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Communication Engineering Usage And Implications For Military Operations

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Abstract : This study has established that most of the judgments concur that there is a need to protect the individuals' privacy interests but also acknowledge that cell phones and other mobile or technological devices can store personal data. As such, the majority of the rulings of the Supreme Court of Canada held that if conducted reasonably and incidental to arrest, the search of cell phones and other related devices are legal and that they do not violate section 8. However, it is imperative to highlight that the "reasonableness" standard poses a dilemma and makes it difficult for the courts and the police to establish consistent boundaries that define lawful searches.

1. INTRODUCTION

With the evolution of technology, the manner in which Canada's police can conduct legally authorized searches has proved debatable. In 2016, there arose a dilemma on whether or not Apple should abide by a court in the U.S., which asked that the company hacks one of the San Bernardino shooters' iPhone. At the time, Apple relied on its alternative option of a backdoor into the iPhone; with groups such as privacy experts, legal personnel, and technology executives weighing into the debate. Whereas Apple's case was in the context of the U.S., Sandberg and Ugelvik (2017) observed that it is of universal importance. For the case of Canada, one of the questions that arisein relation to technology versus police authorized search is Also, can the police access one's data in technological devices (such as Smartphones) legally? If so, what are some of the legal requirements that the law enforcement officers ought to meet? This essay examines the manner in which technology has shaped the manner in which police are legally authorized to conduct searches, gaining crucial insights from the context of Canada. (Abdul Jalil et al., 2021; Mohd Noh et al., 2021; Mustafa et al., 2021; Roszi et al., 2021; Tumisah et al., 2021). If it is managed well, various problems can be avoided (Irma et al., 2021; Suzana et al., 2021; Rohanida et al., 2021; Nazrah et al., 2021; Shahrulliza et al., 2021).

2. METHODOLOGY

The current study is qualitative. According to Merriam and Tisdell (2015), qualitative studies aid in collecting detailed or in-depth data by recording the selected scholarly investigations' participant behaviors, feelings, and attitudes. Additionally, qualitative research has been documented to yield detailed information that is worth generalizing to the rest of the sampling frame, target audience, or demographic group on focus (Creswell, 2014). Other studies contend that qualitative research is important because it yields openness. In particular,

the research technique encourages researchers to expand their answers or explain why they respond to the subject in certain ways. Merriam and Tisdell (2015) observed that this trend ensures that qualitative research creates new subjects and, in turn, steer research continuity by recommending future studies that are informed by the new subject areas accruing from the information obtained.
This study collects data from primary sources such as treaties, the state and federal constitutions, legislationpassed by legislatures, and case laws involving decisions from federal and state courts. The inclusion/exclusion criterion is set in such a way that these sources are expected to have involved legal authorization of police searches, the use of technological devices (such as computers, Smartphones, and tablets), focus on the Canadian legal context, and the involvement of the law enforcement groups and companies of the mobile devices used by the affected persons, victims, or criminals in question. Also, primary data will be collected from case laws that have been made in the last ten years. Imperative to highlight is that these primary sources of legal research will be selected randomly to avoid potential researcher bias that could, in turn, compromise the validity and reliability of the findings.
The process of analyzing data will begin with the summarization and classification of data based on themes or patterns that the selected primary sources will have addressed. The implication is that the information will be presented based on themes such as the current trends in the use of legally authorized searches among the police in Canada, dilemmas that have accrued from this practice, the extent to which technology has shaped the process and the associated legal requirements, if any, that ought to be followed, and the implication for mobile device companies (such as Apple) that are, otherwise, expected to comply with warrants while ensuring that they do not interfere with the device users' safeguards. In turn, a content analysis technique will be applied to gain insights into the results obtained. The aim of the content analysis technique will be to discern whether or not parallels could be made between the results obtained by this primary study and those that have been documented by previous scholars investigating a similar subject.

3. RESULTS AND DISCUSSION

Based on the legalities of the question of whether mobile devices and other technology firms could comply with warrants and support authorized legal search by the police (without compromising safeguards that they grant to the users of those devices), recent case laws have been examined.
All aspects require effective leadership and management (Mohd Arafat et al., 2021; Sumaiyah et al., 2021; Hifzan et al., 2021; Shahrul et al., 2021; Helme et al., 2021).
In June 2014, Canada's Supreme Court ruled that there is a need for the police to secure search warrants before gaining data from Internet Service Providers (ISPs). The information was documented as that which involves the identities of the subscribers (Jochelson, Gacek&Menzie, 2018). However, certain guidelines were established in relation to the companies' sharing of the subscribers' information with law enforcement; translating into a principle of warrant. However, the Court ruled that some special circumstances do not require the warrant. These circumstances include cases where the data being obtained does not pose a reasonable expectation of privacy, situations where a reasonable law authorizing access exists, and of the data seeks to prevent imminent bodily harm (Sandberg &Ugelvik, 2017). From this ruling, it can be inferred that the Court indicated that the sharing of information needs to balance between the protection of the privacy and interest of subscribers and getting

the information in the interest of police. The success of something depends on good and efficient management (Mohd Ali et al., 2021; Parimala et al., 2021; SitiJamilah et al., 2021; Nor Fauziyana et al., 2021; Noel et al., 2021).

