

Clarifications to the 2018 Wilson Moot Problem

Crawford v. Nova Scotia (Attorney General)

1. The facts are as found by Justice Lazier. Mooters may conduct any research they see fit in the course of developing their arguments. Mooters are also permitted to refer to any domestic or foreign law in their written and/or oral arguments. However, no reference shall be made, in written or oral arguments, to any facts (legislative or adjudicative) beyond those found by Justice Lazier. The parties have not been granted leave to address any issues other than those stated in the Official Problem.
2. For the purposes of the Wilson Moot, paragraphs 7(1)(a) and 11(1)(a) of the *Police Regulations* should be presumed to read the same as paragraph 4(1)(a), as stated in the Official Problem. Otherwise, mooters should assume that the *Police Regulations* are the same as were in force on November 13, 2017.
3. Jerome's application to the Nova Scotia Supreme Court was an originating application and not an application for judicial review.
4. Prior to the hearing of the appeal before the Nova Scotia Court of Appeal, the parties agreed that in the event the good character requirement is found to violate section 15(1) of the *Charter* and is not justified under section 1 of the *Charter*, a suspended declaration of invalidity is appropriate.
5. All references to "Halifax" in the Official Problem refer to the Halifax Regional Municipality, which includes the community of North Preston. North Preston is generally considered to have a higher per capita crime rate than other communities in Halifax. For the purposes of the Wilson Moot, mooters should assume that Halifax is policed only by the HRP.
6. The HRP does not keep statistics on the race of its applicants.
7. Street check information collected by the HRP is contained in a separate database than that used to perform criminal records checks. The HRP does not currently have a retention policy for information contained in its street check database; to date, no street check information collected by the HRP has been expunged.
8. The *Youth Criminal Justice Act* does not apply to information in the street check database.