Get practical advice and a comprehensive up-to-date understanding of investigative powers, their limits, and evolving practices. Topics include:

- Implications of the SCC’s decision in *R. v. Fearon*: police search powers incident to arrest and their limits
- Interview and interrogation: reducing the risk of unreliable confessions
- Ensuring a voluntary and constitutionally obtained statement
- “*Mr. Big,*” *R. v. Hart* and the altered legal landscape
- Notes, videos and police testimony: dealing with technological change
- Right to counsel and right to silence in practice
- Vulnerable persons in interviews and interrogations

**Keynote Speaker**

Jerome Kennedy, Q.C., Roebothan McKay Marshall, St. John’s, NL

“False Confessions & False Pleas: Motives, Consequences and Safeguards”

This is a must-attend program for law enforcement investigators, Crown and defence lawyers, judges and others engaged in the field of criminal justice.

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Defence counsel
LATEST DEVELOPMENTS IN
DETENTION, ARREST INTERVIEWING AND INTERROGATION: LAW AND PRACTICE

Police powers and their limits is an increasingly complex arena that faces intense judicial scrutiny. The delicate balancing between public safety interests with individual rights is an issue with which law enforcement professionals, Crowns, defence counsel and the Court constantly grapple.

In this unique OsgoodePD program, criminal justice professionals will gain a practical and comprehensive understanding of the current and emerging state of the law with respect to detention, arrest, interviewing and interrogation.

This is a full day of discussion and analysis of the Supreme Court of Canada’s recent pronouncements on the limits of police powers, an examination of the impact of new technology, and an opportunity to acquire the strategies you need to perform at your best either in Court or in the field.

This program will focus on several key areas of criminal investigation, the parameters, and the serious repercussions when these limits are found to be exceeded. Topics include:

• Post Fearon, key issues of record keeping of police and citizen interaction
• Detention and the reasonably necessary test
• Right to counsel post Suberu and Sinclair
• Minimizing the risk of false confessions
• Markers of reliability of “Mr. Big” confessions following R. v. Hart
• What constitutes reasonable suspicion

WHO SHOULD ATTEND

• Law enforcement professionals
• Crown Attorneys
• Defence lawyers
• Judges
• Forensic psychologists
• Criminologists

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Chairs

Timothy E. Moore, PhD, C Psych, Professor & Chair
Department of Psychology, Glendon College, York University

Alan N. Young, Associate Professor, Director of the Innocence Project, Osgoode Hall Law School, York University

Keynote Speaker

Jerome Kennedy, Q.C., Roebothan McKay Marshall
St. John’s, NL

Faculty

The Hon. Justice Patrice Band, Ontario Court of Justice

Craig Bennell, Professor Psychology, Carlton University

Maggie Brown, Assistant Crown Attorney, Ministry of the Attorney General (Ontario)

Philip Campbell, Lockyer Campbell Posner, Barristers and Solicitors

The Hon. Justice Guy Cournoyer, Superior Court of Québec, Montréal

Brian Cutler, Associate Dean and Professor of Social Sciences & Humanities University of Ontario Institute of Technology

Kevin Cyr, LL.M., Corporal, Royal Canadian Mounted Police

Dr. Padraig Darby, Chair Research Ethics Board Centre for Addiction and Mental Health, Member Ontario Review Board

Lisa Dufraimont Professor, Faculty of Law Queen’s University

The Hon. Justice Michelle Fuerst, Ontario Superior Court of Justice

Julianna Greenspan Greenspan Partners

Philip Kotanen, Deputy Crown Attorney, Ministry of the Attorney General (Ontario)

The Hon. Justice Heather McArthur Ontario Court of Justice

Jeffrey R. Manishen Ross & McBride LLP

John McInnes Crown Counsel, Ministry of the Attorney General (Ontario), Crown Law Office-Criminal

Craig A. Parry Barrister & Solicitor

Jonathan Rudin Program Director Aboriginal Legal Services of Toronto

Christopher Sherrin Associate Professor Western Law, University of Western Ontario

Detective Inspector James Smyth OPP Criminal Investigation Branch

Detective Kerry Watkins Toronto Police Service
AGENDA

8:15-9:00
Registration and Continental Breakfast

9:00-9:05
Welcome and Introduction

9:05-10:00
“Mr. Big” and the Altered Legal Landscape of Confessions

Moderator
The Hon. Justice Michelle Fuerst, Ontario Superior Court of Justice
Timothy E. Moore, PhD, C Psych, Professor & Chair
Department of Psychology, Glendon College, York University
Maggie Brown, Assistant Crown Attorney, Ministry of the Attorney General (Ontario)
Lisa Dufraimont, Associate Professor, Faculty of Law
Queen's University

• Post R. v. Hart, the “Mr. Big” decision: What can we expect in the future with respect to the admissibility of confessions to undercover operators?
• Balancing prejudice vs. probative value
• Assessing the reliability of “Mr. Big” confessions
• Abuse of process: When does police conduct become coercive?

