

# URGENT LEGAL ISSUES IN POLICING

*Practical Strategies for Sr. Officers, Criminal Defence, Crown Lawyers and Civil Litigators*

## PROGRAM CHAIRS

**Susan Reid**

Crown Law Office – Criminal,  
Toronto, ON

**Milan Rupic**

Justice Prosecutions, Crown Law  
Office – Criminal, Toronto, ON

**Kevin Cyr, LL.M.**

Inspector, RCMP, Vancouver, BC

## REGISTRATION OPTIONS

Online, Live:

**Tuesday, June 7, 2022**

1:00 p.m. – 4:30 p.m. ET

AND

**Thursday, June 9, 2022**

1:00 p.m. – 4:30 p.m. ET

**Online Replay of Both Modules:**

**September 13, 2022**

9:00 a.m. – 4:00 p.m. ET

*Can't make the date?*

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

In two half-day modules, hear from experienced officers, mental health care professionals and senior Crowns and defence on four of the most pressing and complex issues today:

- Developments in reasonable use of force: a moving target
- Dynamic (“no knock”) entries: managing the element of danger
- Criminal negligence and civil liability: the critical questions
- The intersection of policing and mental health: where are the mobile crisis teams going?

Register today at:

[osgoodepd.ca/urgent-issues](https://osgoodepd.ca/urgent-issues)

# Urgent Legal issues in Policing

## *Practical Strategies for Sr. Officers, Criminal Defence, Crown Lawyers and Civil Litigators*

Police face daunting legal challenges in performing their day-to-day duties in serving and protecting the public. This essential new OsgoodePD program tackles four of the most timely and critical ones involving the individual officer and the criminal justice system.

The agenda has been developed by two leading Crown prosecutors who conduct criminal trials involving police officers as defendants and a law enforcement officer with twenty-one years of on-the-ground experience.

It brings together a cross-section of the top counsel, police and mental health care professionals from across the country, and over the course of two half-day sessions, you will get the rare opportunity to learn from these experts on the essential, tactical strategies officers need to remain compliant in these areas. The panel format will provide various perspectives and offer ample opportunity for questions and discussion.

## Topics Include

- What is a dynamic entry and what is the governing law?
- The doctrine of self-defence during a dynamic entry
- Use of Force and the principles of necessity, proportionality and reasonableness
- What to do with an injured prisoner?
- Understanding the difference between failing to provide the necessities, criminal negligence and manslaughter
- De-escalation: mandatory or discretionary?

## Who Should Attend

Law Enforcement Officers, Police Chiefs, Senior Police Executives, Senior Police Trainers, Police Counsel, Special Investigations Unit Investigators (SIU), Professional Standards Directors and Investigators, Police Association Executives and their lawyers, Criminal Defence Lawyers, Crown Prosecutors, City Solicitors, Civilian Police Commissioners, Plaintiff and Defence Civil Litigators

Register today at:

[osgoodepd.ca/urgent-issues](http://osgoodepd.ca/urgent-issues)

## Agenda

Module One

**1:00 p.m.**

### Introduction and Program Overview

**Susan Reid**

Crown Law Office-Criminal, Toronto, ON

**1:05 p.m.**

### Developments in Reasonable Use of Force: A Moving Target

**Susan Reid**

Crown Law Office-Criminal, Toronto, ON

**Milan Rupic**

Justice Prosecutions, Crown Law Office – Criminal, Toronto, ON

#### Panelists

**Kevin Cyr**

Inspector, RCMP, Vancouver, BC

**Julian Falconer**

Falconers LLP, Toronto, ON

**Ronald MacDonald**

Chief Civilian Director of the Independent Investigations Office, Vancouver, BC

**Jeff Manishen**

Ross & McBride LLP, Hamilton, ON

**Justin Reid**

Crown Law Office – Criminal, Toronto, ON

- The principles of “necessity, proportionality, and reasonableness”: does anyone know what they mean?
- “De-escalation”: mandatory or discretionary?
- Justification under s. 25 and self-defence under s. 34: is there still a difference?
- An officer’s duty to document the use of force: has the training caught up to the law?
- De-escalation, and the reform of police culture: do we want warriors or social workers (or something in between)?
- What to do with an injured prisoner? (Your shift is not over yet!)

2:45 p.m.

Refreshment Break

3:00 p.m.

### Criminal Negligence and Civil Liability

**Susan Reid**

Crown Law Office – Criminal, Toronto, ON

**Milan Rupic**

Justice Prosecutions, Crown Law Office – Criminal, Toronto, ON

**Panelists**

**Julian Falconer**

Falconers LLP, Toronto, ON

**Sunil Mathai**

Crown Law Office – Criminal, Toronto, ON

**Linda Shin**

Crown Law Office – Criminal, Toronto, ON

- Do we really understand the difference between failing to provide the necessities, criminal negligence and manslaughter?
- Can a police officer be charged for failing to follow policies and procedures, including making an unlawful arrest? Can you face civil liability? What about your superiors?
- Does a police officer have a duty to intervene if their partner engages in excessive force?
- Is there liability for failing to meet an “industry standard” and who can be liable? What is the “industry standard” for policing?

