

16TH NATIONAL SYMPOSIUM ON SEARCH AND SEIZURE LAW IN CANADA

Join a faculty of leading experts for incisive analysis and lively discussion of current, critical issues, including:

- Hi-Tech device searches; current and emerging legal issues
- Child exploitation offences; legal and practical special investigative issues
- How to build winning *Charter Section 24(2)* strategies in search cases
- Sealing Orders; getting them and getting rid of them
- Update on Criminal Code Part V1; reach of Production and other orders, texting, *R. v. Jones*, *R. v. Marakah*

PLUS! Keynote Address

Andrea Wood, Chief Legal Officer, TELUS

"Defining Reasonable in the Digital Age: A View from the Front Lines."

Register today at:

osgoodepd.ca/search-and-seizure

Program Chairs

Scott C. Hutchison
Henein Hutchison LLP

Scott K. Fenton
Fenton, Smith Barristers

Lesley Ruzicka
Crown Counsel, Criminal Appeals
and Special Prosecutions
(Prosecution Support), B.C.
Prosecution Service, Ministry of
the Attorney General

Date and Time

December 6, 2018
9:00 a.m. – 4:30 p.m. PDT
In Person

Online Replay: January 31, 2019

Location

Simon Fraser University
Segal Building,
Event Rooms 1200-1500
500 Granville Street,
Vancouver, BC

16TH NATIONAL SYMPOSIUM ON Search and Seizure Law in Canada

Lawyers, law enforcement officers, regulatory investigators and courts continue to grapple with novel and challenging issues in the law of Search and Seizure especially presented by the intersection between privacy, emerging new technologies and the *Charter*.

This 16th National one day intensive program on the law of Search and Seizure in Canada will give you practical tactics and useful tips from prominent experts.

Topics Include

- Meeting the increasing challenges involving child exploitation offences
- Newest frontiers in search and seizure; latest investigative mechanisms, privacy rights and legal issues
- Knowing when and how to use Sealing Orders effectively
- Building winning *Section 24 (2)* strategies in search cases and integrating it into *Section 8* strategies
- Drill down on Part VI of the *Criminal Code*
- Utilizing General Warrants in investigations; risks, rewards and limits

Who Should Attend?

- Law Enforcement officers
- Regulatory investigators
- Crown and defence lawyers
- Judges

“Interesting topics and excellent speakers and panelists. A well organized and presented program. I appreciate the mixed Crown, defence and investigator perspectives.”

Regulatory Investigator

“A combination of practical advice & cases analyses – a great balance and a great conference.”

Law Enforcement Officer

Register today at:

osgoodepd.ca/search-and-seizure

Agenda

8:00 a.m.

Registration

9:00 a.m.

Welcome and Introduction from the Chairs

9:05 a.m.

Stingrays and other Novel Searching Devices: Current and Emerging Legal Issues

Peter Hogg, Crown Counsel, B.C. Prosecution Service, Ministry of the Attorney General

Gloria M. Ng, Defence Counsel, Winright Law Corporation

The information technology revolution continues to test law enforcement and the Courts. In addition to litigation battles between prosecutors and accused, major technology and telecommunications companies are taking up the cause of customer privacy. Senior counsel will discuss:

- State of the ongoing evolution of the law
- Emerging issues and their practical implications

9:50 a.m.

Child Exploitation Offences

The Honourable Judge James Sutherland, Provincial Court of British Columbia (Moderator)

Donald Montrichard, Crown Counsel, B.C. Prosecution Service, Ministry of the Attorney General

Brock Martland, Defence Counsel, Martland & Saulnier

The exploitation of children over the internet (including child pornography, luring, sexual exploitation, and invitation to sexual touching) presents special challenges to those involved in investigations and prosecutions. These experienced speakers will discuss the latest cases, their practical implications, and the increased demands on police, generally, to access judicial authorization. Topics will include

- Recurring investigative issues;
- Third party consents and the *Charter*.
- Issues arising from investigations by non-state third party actors

10:35 a.m.

Refreshment Break

10:50 a.m.

General Warrants

Scott K. Fenton, Defence Counsel, Fenton Smith Barristers

Michelle Booker, Crown Counsel, B.C. Prosecution Service, Ministry of the Attorney General

Sgt. David Bell-Irving, Legal Application Support Team, RCMP

A discussion of the rules, risks and rewards respecting the use of General Warrants.

General Warrants are only available when a form of search is intended, and no other statutory form of judicial prior authorization is available:

- When can and should they be employed? When can they not? What are the limits?
- Can judges authorize forms of search not previously sanctioned by Parliament and the Courts?

