

# 2<sup>ND</sup> ANNUAL *CHARTER* ESSENTIALS FOR INVESTIGATORS

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 upon 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
- Cross-discipline panel discussion of “real world” application of legal principles
- How to maneuver the minefield of simultaneous regulatory and criminal investigations

**PLUS: “The *Charter* in Practice: A Judicial Perspective”**

Q&A with the **Honourable Michael J. Moldaver**, Former Justice of the Supreme Court of Canada, Counsel, Goodmans LLP, and **Katie Doherty**, Crown Counsel, Crown Law Office – Criminal, Ministry of the Attorney General (Toronto)

## PROGRAM CHAIRS

**Dave Cobey**

Technical Case Management 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

**April 30 and May 2, 2024**

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

*OR*

**September 12, 2024**

Online (Replay)

**Register today at:**

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

# 2nd Annual *Charter* Essentials for Investigators

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

- Legal requirements for investigative detention
- Search incident to investigative detention
- How to conduct a post-arrest interview in a *Charter*-compliant manner
- How to maneuver the minefield of simultaneous regulatory and criminal investigations
- *Charter* protections engaged regarding detained evidence
- Searching electronic devices: are the rules different than for other items

## 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
- Licence instructors for security and transit police

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## Agenda

Module One: April 30, 2024

1:00 p.m. ET

### Introduction and Program Overview

#### Dave Cobey

Technical Case Management Program,  
Technical Operations Branch, RCMP (Ottawa)

1:15 p.m.

### Q&A – “The *Charter* in Practice: A Judicial Perspective”

#### The Honourable Michael J. Moldaver

Former Justice of the Supreme Court of  
Canada, Goodman LLP

#### Katie Doherty

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

2:00 p.m.

### Investigation and Detention

#### The Honourable Judge Reginald Harris

Provincial Court of B.C. (Vancouver)

#### Molly Flanagan

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

3:00 p.m.

Refreshment Break

3:15 p.m.

## Arrest and Post-Arrest

### Mr. Justice W. Paul Riley

Supreme Court of B.C. (New Westminster)

### Ioana Corabian

Team Lead, Technology and Internet Crimes Unit, Appeals and Special Prosecutions Office, Alberta Crown Prosecution Service (Edmonton)

### Joven Narwal, K.C.

Narwal Litigation LLP (Vancouver)

- 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?

4:30 p.m.

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

4:45 p.m.

### Module One Concludes

## Module Two: May 2, 2024

1:00 p.m.

## Introduction and Overview

1:15 p.m.

## The *Charter* – Applied

### The Honourable Justice Allison Dellandrea

Ontario Court of Justice (Brampton)

### Daniel J. Song, K.C.

Counsel, Pringle Law, Barristers (Vancouver)

### Monica McQueen

Public Prosecution Service of Canada (Halifax)

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

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.

### Part One: Seizing and Searching Mobile Devices

#### Matthew Asma

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

### Part Two: Regulatory vs Criminal Investigation Challenges

#### Kenneth Jull

Counsel, Gardiner Roberts LLP (Toronto)

#### Jeff Kehoe

Enforcement Director, Ontario Securities Commission

#### S/Sgt. Mark McVicar

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

- Search and Seizure in administrative investigations
- Differences between regulatory

inspections and criminal investigations

- Bridging the information border
- Avoiding fatal *Charter* hazards: Crossing the Rubicon

4:15 p.m.

## Closing Remarks and Wrap-Up by Program Chairs

4:30 p.m.

### Program Concludes

## What our past participants say about this program...

*“An excellent program. Panel members were highly knowledgeable and all of them presented very well. This program should be mandatory for everyone in the field.”*

Senior Law Enforcement

*“This program was so informative. The content was very thorough with great explanations for tough topics.”*

Police Oversight Investigator

*“This program dealt with very current issues. It was well thought out and had great presenters. The use of case studies and the answers from both counsel and the judges was a great addition.”*

Police Investigator

*“Very relevant to my work. All the panel members were very articulate and discussed the issues well where I as a lay person could fully understand and relate.”*

Regulatory Investigator

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

Police Officer

# Chairs

## Dave Cobey

Technical Case Management 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)

# Featured Q&A

## The Honourable Michael J. Moldaver

Former Justice of the Supreme Court of Canada,  
Counsel, Goodmans LLP

# Faculty Includes

## Matthew Asma

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

## Ioana Corabian

Team Lead, Technology and  
Internet Crimes Unit, Appeals and  
Specialized Prosecutions Office,  
Alberta Crown Prosecution Service  
(Edmonton)

## The Honourable Justice

### Allison Dellandrea

Ontario Court of Justice (Brampton)

## Molly Flanagan

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

## The Honourable Judge

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Provincial Court of B.C. (Vancouver)

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Enforcement Director, Ontario  
Securities Commission

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Counsel, Public Prosecution Service  
of Canada (Halifax)

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## Daniel J. Song, K.C.

Counsel, Pringle Law, Barristers  
(Vancouver)

# Registration Details

## Fee per Delegate: \$325 + 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  
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Phone: 416 597 9724



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



# Charter Essentials for Investigators

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

## Register today at:

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