

# CHARTER ESSENTIALS FOR INVESTIGATORS

## *Practical Guidance in Detention, Investigation, Arrest and Search*

Can't make  
the date?

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

Infringement of *Charter* rights and guarantees can have serious repercussions on an investigation. Know how to remain compliant.

Over two, half-day modules, you will engage with an experienced faculty of judges, senior Crown and defence lawyers and senior law enforcement professionals from across Canada. Using a sample case file, you will learn to apply principles and get practical guidance in key *Charter* areas, including:

- Legal requirements for investigative detention
- *Charter* protections triggered by detention and arrest
- *Charter* interests engaged by post-arrest detention
- How to conduct a post-arrest interview in a *Charter*-compliant manner
- Psychological vs physical restraint
- Seizing and searching mobile devices
- Emerging key *Charter* issues

### Keynote Speaker:

**The Hon. Justice James Stribopoulos**, Ontario Superior Court of Justice (Brampton)

## PROGRAM CHAIRS

**Dave Cobey**

National Technology Onboarding Program, Technical Operations Branch, RCMP (Ottawa)

**Katie Doherty**

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

**Maggie Loda**

Counsel, Public Prosecution Service of Canada (Vancouver)

## REGISTRATION OPTIONS

**May 2 and 4, 2023**

1:00 p.m. to 4:30 p.m. ET  
Online (Live)

**OR**

**September 6, 2023**

Online (Replay)

**Register today at:**

[osgoodepd.ca/  
charter-essentials](https://osgoodepd.ca/charter-essentials)

# Charter Essentials for Investigators

## Practical Guidance in Detention, Investigation, Arrest and Search

Police and regulatory investigators face daunting challenges in complying with the *Charter*, and often receive conflicting legal advice on *Charter* interpretation and compliance procedures. Infringement may not only result in lost cases, but can also lead to civil lawsuits, actions for Human Rights violations and internal disciplinary actions. Criminals may escape justice.

This OsgoodePD program, **developed by two leading criminal case prosecutors** – Federal and Provincial – and a **highly experienced law enforcement officer**, will give you the practical tools you need to meet the most recurrent *Charter* challenges you face in your work as an investigator.

The program runs over the course of two half-day sessions. Module one focuses on “the fundamentals” and Module two, will build on these. A cross-discipline panel of experts will lead discussions where you will get to examine the “real-world” application of *Charter* principles to common investigative situations.

## Topics Include

- Obligations of investigators to facilitate the arrestee’s right to consult counsel
- Searching electronic devices: are the rules different than for other items?
- “Ruse” traffic stops
- Using body worn cameras

## Who Should Attend

- Police Officers
- Regulatory Investigators
- Police Chiefs
- Senior Police Executives
- Criminal Defence Lawyers
- Police Counsel
- Special Investigations Unit Investigators (SIU)
- Professional Standards Directors and Investigators
- Police Association Executives and their Lawyers
- Crown Prosecutors
- Municipal and Civil Litigators Involved with Police Liability Insurance Cases
- Civilian Police Commissioners

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## Agenda

Module One: May 2, 2023

1:00 p.m. ET

### Introduction and Program Overview

#### Dave Cobey

National Technology Onboarding Program,  
Technical Operations Branch, RCMP  
(Ottawa)

1:15 p.m.

### Keynote Address

*“The Charter and Criminal Justice – technicalities protecting criminals or a pillar of Canada’s free and democratic society?”*

#### The Hon. Justice James Stribopoulos

Ontario Superior Court of Justice  
(Brampton)

1:45 p.m.

### Investigation and Detention

#### The Honourable Judge Reginald Harris

Provincial Court of B.C. (Vancouver)

#### Surinder Singh Aujia

Deputy Chief Federal Prosecutor, Public  
Prosecution Service of Canada (Toronto)

#### Alexandra K. Seaman

Dawson Duckett Garcia & Johnson,  
Barristers (Edmonton)

- What is investigative detention?
- Legal requirements for investigative detention
- *Charter* protections triggered upon detention
- Psychological vs physical restraint
- Search Incident to investigative detention
- Practical Issues and best practices

2:45 p.m.

Refreshment Break

3:00 p.m.

## Arrest and Post-Arrest

### Mr. Justice W. Paul Riley

Supreme Court of B.C. (New Westminster)

### Judy S. Kliewer

Senior General Counsel, Public Prosecution Service of Canada (Winnipeg)

### Anil K. Kapoor

Kapoor Barristers (Toronto)

- Legal requirements for arrest
- *Charter* protections triggered upon arrest
- Lawful parameters of search incident to arrest
- Are the rules different for the search of electronic devices vs other items?
- What are the obligations of investigators to facilitate an arrestee's ability to consult counsel?
- How to conduct a post-arrest interview in a *Charter*-compliant manner
- *Charter* interests engaged by post-arrest detention
- What continuing *Charter* protections are engaged regarding detained evidence?

