search warrant law. These speakers will address some of the critical and novel issues associated with searching technological devices including

- obtaining assistance orders for passwords
- the impact of *R. v. Mills* (2019, SCC) on undercover online investigations

You will get expert guidance on some of the tools and techniques you need to respond to these challenges.

**12:15 p.m.**

**Networking Luncheon**

**Register today at:**

[osgoodepd.ca/warrants](https://osgoodepd.ca/warrants)

1:00 p.m.

### Informers and Tipsters: Current Challenges and Strategies for Using Anonymous Sources

**Vincent Paris**, General Counsel,  
Ministry of the Attorney General (Ontario),  
Guns and Gangs Unit

**Mark Sandler**, Cooper, Sandler, Shime &  
Bergman LLP

**Inspector Joe Matthews**, Toronto Police Service

The investigation of crime or regulatory misconduct often involves the use of information from anonymous or confidential sources – tipsters and informers. This multi-disciplinary panel will examine some of the challenges and common problems with affidavits relying on information from confidential sources including the impact of *R. v. Crevier*, 2015 ONCA 619

2:00 p.m.

### Gathering Evidence from Across Borders: Bridges and Barriers

**Ami Kotler**, Crown Attorney,  
Criminal Prosecutions, Manitoba Justice

Provincial and international borders pose significant jurisdictional challenges in both obtaining and executing search warrants. The jurisdictional breadth of *Criminal Code* production orders can engage international conflict of law issues. This can be particularly challenging in relation to social media evidence, often collected and stored by multinational companies with whom many Canadians interact. Crown Attorney Kotler will address some of the key issues shaping these issues including

- Recent Bill C-75 amendments to backing requirements for extra-provincial execution of search warrants.
- What do production orders permit and against whom?
- Advantages and disadvantages of using treaty provisions
- The types of data that is most likely to raise litigation
- Some of the drafting challenges to writers attempting to obtain data stored abroad

2:45 p.m.

Refreshment Break

3:00 p.m.

### Affiant Testimony; Potentially the Strongest or Weakest link

**Michelle Rumble**, Assistant Crown Attorney,  
Ministry of the Attorney General (Ontario)

Rarely are Affidavits to Obtain error free. The Affiant can be required to testify about what he or she has written and that testimony can make or break the case.

In this session experienced Crown Michelle Rumble will

- review frequently used cross-examination tactics
- identify common shortcomings
- provide guidance on responsible witness preparation within ethical limits

3:45 p.m.

### Practical Issues in the Warrant Process: Special Cross-Discipline Panel Discussion

**The Honourable Justice Gerri Wong**,  
Ontario Court of Justice

**Brian G. Puddington**, Senior Counsel,  
Public Prosecution Service of Canada

**Jeffrey Milligan**, Barrister

**Jon Paine**, Detective Constable,  
Major Crimes Section, London Police Service

Learn about the perils and pitfalls of search warrants from what's sure to be a lively and interactive discussion by an expert panel, followed by Q and A.

5:00 p.m.

Day One concludes

## Optional Warrant Drafting Workshop

Tuesday, March 3, 2020 (On-site only)

8:30 a.m.

Registration

9:00 a.m. – 1:00 p.m.

### Warrant Drafting Workshop

Workshop Leader: **Fraser M. Kelly**

In this learn-by-doing workshop, participants in small groups will review and analyze selected portions of search warrants. Prior to the workshop, participants will review a crime fact pattern and the ancillary documents needed to draft an Information To Obtain and will submit drafting exercises for pre-review and selection by the workshop leader. At the workshop, samples of selected exercises will be reviewed and critiqued and will form the basis for discussion.

Our workshop leader, with years of search warrant drafting (and attacking) experience, will teach you:

- Warrant writing strategies
- How to organize and outline complex Informations To Obtain
- How to identify and develop cross-examination strategies

**Note: Participants will be required to submit a brief written assignment one week prior to the workshop. All submissions will be anonymous.**

There will be a 15 minute break during the workshop.

*“The presentations were excellent. Some of the best I have heard.”*

Police Officer

*“I appreciated the mix of legal concepts dovetailing with pragmatic advice.”*

Regulatory Investigator

*“Great program. I learned far more than I ever thought I would.”*

Police Officer

*“An excellent mix of what police officers need to know to draft ITO's and what counsel need to know to review them.”*

Crown Attorney

## Chairs

**Scott C. Hutchison**

Partner, Henein Hutchison LLP

**Fraser M. Kelly**

General Counsel, Ministry of the Attorney General (Ontario)

## Faculty Includes

**Matthew Asma**

Crown Counsel, Crown Law Office – Criminal, Ministry of the Attorney General (Ontario)

**Katie Doherty**

Crown Counsel, Crown Law Office – Criminal, Ministry of the Attorney General (Ontario)

**Ami Kotler**

Crown Attorney, Criminal Prosecutions, Manitoba Justice

**Inspector Joe Matthews**

Officer in Charge of the Integrated Gun and Gang Task Force, Organized Crime Enforcement Unit, Toronto Police Service

**Jeffrey Milligan**

Barrister

**Detective Constable Jon Paine**

Major Crimes Section, London Police Service

**Vincent Paris**

General Counsel, Ministry of the Attorney General (Ontario), Guns and Gangs Unit

**Brian Puddington**

Senior Counsel, Public Prosecution Service of Canada

**Michelle Rumble**

Assistant Crown Attorney, Ministry of the Attorney General (Ontario)

**Mark J. Sandler**

Cooper, Sandler, Shime & Bergman LLP

**The Hon. Justice Gerri Wong**

Ontario Court of Justice

## Registration Details

**Fee per Delegate**

**Day One Program Only: \$525 plus HST**

**Day One Program plus Workshop: \$695 plus HST**

**Newly Licensed (2017 – present): \$347.50 plus HST**

**for Course and Workshop (for Day One registrants only)**

**Group Discount:** Register 4 members of the same organization at the same time and receive 25% off each registration fee!

Fees include attendance, program materials, lunch and break refreshments. Group discounts are available.

Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) 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 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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

**Eligible CPD Hours -**

**Program:**

LSO (ON): 7h 10m CPD (6h 10m Substantive; 1h Professionalism)

**Workshop:**

LSO (ON): 4h CPD (2h 30m Substantive; 1h 30m Professionalism)

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



**osgoodepd.ca**

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