11:30 a.m.

Part VI of the *Criminal Code*; Latest Developments

Scott C. Hutchison, Defence Counsel, Henein Hutchison LLP

Daniel M. Scanlan, Crown Counsel, Criminal Appeals and Special Prosecutions, B.C. Prosecution Service, Ministry of the Attorney General

These speakers will review the latest developments in this fast-moving area including a discussion on the reach of Production and other Orders and the impact of S.C.C. decisions *R. v. Jones*, *R. v. Marakah* and *British Columbia (Attorney General) v. Brecknell*, 2018 BCCA 5).

12:15 p.m.

Luncheon

12:45 p.m.

Keynote Address

Defining Reasonableness in the Digital Age: A View from the Front Lines

Andrea Wood
Chief Legal Officer, TELUS



1:15 p.m.

Back to Basics: Bringing and Responding to Charter Motions for the Exclusion of Evidence

Lesley Ruzicka, Crown Counsel, Criminal Appeals and Special Prosecutions, B.C. Prosecution Service, Ministry of the Attorney General

Eric V. Gottardi, Defence Counsel, Peck and Company, Barristers

These experienced Crown and defence lawyers will review practice points for effectively advancing and responding to *Charter* applications for the exclusion of evidence. They will also canvas recent legal developments with respect to

- procedure
- standing; and
- ss. 24(1) and 24(2) of the *Charter*.

1:45 p.m.

Policing, Privacy and Racialized Communities

Tony Paisana, Defence Counsel, Peck and Company, Barristers

Scott C. Hutchison, Defence Counsel, Henein Hutchison LLP

S/Sgt. Phil Heard, Vancouver Police Department

Law enforcement agencies across the country are struggling to ensure that policing practices operate free of discrimination. Courts are recognizing the role of race in policing and the need to ensure s.8 operates in an even-handed manner. This panel canvasses the legal and policy issues related to these concerns.

2:30 p.m.

Refreshment Break

2:45 p.m.

Sealing Orders: How to get Them; How to get Rid of Them

Scott K. Fenton, Defence Counsel, Fenton Smith Barristers

Sharon Steele, Senior Counsel, Public Prosecution Service of Canada

The presumption in Canadian law is that all judicial proceedings shall be open to the public to enhance the transparency and accountability of law enforcement and all court proceedings. But there are exceptions.

• What are the principles and procedures relevant to law enforcement seeking sealing orders respecting search warrants and other forms of judicial authorization in order to protect identifiable interests?

• Principles and procedures for challenging sealing orders and seeking to set them aside.

3:15 p.m.

Media Searches and Journalistic Privilege

Lesley Ruzicka, Crown Counsel, Criminal Appeals and Special Prosecutions, B.C. Prosecution Service, Ministry of the Attorney General

Daniel W. Burnett, Q.C., Owen Bird Law Corporation

This session will address the amendments to the *Criminal Code* and the *Canada Evidence Act* introduced by Bill S-231, *An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources)*. Topics will include:

- What is journalist source privilege?
- What procedure must be followed when the police apply for warrants, authorizations or orders for material held by the media or which may be the subject of journalist source privilege?
- In what circumstances will the media intervene on the application to oppose disclosure of material seized pursuant to a warrant, authorization or order?

4:00 p.m.

Roundtable Q & A

A symposium tradition, panelists from throughout the day will return to answer your questions and identify themes discussed during their presentations.

4:30 p.m.

Program Concludes

“The topics discussed were explored in depth and well explained. Super Faculty!”

“I wish I had taken this program earlier in my career. It is very valuable.”

Chairs

Scott C. Hutchison, Henein Hutchison LLP

Scott K. Fenton, Fenton, Smith Barristers

Lesley Ruzicka, Crown Counsel, Criminal Appeals and Special Prosecutions (Prosecution Support), B.C. Prosecution Service, Ministry of the Attorney General

Keynote Speaker

Andrea Wood, Chief Legal Officer, TELUS



Faculty Includes

Sgt. David Bell-Irving, Legal Application Support Team, RCMP

Michelle Booker, Crown Counsel, B.C. Prosecution Service, Ministry of the Attorney General

Daniel W. Burnett, Q.C., Owen Bird Law Corporation

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Sharon Steele, Senior Counsel, Public Prosecution Service of Canada

The Honourable Judge James Sutherland, Provincial Court of British Columbia

Registration Details

Fee per Delegate

Early Bird Pricing (until September 30, 2018)

\$495 plus HST

Regular Price: \$545 plus HST

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

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



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16th National Symposium on Search and Seizure Law in Canada

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