4:30 p.m.

**Wrap-up to module one by the Chairs; Module One Concludes**

## Module Two

1:00 p.m.

### The Volatile World of “Dynamic Entries”: Managing an Element of Danger

**Kevin Cyr**

Inspector, RCMP, Vancouver, BC

**Susan Reid**

Crown Law Office – Criminal, Toronto, ON

**Milan Rupic**

Justice Prosecutions, Crown Law Office – Criminal, Toronto, ON

**Panelists**

**Colin Brown**

Inspector, Victoria Police Department, Victoria, BC

**Danny Gunn**

Campbell, Gunn, Inness & Seib, Winnipeg, MB

**Kim Schofield**

Kim Schofield and Associates, Toronto, ON

**Jeremy Streeter**

Crown Law Office – Criminal, Toronto, ON

- What is a ‘dynamic entry’ and what is the governing law?
- The danger when you don’t knock
- The doctrine of self-defence during a dynamic entry
- Judicial attitudes towards dynamic entries
- Should dynamic search warrants require prior judicial authorization?
- The potential liability of a commander who approves a dynamic entry
- Policy debates among police services: Differences of opinion across Canada
- Do we need amendments to the Criminal Code?

2:30 p.m.

Refreshment Break

2:45 p.m.

### The intersection of Policing & Mental Health: Where are “Mobile Crisis Teams” Going?

**Kevin Cyr**

Inspector, RCMP, Vancouver, BC

**Susan Reid**

Crown Law Office-Criminal Toronto, ON

**Milan Rupic**

Justice Prosecutions, Crown Law Office – Criminal, Toronto, ON

**Panelists**

**Robert Bush**

Director of Acute and Urgent Care and the Stat Centre, Vancouver Coastal Health, Vancouver, BC

**Gary Clewley**

Legal Pro Corporation, Toronto, ON

**Randy Fincham**

Inspector, Vancouver Police Department, Vancouver, BC

**Steph Partridge**

Operations Director, Vancouver Coastal Health, Vancouver, BC

**Roger Shallow**

Counsel, Office of the Chief Coroner for Ontario

- The origins of our crisis: why do we call the police to deal with the mentally ill?
- Police training in dealing with “persons in crisis”: can officers do it on their own?
- Mobile Crisis Units: an experiment or a proven solution?
- What happens when the “person in crisis” is holding a knife?
- The role of civilian mental health workers in Mobile Crisis Teams
- The risks of police liability when dealing with persons in crisis

4:30 p.m.

**Closing remarks by Chairs; Program Concludes**

# Chairs

## Susan Reid

Crown Law Office – Criminal, Toronto, ON

## Milan Rupic

Justice Prosecutions, Crown Law Office – Criminal, Toronto, ON

## Kevin Cyr, LL.M.

Inspector, RCMP, Vancouver, BC

# Faculty

## Colin Brown

Inspector, Victoria Police  
Department, Victoria, BC

## Robert Bush

Director of Acute and Urgent Care  
and the Stat Centre, Vancouver  
Coastal Health, Vancouver, BC

## Gary Clewley

Legal Pro Corporation, Toronto, ON

## Julian Falconer

Falconers LLP, Toronto, ON

## Randy Fincham

Inspector, Vancouver Police  
Department, Vancouver, BC

## Danny Gunn

Campbell, Gunn, Inness & Seib,  
Winnipeg, MB

## Ronald MacDonald

Chief Civilian Director of the  
Independent Investigations Office,  
Vancouver, BC

## Jeff Manishen

Ross & McBride LLP, Hamilton, ON

## Sunil Mathai

Crown Law Office – Criminal,  
Toronto, ON

## Steph Partridge

Operations Director, Vancouver  
Coastal Health, Vancouver, BC

## Justin Reid

Crown Law Office – Criminal,  
Toronto, ON

## Kim Schofield

Kim Schofield and Associates,  
Toronto, ON

## Roger Shallow

Counsel, Office of the Chief Coroner  
for Ontario

## Linda Shin

Crown Law Office – Criminal,  
Toronto, ON

## Jeremy Streeter

Crown Law Office – Criminal,  
Toronto, ON

# Registration Details

## Fee per Delegate

**\$295.00 + TAX (For both modules)**

Fees include attendance and any program materials. 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 – LSO (ON): 6h 55m CPD  
(5h 55m Substantive; 1h EDI)



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](mailto:cpd@osgoode.yorku.ca).

## Register today at:

[osgoodepd.ca/urgent-issues](https://osgoodepd.ca/urgent-issues)



Email: [osgoodepd@osgoode.yorku.ca](mailto:osgoodepd@osgoode.yorku.ca)



Phone: 416 597 9724



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



Urgent Legal Issues in Policing  
Practical Strategies for Sr. Officers,  
Criminal Defence, Crown Lawyers and  
Civil Litigators

## Register today at:

[osgoodepd.ca/urgent-issues](https://osgoodepd.ca/urgent-issues)