



11TH 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
- Critical update on the latest need to know cases and new legislation

“Great mix of tips, case law and practical applications.”

Crown Attorney

“This program gave me up to date information and the knowledge of the presenters was very apparent. They did an excellent job of conveying the material.”

Law Enforcement Officer

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)

Date and Time

Monday, March 5, 2018
9:00 a.m. - 4:45 p.m. EST
In Person or Webcast

Optional Workshop
(for Day One registrants only)

Tuesday, March 6, 2018
9:00 a.m. - 1:00 p.m. EST
In Person

Location

Osgoode Professional
Development

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

11TH ANNUAL INTENSIVE COURSE ON Drafting and Reviewing Search Warrants

Search warrants are powerful tools that can make or break a case. Recent court decisions and pending legislation continue to make apparent the importance of clear, accurate and complete search warrant applications and the potential dire consequences of deficient drafting.

This comprehensive *OsgoodePD* program will give you 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/attacking them. You'll hear from our expert faculty on:

- Strategies for dealing effectively with common problems in the warrant process
- Hot issues with computer and technology searches
- Warrant writing and reviewing 101 – a review of the fundamentals; a great primer for even the most experienced
- Using informers and tipsters; special challenges for the writer and common problems with affidavits

The Optional Warrant Drafting Workshop (exclusively for Day One registrants) is designed to build on the learning in the first day of the course. 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 5, 2018

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.

Regulatory Information in the Hands of Police; More than *Ling* and *Jarvis*

Michael Fawcett, Counsel, Ministry of the Attorney General, (Ontario), Crown Law Office - Criminal

Over fifteen years have passed since the Supreme Court of Canada's decisions in *R. v. Ling* and *R. v. Jarvis*. However, the legality of police receiving and relying upon regulatory information as grounds for a *Criminal Code* warrant remains challenging. This presentation introduces some of the key concepts required to assess and effectively address these issues.

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 W.J. (Jamie)

Prosser, Coordination Unit- Technical Support Branch, Investigation and Support Bureau, Ontario Provincial Police

- The investigation of crime 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 and *R. v. Durham Regional Crimestoppers*, 2017 SCC 45

2:00 p.m.

Novel Challenges for Warrant Writers in the High Tech Age

Randy Schwartz, General Counsel, 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 his or her mobile device password?

2:45 p.m.

Refreshment Break

3:00 p.m.

Media Searches

Kenneth Grad, Henein Hutchison LLP

Recent events in Quebec have sparked *Bill S-231 – The Journalist Sources Protection Act*. The media's unique role mandates caution and restraint before police seek to obtain information that might impact freedom of the press. This presentation reviews some of the common pitfalls and gives guidance on best practices in this area of law.

3:30 p.m.

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

The Hon. Justice Michael J. Epstein, Ontario Court of Justice

Andrew Furguele, Doucette Santoro Furguele

Sergeant David Cobey, RCMP

Sarah Shaikh, Senior Counsel, Public Prosecution Service of Canada

Learn about the pitfalls of search warrants 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

Tuesday, March 6, 2018 (On-site only)

8:30 a.m.

Registration and Continental Breakfast

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.

An experienced 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.

“Each topic discussed was relevant. A wealth of knowledge and experience was presented at the course.”

Federal Regulatory Investigator

“Topical issues; concise answers; expanded materials in addition to lectures were all valuable.”

Law Enforcement Officer

Chairs

Scott C. Hutchison, Partner,
Henein Hutchison LLP

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

Faculty Includes

Sergeant David Cobey,
RCMP

Erin Dann, Barrister

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

**The Hon. Justice Michael
J. Epstein**, Ontario Court of
Justice

Michael Fawcett, Counsel,
Ministry of the Attorney
General, (Ontario), Crown
Law Office - Criminal

Andrew Furguele,
Doucette Santoro Furguele

Kenneth Grad, Henein
Hutchison LLP

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
W.J. (Jamie) Prosser**,
Coordination Unit-
Technical Support Branch,
Investigation and Support
Bureau, Ontario Provincial
Police

Randy Schwartz, General
Counsel, Ministry of the
Attorney General, (Ontario),
Crown Law Office - Criminal

Sarah Shaikh, Senior
Counsel, Public Prosecution
Service of Canada

Registration Details

Fee per Delegate

Course Only – Day One: \$525 plus HST

Course Day & Workshop: \$695 plus HST

Fees include attendance, program materials, continental breakfast, 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.



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



LSUC (ON): Day One: 7h CPD hours (6h 30m Substantive, 30m Professionalism); Workshop Day Two: 4h CPD Hours (2h 30m Substantive, 1h 30m 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



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Osgoode Professional Development



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