

10TH 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:

- Warrant issues relating to black-boxes, drones, mobile device identifiers and the use of undercover surveillance software
- Computer and tech searches; meeting the latest challenges
- General Warrants: unique opportunities
- Anonymous sources; strategies for effectively using and attacking this evidence
- Critical update on the latest need to know cases and new legislation
- Warrant writing and reviewing 101 (a great primer for even the most experienced)

Register today at:

osgoodepd.ca/warrants

Program Chairs:

Scott C. Hutchison, Partner
Henein Hutchison LLP

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

Program Details:

DATE AND TIME:

Thursday, March 2, 2017

9:00 a.m. - 4:45 p.m. EST

In Person or Webcast

Online Replay: April 21, 2017

Optional Workshop

(for Day One registrants only)

Friday, March 3, 2017

9:00 a.m. – 1:00 p.m.

In Person

LOCATION

**Osgoode Professional
Development**

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



10TH ANNUAL INTENSIVE COURSE ON Drafting and Reviewing Search Warrants

Search Warrants are powerful tools that can make or break your case. Recent court decisions and pending legislation continue to make apparent the importance of clear, accurate and complete Search Warrant Applications.

This comprehensive OsgoodePD program will provide you with the knowledge and skills you need to draft a wide variety of search warrants with clarity and certainty; to review and revise warrants, and identify and develop strategies for defending/attacking them.

You'll hear from our expert faculty of top Crowns, defence litigators and experienced police officers on:

- Meeting the novel challenges facing warrant writers in this high tech age
- Latest cases and hot issues involving computer and related tech searches
- How to navigate the complexities of General Warrants;
- Using informers and tipsters; special challenges for the writer and common problems with affidavits
- Cross-discipline panel on practical issues and answers in the warrant process;
- Searching law offices; guidelines and best practices

Who Should Attend?

Law Enforcement Officers, Regulatory Investigators, Crown Attorneys, Defence Lawyers, Judges

Agenda

Thursday, March 2, 2017

8:15 a.m.

Registration and Continental Breakfast

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

9:45 a.m.

Warrant Writing and Reviewing 101

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.

Navigating the Complexities of General Warrants

J. Sandy Tse, Counsel, Ministry of the Attorney General, (Ontario), Crown Law Office- Criminal

General warrants, dubbed *the Swiss army knife of criminal investigations*, present unique opportunities and challenges to law enforcement. Concepts to be canvassed include:

- Preconditions to issuance and basic structure of an affidavit to obtain a general warrant under s. 487.01 of the *Criminal Code*.
- Whether general warrants can authorize misrepresenting the reasons for a search: *R. v. Whipple*, 2016 ABCA 232 or detaining a person indefinitely post *R. v. Pairier*, 2016 ONCA 582
- Post *Telus* (SCC): understanding the legitimate interpretation of "no other provision is available"

11:15 a.m.

Latest Hot Issues in Computer and Related Technology Searches

Allison Dellandrea, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office- Criminal

Searching computers on site or seizing computers for later examination both pose unique challenges to investigators, issuers and litigators. After the Supreme Court of

Canada's decisions in *R. v. Vu*, *R. v. Telus Communications Co.*, *R. v. Fearon* and *R. v. Spencer*, this is a particularly dynamic area of search warrant law. This presentation will address some of the critical issues associated with computer searches and provide expert guidance on some of the tools and techniques you need to respond to these challenges.

12:15 p.m.

Networking Luncheon

1:00 p.m.

Informers and Tipsters: Current Challenges and Strategies For Using Anonymous Sources

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

Erin Dann, Barrister

Mabel Lai, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office- Criminal

Detective Sergeant Jamie Prosser, Technical Support Branch, Ontario Provincial Police

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.

Novel Challenges for Warrant Writers in the High Tech Age

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

Developments in new technologies pose novel challenges to warrant writers and practitioners alike. Randy Schwartz will address some of the dynamics in this rapidly evolving field:

- Is a warrant needed to seize black-boxes from cars?
- Police use of drones for aerial surveillance
- Limits on police use of mobile device identifiers
- Is using undercover surveillance software fair game and is software to mine open source websites different?
- Can warrants compel an arrestee to divulge their mobile device password?

2:45 p.m.

Refreshment Break

3:00 p.m.

Law Office Searches: Guidelines and Best Practices Tips

Kenneth Grad, Henein Hutchison LLP

Law Office searches continue to present challenges to investigators and issuing judicial officers.

This presentation examines:

- Standard terms for warrants authorizing searches of law offices
- Practical issues related to obtaining and executing such searches
- Considerations for searches of electronic documents

Precedent warrant materials will be included with this presentation

3:30 p.m.

Practical Issues in the Warrant Process: Special Cross-Discipline Panel Discussion and Question Period

The Hon. Justice Ferhan Javed, Ontario Court of Justice

Owen Wigderson, Wigderson and Associates

Sergeant David Cobey, RCMP, Legal Application Support Team

Anya Weiler, Senior Counsel, Office of the Director of Public Prosecutions

Learn about the pitfalls of search warrants and how to avoid them from what's sure to

be a lively and interactive discussion by an expert panel, followed by Q and A.

4:45 p.m.

Day One Concludes

Optional Workshop

Friday, March 3, 2017

9:00 a.m. - 1:00 p.m. (On-site only)

Warrant Drafting Workshop

8:30 a.m.

Registration and Continental Breakfast

Workshop Leaders:

Fraser M. Kelly and J. Sandy Tse

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 leaders. At the workshop, samples of selected exercises will be reviewed and critiqued by the workshop leaders and will form the basis for discussion.

Experienced workshop leaders with years of search warrant drafting (and attacking) 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.

Faculty Includes

Sergeant David Cobey,
RCMP, Legal Application
Support Team

Erin Dann, Barrister

Allison Dellandrea,
Counsel, Ministry of the
Attorney General (Ontario),
Crown Law Office - Criminal

Kenneth Grad, Henein
Hutchison LLP

**The Hon. Justice Ferhan
Javed,** Ontario Court of
Justice

Mabel Lai, Counsel,
Ministry of the Attorney
General (Ontario), Crown
Law Office- Criminal

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

**Detective Sergeant Jamie
Prosser,** Technical Support
Branch, Ontario Provincial
Police

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

J. Sandy Tse, Counsel,
Ministry of the Attorney
General, (Ontario), Crown
Law Office- Criminal

Anya Weiler, Senior
Counsel, Office of
the Director of Public
Prosecutions

Owen Wigderson,
Wigderson and Associates

Registration Details

Fee per Delegate

Course Only • \$525 plus HST

Course & Workshop • \$695 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca 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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Eligible CPD/MCLE Hours: LSUC (ON):
Day one – 7.0 CPD Hours (6.5 Substantive, 0.5 Professionalism);
Workshop – 4.0 CPD Hours (2.5 Substantive, 1.5 Professionalism)

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

Our participants say it best:

“This program was remarkable for the quality of the speakers and the clarity with which they imparted their knowledge and experience.”

Crown Attorney



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Osgoode Professional Development



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A must-attend course if your work involves Search Warrants

Register today at:

osgoodepd.ca/warrants