

20TH NATIONAL SYMPOSIUM ON SEARCH AND SEIZURE LAW IN CANADA

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

- Remedies for Section 8 *Charter* breaches
- Search incident to arrest: *R. v. Stairs* SCC debrief
- Facial recognition, open-source research, use of privately owned data
- Reconsidering the extra-territorial application of the *Charter*
- Systemic racism, police practices and s.8 of the *Charter*
- Revisiting excision as an automatic remedy: point and counterpoint
- Summary dismissal of s.8 challenges: *Vukelich* and beyond

Keynote Presentation

The Honourable J. Michal Fairburn, Associate Chief Justice of Ontario
“*Advocacy in Section 8 Cases: Continuing Opportunities*”

PROGRAM CHAIRS

Scott C. Hutchison
Henein Hutchison LLP

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

REGISTRATION OPTIONS

Friday, February 3, 2023:
Online (Live)
9:00 a.m. – 4:30 p.m. ET

OR

Friday, March 24, 2023:
Online (Replay)
9:00 a.m. – 4:30 p.m. ET

Register today at:

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

20TH NATIONAL SYMPOSIUM ON Search and Seizure Law in Canada

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

Join the 20th anniversary of this acclaimed OsgoodePD program and join a dynamic faculty of experts from across Canada for an insightful and lively discussion of current, crucial issues.

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

Topics Include

- Alternative remedies for s.8 breaches under s.24(1) of the *Charter*
- Revisiting extra-territorial searches in *R. v. McGregor SCC*
- Deep-dive into the s.8 implications of systemic racism in police practices
- Implications of the *Stairs* decision and post-*Stairs* jurisprudence
- Re-examination of privacy, the scope of legitimate police conduct and s.8 issues arising from new technologies
- *Vukelich* applications: threshold and tests to be met to support the remedy

Who Should Attend

- Law Enforcement officers
- Regulatory investigators
- Crown and defence lawyers
- Lawyers specializing in regulatory, quasi criminal and criminal law work
- Judges

Register today at:

osgoodepd.ca/search-and-seizure

Agenda

9:00 a.m.

Welcome and Introduction

9:05 a.m.

Alternative Remedies for Section 8 *Charter* Breaches

Jennifer Conroy

Appeals Unit Team Leader, Public Prosecution Service of Canada (Toronto)

Mark Halfyard

Daniel Brown Law (Toronto)

While exclusion of evidence remains the most common remedy for a s.8 breach, this session will explore alternative remedies under s. 24(1) of the *Charter*.

10:00 a.m.

Search incident to Arrest: *R. v. Stairs* Debrief

Erin Dann

Embry Dann LLP (Toronto)

Diana Lumba

Counsel, Public Prosecution Service of Canada (Toronto)

In 2022 the Supreme Court of Canada released its decision in *R. v. Stairs*. This case revisited the analytical framework for search incident to arrest in a dwelling house. These speakers will explain the implications of the Court’s decision and survey the post-*Stairs* jurisprudence.

10:30 a.m.

Break

10:50 a.m.

Facial Recognition, Open-Source Research and Use of Privately Owned Data

Scott C. Hutchison

Henein Hutchison LLP (Toronto)

Andi MacKay

MacKay Boyar Law Corp. (Vancouver)

Dane Bullerwell

Public Prosecution Service of Canada (Edmonton)

The explosion of potential information resources for police has forced a re-

examination of privacy and the scope of legitimate police conduct and various s.8 issues. Our speakers will examine the issues arising from new technologies.

12:00 p.m.

Break

12:30 p.m.

Keynote Presentation

The Honourable J. Michal Fairburn

Associate Chief Justice of Ontario

“Advocacy in Section 8 Cases: Continuing Opportunities”

As counsel, scholar and jurist, Associate Chief Justice Fairburn has been at the forefront of search litigation for almost three decades. In this Keynote Address she reflects on the role of advocacy in the evolution of s.8 of the *Charter* and search law generally.

1:00 p.m.

Revisiting Excision as an Automatic Remedy: Point and Counterpoint

Frank Addario

Addario Law Group (Toronto)

Marie-Christine Godbout

Directeur Des Poursuites Criminelles Et Pénales, Bureau De Lutte Au Crime Organisé (Montreal)

Recent decisions have begun to question the automatic excision rule on s.8 challenges to warrants. Other decisions have considered whether and how the rule applies to warrantless searches. See, for example: *R. v. Love*, 2022 ABCA 269, *R. v. Bhogal*, 2020 ONSC 7327, *R. v. Rizzuto*, 2021 QCCA 1789. These speakers who were counsel in *R. v. Rizzuto* will review the key cases and debate the issues.

1:45 p.m.

Summary Dismissal of s.8 Challenges: *Vukelich* and Beyond

Lesley Ruzicka, K.C.

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

Tony Paisana

Peck & Company (Vancouver)

These speakers will explore issues relating to summary dismissal, including the threshold test, procedure and practical considerations. They will also consider the potential impact of the Supreme Court of Canada’s pending decision in *R. v. Johnston* and *Haevischer*.

2:15 p.m.

Break

2:30 p.m.

Reconsidering the Extra-Territorial Application of the *Charter*

Gerald Chan

Stockwoods LLP (Toronto)

LCol Natasha Thiessen

Deputy Director of Military Prosecutions (Reserves), Office of the Judge Advocate General, Canadian Armed Forces. (Ottawa-Hull)

Jason Wakely

General Counsel, Public Prosecution Service of Canada (Toronto)

Fifteen years after *R. v. Hape*, the Supreme Court of Canada is revisiting extra-territorial searches in *R. v. McGregor*. Our presenters will consider where the law has been and where it is going.

3:30 p.m.

Systemic Racism, Police Practices and s. 8 of the *Charter*

Sunil Gurmukh

Western Law

Roger Shallow

Counsel, Office of the Chief Coroner for Ontario

Karen Endres, K.C.

Managing Lawyer, Nova Scotia Legal Aid Commission (Dartmouth)

The Supreme Court’s 2019 decision in *Le* highlighted the intersection between issues of systemic racism and the exercise of police powers of investigation. This panel, composed of highly respected crown, defence, and academic representatives will look at the ways in which allegations of systemic racism inform our analysis of search powers exercised by police.

Our past participants say it best...

“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 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.



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(5h 10m Substantive; 45m Professionalism; 1h EDI)





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