

21ST NATIONAL SYMPOSIUM ON SEARCH AND SEIZURE LAW IN CANADA

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PROGRAM CHAIRS

Scott C. Hutchison
Henein Hutchison LLP

Lesley Ruzicka, K.C.
Crown Counsel B.C. Prosecution
Service, Criminal Appeals and
Special Prosecutions (Victoria)

Nader R. Hasan
Stockwoods LLP

REGISTRATION OPTIONS

Friday, March 1, 2024:
Online (Live)
9:00 a.m. – 4:30 p.m. ET

OR

Thursday, April 18, 2024:
Online (Replay)
9:00 a.m. – 4:30 p.m. ET

Join a dynamic faculty of experts from across Canada for incisive analysis and lively discussion of current, critical issues including:

- Social media and privacy
- Video surveillance in public and semi-public places
- Searching in the blockchain world
- Policing racialized communities: “Carding” – Where are we now?
- International computer records: *Brecknell, Love, MLAT, Cloud Act* and more
- Investigative generic genealogy: cast off and DNA ruses
- Summary dismissal dismissed? What *R. v. Haevischer* really says

Keynote Presentation

The Honourable Sheilah L. Martin, Justice of the Supreme Court of Canada

Register today at:

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

21ST NATIONAL SYMPOSIUM ON Search and Seizure Law in Canada

A clear understanding of the law of search and seizure is a cornerstone of criminal and regulatory law investigation and litigation. This national program delivers the most important “need to know” developments.

Join the 21st presentation of this acclaimed OsgoodePD program along with a dynamic faculty of experts from across Canada for an insightful and lively discussion of current, critical issues.

You will get valuable insights, practical resources and tools to use in your work.

Topics Include

- How to search the blockchain and protect against unreasonable search and seizure
- Whether, when and how police can obtain the fruits of video surveillance in public and private places
- How does the practice of “carding” or “street checks” interact with s.8 of the *Charter*
- Recent jurisprudence, evolving issues and practical tips on using genetic genealogy as an investigative technique
- Social media investigations and privacy rights
- International computer records drill-down
- What *R. vs Haevischer* really says about summary dismissal

Who Should Attend

- Law enforcement officers
- Regulatory investigators
- Crown and defence lawyers
- Corporate lawyers specializing in regulatory, quasi-criminal and criminal work
- Judges

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Agenda

9:00 a.m.

Welcome and Introduction

9:05 a.m.

Video Surveillance in Public and Semi-Public Places

Dominique Shoofey

Avocat, Attorney (Montreal)

Sarah F. Egan

Senior Counsel, Public Prosecution Service of Canada (Toronto)

Private home security cameras, well-signed common space CCTV, investigation specific surveillance of publicly exposed places – is there ever a s. 8 expectation of privacy in such video records? This panel looks at whether, when and how police can obtain the fruits of such video surveillance.

9:50 a.m.

Searching in the Blockchain World

Stephen Aylward

Stockwoods LLP (Toronto)

The Honourable Justice Mabel Lai

Ontario Court of Justice

Muharem Kianieff

Professor, University of Windsor Faculty of Law

- How does the blockchain work and why is it of interest to law enforcement?
- How does law enforcement “search” the blockchain?
- Is the concept of “privacy” sufficiently robust to protect against unreasonable searches and seizures of the blockchain?

10:40 a.m.

Break

11:00 a.m.

Policing Racialized Communities: “Carding” – Where Are We Now?

The Honourable Justice Faisal Mirza
Ontario Superior Court of Justice

Maya Shukairy
Shukairy Law (Montreal and Ottawa)

Sunil Gurmukh
Assistant Professor and Assistant Dean, Equity, Diversity, Inclusion and Decolonization, Western Law

- How does the police practice of “carding” or “street checks” interact with s. 8 of the *Charter*?
- What are police permitted to do under current legislation?
- How do regional and local practices on “police checks” differ?

12:00 p.m.

Break

12:30 p.m.

Keynote Presentation

The Honourable Sheilah L. Martin
Justice of the Supreme Court of Canada

1:00 p.m.

Investigative Genetic Genealogy: Cast Off and DNA Ruses

Carla MacPhail, K.C.
Crown Counsel, Alberta Crown Prosecution Service (Calgary)

Jeremy Tatum
Crown Counsel, Crown Law Office-Criminal, Ministry of the Attorney General (Toronto)

Bryan Badali
Brauti Thorning LLP (Toronto)

Investigative genetic genealogy is increasingly being used as an investigative technique. Its use may raise issues about castoff DNA, DNA “ruses”, the use of open source databases, and/or admissibility pursuant to ss. 7 and 8 of the *Charter*. Our speakers will discuss recent jurisprudence, debate the evolving issues, and discuss practical tips for litigating this type of evidence at trial.

2:00 p.m.

Social Media and Privacy: When is Social Media Private?

Glen Crisp
Assistant Crown Attorney, Ministry of the Attorney General (Toronto)

Stephanie DiGiuseppe
Henein Hutchison LLP (Toronto)

The Honourable David Porter
Ontario Court of Justice

Is social media ever private? Is reading a private posting a search? Is it an interception? Can police conduct ‘undercover’ investigations on social media platforms? This panel looks at when privacy may trump a technology ostensibly designed to share information widely.

3:00 p.m.

Break

3:15 p.m.

Summary Dismissal Dismissed? Understanding What *Haevischer* Really Says

Lesley Ruzicka, K.C.
Crown Counsel, B.C. Prosecution Service, Criminal Appeals and Special Prosecutions (Victoria)

Tony C. Paisana
Peck & Company (Vancouver)

The Supreme Court of Canada’s decision in *R. v. Haevischer*, 2023 SCC 11 significantly altered the test for summary dismissal of *Charter* applications. Is this the end of summary dismissal or is there still scope for these types of applications? Our panelists will debate.

3:45 p.m.

International Computer Records: *Brecknell* (2018), *Love* (2022), *MLAT*, *Cloud Act* and More

Robert J. Currie, K.C.
Professor of Law; Distinguished Research Professor, Schulich School of Law, Law & Technology Institute (Halifax)

David Fraser
McInnes Cooper (Halifax)

The ongoing ‘internationalization’ of electronic record-keeping continues to present challenges. This panel looks at whether, when and how the state can access information stored on foreign technological platforms.

4:30 p.m.

Program Ends

Our past participants say it best...

“This OPD symposium is very professional and the course materials are excellent.”

Crown Attorney

“Excellent speakers as always and sessions were well-timed.”

Regulatory Investigator

“Really amazing update covering a wide range of topics related to search and seizure.”

Law Enforcement Officer

“Great delivery, great discussion. All presenters spoke well and gave a thorough analysis of the case law.”

Defence Lawyer

“Clear, well-organized, easy to follow with a clear explanation of the issues.”

Federal Prosecutor

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

Police Officer

“This top quality conference keeps me up to date on important developments in search and seizure law relevant to my work.”

Regulatory Officer

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Registration Details

Fee per Delegate: \$495 + TAX

Newly Licensed*: \$247.50 + TAX

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

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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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Law Society of British Columbia: 6.25 CPD

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