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### THE CANADIAN CHARTER OF RIGHTS

McLeod, Takach, Morton, Segal

Release No. 4, April 2024

This resource is a practical working text that will shorten preparation time and be a valuable in-court reference. It deals with the ever expanding effect of the *Charter* on the issues arising in criminal proceedings and the prosecution of statutory offences. Organized conceptually rather than in chronological order by section of the *Charter*, this work pulls together the reported and unreported case law determining the impact of the *Charter* on the legislative provisions, the substantive law and the practice in this area.

This release features updates to the case law and commentary in the following chapters: 5 (Life, Liberty and Security of the Person), 6 (Search and Seizure), 14 (Self-Incrimination), 15 (Presumption of Innocence and Fair and Public Hearing), 21 (Cruel and Unusual Treatment or Punishment), 23 (Fundamental Freedoms), 25 (Equality Rights) and 29 (Exclusionary Rule).

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## Highlights

- **Psychological Detention — Ontario** — “A psychological detention arises when an individual is legally required to comply with a police demand, or where a reasonable person in the defendant’s position would conclude from the state conduct that there was no choice but to comply and that he or she was not free to leave”: per Di Luca J., at para. 91 of *R. v. Hayatibahar*, 2022 ONSC 1281, 2022 CarswellOnt 2184 (Ont. S.C.J.).
- **Right to Liberty — British Columbia** — “The right to liberty is a right to make fundamental personal decisions without interference from the state. In the medical context, this has been interpreted as limited to the right to consent to or withhold consent from certain medical interventions. [ . . . ] The liberty right is a right to make fundamental personal choices on the basis of autonomy and human dignity”: per Bauman, C.J.C.B.C and Harris, J.A., at paras. 234 and 240 of *Cambie Surgeries Corporation v. British Columbia (Attorney General)*, 2022 BCCA 245, 2022 CarswellBC 1890 (B.C.C.A.).

## ProView Developments

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- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages