

17TH ANNUAL INTENSIVE COURSE ON DRAFTING AND REVIEWING SEARCH WARRANTS

“The content was in-depth and interesting. The presenters were engaging, and the material used relied on recent case law. I liked how the course incorporated an assignment section and critiqued the work of others.”

Tammy Lee, RCMP

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 and related tech searches; meeting the challenges for accurate drafting and lawfully executing warrants
- Practical issues and effective responses in the warrant process
- Overcoming warrant execution issues
- Lawfully overcoming passwords and biometric locks

Register today at:

osgoodepd.ca/warrants

PROGRAM CHAIRS

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)

Lynda Morgan

Addario Law Group LLP

REGISTRATION OPTIONS

March 26, 2024

9:00 a.m. – 5:00 p.m. ET
Online (Live)

Optional Workshop

(for Day One registrants only)

March 27, 2024

12:30 p.m. – 4:30 p.m. ET
Online (Live)

OR

May 8, 2024

Online (Replay – Day One Only)

Can't make the date?

*Registration includes 120-day unlimited,
online access to the recorded program.*

17TH ANNUAL INTENSIVE COURSE ON Drafting and Reviewing Search Warrants

You can make or break your case depending on how you draft your search warrant.

Ongoing court decisions continue to make apparent the importance of clear, accurate and complete search warrant applications and the potential dire consequences of deficient drafting.

In this practical 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 strategies to defend and attack them.

You'll hear from our expert faculty on:

- The foundation principles and drafting and reviewing fundamentals (for new to experienced warrant writers)
- Effective strategies in how to deal with common problems in the warrant process
- The latest issues with computer and technology searches
- Addressing warrant execution issues and avoiding Section 8 breaches
- Overcoming a password or biometric lock in executing a warrant

And don't miss the optional **Warrant Drafting Workshop** (exclusively for Day One participants). In this workshop, you'll craft and review portions of a warrant based on a crime fact scenario..

(Note: You'll be asked to complete drafting exercises in advance for anonymous review by workshop leaders)

Who Should Attend

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

Agenda – Day One

March 26, 2024

9:00 a.m. ET

Welcome and Introduction

9:05 a.m.

Foundation Principles of Search and Seizure

Lynda Morgan

Addario Law Group LLP

Michael Ventola

Assistant Crown Attorney, Newmarket Crown Attorney's Office, Ministry of the Attorney General (Ontario)

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
- When is judicial pre-authorization required?
- The role of the issuing justice
- Reasonable grounds for belief or suspicion

10:00 a.m.

Warrant Writing and Reviewing 101 (part 1)

Katie Doherty

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

Molly Flanagan

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

Taking you through examples, the faculty 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.

Health Break

10:45 a.m.

Warrant Writing and Reviewing 101 (part 2)

11:15 a.m.

Searching for Computers and Data

Matthew Asma

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

Maggie Loda

General Counsel, Public Prosecution Service of Canada

Whether searching computers and tech devices on site, seizing them for later examination, or accessing "cloud" data remotely, all pose unique challenges to investigators, issuers, reviewers and litigators. In the last decade, the Supreme Court of Canada's decisions in *Vu*, *Telus Communications*, *Fearon*, *Spencer*, *Marakah*, *Reeves*, and *Mills*, have repeatedly changed the landscape, making this a particularly dynamic area of search law. This session will teach participants the new state of the law, with the challenges it poses for drafting and lawfully executing warrants. It will also teach a practical approach to structuring computer warrants that can help meet those challenges.

12:15 p.m.

Lunch Break

1:00 p.m.

Gathering Evidence from Across Borders; Bridges and Barriers

David Fraser

McInnes Cooper LLP

Andrew Hotke

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

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. These speakers will address some of the key issues in this area including:

- 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

1:45 p.m.

Practical Issues in the Warrant Process: Cross Discipline Panel Discussion

The Hon. Justice Steve Coroza
Ontario Court of Appeal

Diana Lumba
Legal Counsel, Public Prosecution Service of Canada

Samara Secter
Addario Law Group LLP

Det. Dave Webster
Toronto Police Service

Learn about the perils and pitfalls of search warrants from a lively and interactive discussion by an expert panel, followed by a Q&A session for online questions from participants.

3:00 p.m.

Health Break

3:15 p.m.

Execution Issues

Jason Neubauer
General Counsel & Assistant Crown Attorney,
Ministry of the Attorney General (Ontario)

Alexandra Seaman
Dawson Duckett Garcia & Johnson LLP

Even when the ITO is well-written, how a warrant is later executed can itself constitute a breach of *Section 8*. The potential issues include over seizure by misuse of the plain

view doctrine, failing to keep appropriate records that explain how the search was executed (and why). This session will focus on the myriad of issues that arise when assessing the legality of execution including:

- Whether there is a right to detain or search occupants on scene
- The requirement for detailed records
- The limits of “plain view”
- In and out rule
- After the fact documents including Reports to a Justice
- Return of seized items not needed post warrant execution
- Authority to photograph

4:15 p.m.

Passwords and Biometrics

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

The Hon. Justice Mabel Lai
Ontario Court of Justice

How can investigators overcome a password or a biometric lock that stands in the way of executing the warranted search of a digital device or cloud account? This panel will explore possible means of obtaining password and biometrics (both from suspects and third parties), production orders, assistance orders, general warrants, and issues of self-incrimination, consent and rights to counsel.

5:00 p.m.

Day One ends

“Very relevant to my duties as a detective in criminal investigations. This training was tremendously valuable!”

Det. Const. Jules McKenzie, Rama Police Service

“I found the entire day very informative, and the presenters were very responsive to questions.”

Brian Rawding, Senior Computer Forensic Analyst, Canada Revenue Agency

“One of the most comprehensive, efficient and practical seminars I have attended in 15 years with MAG.”

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

“A very good program. Best practices continue to evolve and so should our approach to drafting.”

Det. Const. Jay Howe, Niagara Regional Police

Optional Warrant Drafting Workshop

March 27, 2024

12:30 p.m. – 4:30 p.m. ET

Workshop Leaders:

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)

In this learn-by-doing workshop, participants in small groups (in-person or virtual) 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. During the workshop, samples of selected exercises will be reviewed and critiqued and will form the basis for discussion.

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

- Warrant writing strategies
- How to organize and outline complex Information 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.

Register today at:

osgoodepd.ca/warrants

Chairs

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)

Lynda Morgan

Addario Law Group LLP

Faculty

Matthew Asma

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

The Hon. Justice Steve Corozo

Ontario Court of Appeal

Rebecca De Filippis

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)

Molly Flanagan

Crown Counsel, Crown Law Office
– Criminal, Ministry of the Attorney
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LLP

Samara Sectar

Addario Law Group LLP

Michael Ventola

Assistant Crown Attorney,
Newmarket Crown Attorney's Office,
Ministry of the Attorney General
(Ontario)

Det. Dave Webster

Toronto Police Service

Registration Details

Fee Per Delegate

NOTE Workshop NOT sold separately; must attend Day One for workshop

Day One Program Only: \$595 + TAX

Day One PLUS Workshop: \$795 + TAX

Newly Licensed*: 50% discount

**This fee applies to newly licensed regulated professionals within the past 2 years*

Fees include attendance and electronic program materials. 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 LSO.



Eligible CPD Hours – Day One Program – LSO (ON): 7h 10m CPD (6h 10m Substantive; 1h Professionalism)

Day Two 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.

Register today at:

osgoodepd.ca/warrants



Email: osgoodepd@osgoode.yorku.ca



Phone: 416 597 9724



Mail: 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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