

17TH 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:

- Encryption, biometrics and passwords; can data security and search and seizure law co-exist?
- Obtaining electronic evidence from global entities and the new *U.S. CLOUD ACT*
- Race, policing and warrantless search powers after *Le*
- Reasonable expectation of privacy after *Stillman, Marakah, Jarvis and Mills*
- Drugs, drinking and driving: a search update on the new impaired evidence regime
- General warrants at the quarter century mark; risks, rewards and limits

PLUS! Keynote Address

Owen Rees, Deputy Assistant Deputy Attorney General,
National Litigation Sector, Department of Justice Canada
"Brave New World: Big Data, Analytics and s.8 of the Charter"

Program Chairs

Scott C. Hutchison
Henein Hutchison LLP

Scott K. Fenton
Fenton, Smith Barristers

Date and Time

February 7, 2020
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

Register today at:

[osgoodepd.ca/
search-and-seizure](http://osgoodepd.ca/search-and-seizure)

17TH 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 those presented at the intersection between privacy, emerging new technologies, and the *Charter*.

This 17th national one day intensive program on the law of Search and Seizure in Canada will give you critical insights and practical resources and tools from prominent experts.

Topics Include

- Meeting the increasing challenges in conducting trans-national investigations in the global 'cloud' economy
- Newest frontiers in search and seizure; latest investigative mechanisms, privacy rights and legal issues
- Drill down on legal and policy issues involving the role of race in policing – ensuring the even-handed operation of s.8 of the *Charter*
- Conducting lawful drinking, driving, drug impairment searches under the new impaired evidence regime
- General warrants; promise and pitfalls, legal limits, novel techniques
- Media searches after *Vice* and the *Journalist Source Protection Act*

Who Should Attend

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

“One of the best CLEs I’ve attended.”

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

Register today at:

osgoodepd.ca/search-and-seizure

Agenda

8:15 a.m.

Registration

9:00 a.m.

Welcome and Introduction

9:05 a.m.

Encryption, Biometrics and Passwords; is it Possible to Reconcile Data Security, Law Enforcement and Privacy (and related) Rights?

The Hon. Justice Phil Downes,
Ontario Court of Justice (Moderator)

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

Nadar Hassan, Stockwoods LLP

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, their practical implications and useful approaches to meeting the challenges presented

10:00 a.m.

Media Searches after *Vice* and the *Journalist Source Protection Act*

Sarah Shaikh, Senior Counsel, Public Prosecution Service of Canada

Kelsey Flanagan, Heinen Hutchison LLP

The tension between free speech and effective law enforcement continues to play out in the cases and amendments to the *Criminal Code*. These speakers will

canvass the limits to journalist source privilege, procedural protections in the warrant environment, and the role of the media as custodian of potential evidence in litigation.

10:30 a.m.

Refreshment Break

10:45 a.m.

Obtaining Electronic Evidence from Global Entities

The Hon. Justice Rita Maxwell,
Ontario Court of Justice (Moderator)

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

James Foy, Addario Law Group LLP

While the mutual legal assistance system allows law enforcement to reach across borders to compel production or seizure of foreign domicile evidence, borders are being erased by an increasingly global, 'cloud' economy. This panel looks at the state of the law governing evidence gathering from trans-national entities, and peeks into the future with the coming *CLOUD Act* in the United States.

12:00 p.m.

Luncheon

12:30 p.m.

Keynote Address:

"Brave New World: Big Data, Analytics and s. 8 of the Charter"

Owen Rees

Deputy Assistant
Deputy Attorney General,
National Litigation Sector,
Department of Justice
Canada



1:00 p.m.

Reasonable Expectation of Privacy after *Stillman, Marakah, Jarvis and Mills*

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

Cate Martell, Cate Martell Defence

Technology and novel investigative techniques continue to present the police with challenging questions about the application of s.8 – and the reach of a reasonable expectation of privacy – that require a constant re-examination of underlying doctrine.

2:00 p.m.

General Warrants at the Quarter Century Mark

Scott C. Hutchison, Henein Hutchison LLP

As the general warrant celebrates its silver anniversary this speaker looks at the promise and pitfalls of this ambitious search power. Legal limits on availability, practical issues constraining use, and unanswered questions about novel techniques are all addressed.

2:45 p.m.

Refreshment Break

3:00 p.m.

Race, Policing and Warrantless Search Powers after *Le*

Jerry Leung, Counsel, Toronto Police Service

Samara Secter, Addario Law Group LLP

Law enforcement agencies across the country are struggling to ensure that policing practices operate free of discrimination. Our highest 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 from the perspective of those advising police and advising clients on possible challenges to police actions.

3:45 p.m.

Drink, Drugs, and Drive – A Search Update on The New Impaired Evidence Regime

Davin Garg, Counsel, Crown Law Office-Criminal, Ministry of the Attorney General (Ontario)

Ian Carter, Bayne Sellar Ertel Carter

The changes brought in with legalized cannabis and new search powers in the drunk driving world invite challenge and evaluation in the courts. This panel brings us up to speed on these issues and looks at what may come next.

4:30 p.m.

Program Concludes

Our past participants say it best...

“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 analysis – a great balance and a great conference.”

Law Enforcement Officer

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

Crown Attorney

Chairs

Scott C. Hutchison
Henein Hutchison LLP

Scott K. Fenton
Fenton, Smith Barristers

Keynote Speaker

Owen Rees
Deputy Assistant Deputy Attorney General,
National Litigation Sector, Department of
Justice Canada



Faculty

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

Ian Carter, Bayne Sellar
Ertel Carter

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Toronto Police Service

Cate Martell, Cate Martell
Defence

**The Hon. Justice Rita
Maxwell**, Ontario Court of
Justice

Samara Sectar, Addario Law
Group LLP

Sarah Shaikh, Senior
Counsel, Public Prosecution
Service of Canada

Registration Details

Fee per Delegate

\$545 plus HST

Newly Licensed (2017 – present): \$272.50 plus HST

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

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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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