10:00-12:00
Police Record Keeping and Public Interaction: The Impact of Changing Technology

Moderator
The Hon. Justice Patrice Band, Ontario Court of Justice
Craig Bennell, Professor, Psychology, Carlton University
Kevin Cyr, LL.M, Corporal, Royal Canadian Mounted Police
Philip Kotanen, Deputy Crown Attorney, Ministry of the Attorney General (Ontario)
Craig A. Parry, Barrister & Solicitor
Detective Kerry Watkins, Toronto Police Service

Tradtitionally, records have consisted of written notes. New technologies (e.g. in-car and lapel cameras), and the public’s increasing appetite to record police interactions are having a critical impact on record keeping and the issues that flow from it. This highly experienced panel will address the following:

• How do these different forms of record keeping co-exist?
• How should discrepancies between written notes and electronic records be dealt with by the Courts?
• How will police testimony be affected?
• What are the implications of R. v. Fearon, which stipulates that police must take detailed notes of their examinations of cell phone information?

There will be a 15 minute refreshment break during this session.

12:00-1:15
Luncheon and Keynote Address

Jerome Kennedy, Q.C., Roebothan McKay Marshall
St. John’s, NL
“False Confessions & False Pleas: Motives, Consequences and Safeguards”

1:15-2:00
Detention and Arrest: Changes in the Legal Landscape

Moderator
The Hon. Justice Heather McArthur, Ontario Court of Justice
Jeffrey R. Manishen, Ross & McBride LLP
John McInnes, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office - Criminal
Alan N. Young, Associate Professor, Director of the Innocence Project, Osgoode Hall Law School, York University

• The ss. 8, 9 and 10 Charter implications of detention and arrest
• R. v. Fearon and police powers to search cell phones incident to arrest
• Detention and the reasonably necessary test: R. v Aucoin
• The right to counsel post R. v. Suberu, R. v. Sinclair and R. v. Taylor

2:00-3:00
Interviews and Interrogations: Reducing the Risk of Unreliable Confessions

Moderator
Timothy E. Moore, PhD, C Psych, Professor & Chair
Department of Psychology, Glendon College, York University
Brian Cutler, Associate Dean and Professor of Social Sciences & Humanities, University of Ontario Institute of Technology
Detective Inspector James Smyth, OPP Criminal Investigation Branch
Detective Kerry Watkins, Toronto Police Service
Julianna Greenspan, Greenspan Partners

• What are the dangerous risks associated with the Reid technique?
• Scientific approaches to interviewing: avoiding unreliable statements
• What can participants in the criminal process do to minimize the risk of false confessions?
• The significance of post-confession analysis

3:00-3:15
Refreshment Break

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“The subject matter was cogent and very well presented”
- Defence counsel
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NY CLE (onsite participants only): 8.0 credit hours in the Area of Professional Practice for Transitional and Non-transitional lawyers.

4:15-4:45
Latest Hot-Button Issues and Q & A Period
The Chairs and a panel of speakers from the day's proceedings will discuss new and hot cases and issues not otherwise covered under the main topics.
There will also be a lively Q & A

4:45
Program Concludes

AGENDA (Cont'd)

3:15-4:15
Vulnerable Persons in Interviews and Interrogations
The Hon. Justice Guy Cournoyer
Superior Court of Québec, Montréal
Christopher Sherrin, Associate Professor, Western Law
The University of Western Ontario
Jonathan Rudin, Program Director, Aboriginal Legal Services of Toronto
Dr. Padraig Darby, Chair, Research Ethics Board, Centre for Addiction and Mental Health, Member, Ontario Review Board
• Who are the vulnerable?
• Why and in what specific ways are certain groups vulnerable?
• The potential consequences of vulnerability, including legal, emotional and social
• How well do the current rules protect the vulnerable from self-incriminating statements?

4:15-4:45
Latest Developments in Detention, Arrest Interviewing and Interrogation: Law and Practice
I will attend: □ On site  □ Via webcast (single viewer)
Unable to attend? Please contact us to order the Materials/Program On Demand

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