In December 2014, the Supreme Court of Canada made another ruling stating that a limited search can also be conducted and target the cell phone of a suspect (without securing search warrants) but engage in the process under strict rules. The strict rules were stated to hold that the police ought to keep the search's detailed records and also ensure that it (the search) is only related to the circumstances of the interest of the person (Jochelson, Gacek&Menzie, 2018). These rulings and dilemmas lead to the examination of insights from other primary sources regarding famous rulings or case laws and the extent to which technology has affected changes in technology have affected how the police are legally authorized to conduct searches in Canada.

As highlighted above, police search can be done on a mobile device such as a cellphone without a warrant but four major conditions ought to be fulfilled. Whereas the first condition is that the arrest needs to be lawful, the second condition is that the search and the arrest ought to be truly incidental(Sandberg &Ugelvik, 2017). The third condition is that the extent and nature of the search needto be tailored to the intended purpose; prompting the need to search only recently drafted or sent items such as photos, texts, emails, and call logs (Jochelson, Gacek&Menzie, 2018). The fourth condition, as highlighted, is that the police could search a device such as a cellphone without a warrant but ensure that they present detailed notes of how and what they have examined the device. According to Sandberg and Ugelvik (2017), some of the details to be included in the notes include the duration and purpose of the search, the time of the search, the extent of the search, and the applications searched. The arising question is, what are the implications of these conditions for the police, companies that manufacture and safeguard the privacy of the device' users, and the users or owners of the searched devices?The best way is to do efficient management (Ahmad Shafarin et al., 2021; Junaidah et al., 2021; Farah Adibah et al., 2021; Ahmad Shakani et al., 2021; Muhamad Amin et al., 2021). This demonstrates that the importance of something being managed well (Santibuana et al., 2021; Nor Diana et al., 2021; Zarina et al., 2021; Khairul et al., 2021; Rohani et al., 2021; Badaruddin et al. , 2021, Abdul Rasid et al., 2021).

Another technology subject that poses a dilemma in the practice of Canada's police search the decision to (or otherwise) force a suspect to give up their device passwords.At Canada's border crossings, mobile devices are considered as "goods," implying that border officers can screen them (and the content they contain); as well as people entering the country (Jochelson, Gacek&Menzie, 2018). The case involved Regina v. Will Lee Buss (*R. v. Buss*) in which Mr. Buss sought to have an image of child pornography removed from the evidence, stating that the use of the image would infringe his constitutional right. The case was on September 14th, 2012.

In the ruling, it was evident that when an individual attracts a Customs official's suspicion, a routine search could be conducted and routine questions asked; implying that the "suspicion" suggests that the individual doe not exhibit self-incrimination-related constitutional protection. Thus, it is observed that the principle of fundamental justice involving the protection of Canada's national border does not translate into an infringement of one's constitutional rights in a situation such as that in which the police conducted a secondary search on Buss and required him to provide the phone and computer passwords; yet the process remained legal. From the insights above, the widespread use of mobile devices (for the purpose of data management) has led to criminal law and constitutional issues. Particularly, the technologies have led to a scenario in which the legal authorization of police

searches holds that upon breaching one's section 8 rights, the evidence's admissibility needs to be assessed based on the Charter's section 24(2). An example is the case of *R. v. Fearon*. In this case, the Supreme Court indicated that the police could search cell phones and other technological devices "incident to constitutionally-compliant arrests," a stance that was also evident in *R. v. Mann* and *R. v. Buss*. Hence, it can be inferred that even in the wake of technological applications and devices, warrantless but legally authorized police searches continue to be conducted and, as section 8 comes in, the determination of the degree to which the police might have (or otherwise) infringed one's right to privacy attracts the use of the four major conditions (aforementioned) that need to be fulfilled. It has also been established that the determination of whether a police search is incident to arrest (and, thus, not in violation of section 8) calls for the consideration of the link between the grounds for arrest and the purpose and location of the warrantless search. As avowed by Jochelson, Gacek and Menzie (2018), this state was evident during *R. v. Nolet* and *R. v. Golden* in which the police searched with the aim of achieving valid purposes. Given the functional comparability of technological devices such as cell phones and computers, the decision to treat each device differently relative to police searches perceived to be incidental to arrests fails to make intuitive sense; especially given the inconsistencies in court rulings. However, it is worth acknowledging that the common law is not static. Therefore, it is expected that Canadian courts will foster incremental changes aimed at accommodating societal norms and new circumstances with which technologies are associated. Following cases such as *R. v. Fearon* and *R. v. Golden*, there is a need to place more emphasis on the significance of warrantless searches of mobile devices in relation to privacy intrusion. Given the close split of the Supreme Court in relation to case decisions such as those mentioned above, future decisions ought to focus on the dissent from the context of modern and new circumstances surrounding legally authorized police searches; both with and without warrants. Overall, this paper has established that even in the wake of increasing use of mobile device technologies, most of the police in Canada have engaged in warrantless searches but in most cases, the searches are legal because the perceived violation of section 8 has been countered by the four conditions outlined and used in the majority of the Supreme Court's rulings.

4. CONCLUSION

In summary, this study has established that most of the judgments concur that there is a need to protect the individuals' privacy interests but also acknowledge that cell phones and other mobile or technological devices can store personal data. As such, the majority of the rulings of the Supreme Court of Canada held that if conducted reasonably and incidental to arrest, the search of cell phones and other related devices are legal and that they do not violate section 8. However, it is imperative to highlight that the "reasonableness" standard poses a dilemma and makes it difficult for the courts and the police to establish consistent boundaries that define lawful searches.

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