4:15 p.m.

## Wrap-Up of Module One; Overview of Module Two

4:30 p.m.

### Module One Concludes

### Module Two: May 4, 2023

1:00 p.m. ET

## Introduction and Overview

1:15 p.m.

## The *Charter* – Applied

### The Hon. Justice Susan M. Magotiaux

Ontario Court of Justice (Oshawa)

### Alexandra Rice

Counsel, Public Prosecution Service of Canada (Vancouver)

### Emily Lam

Kastner Lam LLP (Toronto)

This session will focus on the practical application of the legal principles regarding investigation, detention, arrest and post-arrest procedures canvassed in Module one.

A panel of cross-discipline practitioners and a member of the Ontario Court of Justice will lead attendees through an examination of a fact-pattern generated specifically for this course. This session will be a discussion of the real-world application of these principles to common investigative situations.

2:45 p.m.

### Refreshment Break

3:00 p.m.

## Emerging *Charter* Issues

### Matthew Asma

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

### Oren Bick

Counsel, Public Prosecution Service of Canada (Vancouver)

### Steven Johnston

Senior Counsel, Deputy Chief Prosecutor Specialized South, Appeals and Specialized Prosecutions Office, Alberta Crown Prosecutions Service (Calgary)

### S/Sgt. Mark McVicar

Calgary Police Service Certified In-House Legal Counsel, Legal Risk and Management Officer

Practical information and guidance concerning three specific law enforcement activities:

- Seizing and searching mobile devices
- 'Ruse' traffic stops
- Use of body worn cameras

Experts in each topic will summarize the *Charter* protections implicated and provide concrete guidance to better ensure the activity is conducted in a *Charter*-compliant manner.

4:15 p.m.

## Closing Remarks and Wrap-Up by Program Chairs

4:30 p.m.

### Program Concludes

#### What our past participants say about OsgoodePD's criminal law programs...

*"This Osgoode program was fantastic. I really enjoyed the diversity of speakers and the content of the presentations."*

Defence counsel

*"The subject matter was cogent and very well presented."*

Defence counsel

*"Excellent speakers as always and sessions were well-timed."*

Regulatory Investigator

*"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

## Chairs

### Dave Cobey

National Technology Onboarding Program,  
Technical Operations Branch, RCMP (Ottawa)

### Katie Doherty

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

### Maggie Loda, Counsel

Public Prosecution Service of Canada (Vancouver)

## Keynote Speaker

### The Hon. Justice James Stribopoulos

Ontario Superior Court of Justice (Brampton)

## Faculty Includes

### Matthew Asma

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

### Surinder Singh Aujla

Deputy Chief Federal Prosecutor,  
Public Prosecution Service of  
Canada (Toronto)

### Oren Bick

Counsel, Public Prosecution  
Service of Canada (Vancouver)

### The Honourable Judge

### Reginald Harris

Provincial Court of B.C.  
(Vancouver)

### Steven Johnston

Senior Counsel, Deputy Chief  
Prosecutor Specialized South  
Appeals and Specialized  
Prosecutions Office,  
Alberta Crown Prosecutions  
Service (Calgary)

### Anil K. Kapoor

Kapoor Barristers (Toronto)

### Judy S. Kliewer

Senior General Counsel,  
Public Prosecution Service of  
Canada (Winnipeg)

### Emily Lam

Kastner Lam LLP (Toronto)

### The Hon. Justice

### Susan M. Magotiaux

Ontario Court of Justice (Oshawa)

### S/Sgt. Mark McVicar

Calgary Police Service Certified  
In-House Legal Counsel  
Legal Risk and Management  
Officer

### Alexandra Rice

Counsel, Public Prosecution  
Service of Canada, (Vancouver)

### Mr. Justice W. Paul Riley

Supreme Court of B.C.  
(New Westminster)

### Alexandra K. Seaman

Dawson Duckett Garcia & Johnson,  
Barristers (Edmonton)

## Registration Details

### Fee per Delegate: \$295 + TAX

- For both modules
- Single modules NOT available

Fees include online attendance and electronic 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 30m CPD (6h Substantive;  
30m Professionalism)



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other Canadian and US jurisdictions. To inquire about credit  
eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).

### Register today at:

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



Phone: 416 597 9724



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