***Interrupting Bias: How Systemic Racism, Discrimination &***

***Distorted Thinking Lead to Wrongful Convictions***

(Presented by the Federal, Provincial, and Territorial Heads of

Prosecutions Subcommittee on the Prevention of Wrongful

Convictions, in conjunction with Courthouse Libraries BC)

December 10, 2020

Webinar Resources

The Federal-Provincial-Territorial Heads of Prosecutions Committee (HOP) wrote a comprehensive report on what police and prosecutors can do to prevent wrongful convictions, entitled [*“Innocence at Stake: The Need for Continued Vigilance to Prevent Wrongful Convictions in Canada,”*](https://www.ppsc-sppc.gc.ca/eng/pub/is-ip/index.html).

The report, prepared by a committee of senior prosecutors and police officers, is the third of a series of reports, beginning with the 2005 [*“Prevention of Miscarriages of Justice”*](https://www.justice.gc.ca/eng/rp-pr/cj-jp/ccr-rc/pmj-pej/index.html) and the 2011 [*“The Path to Justice: Preventing Wrongful Convictions.”*](https://www.ppsc-sppc.gc.ca/eng/pub/ptj-spj/index.html)

Wrongful Convictions: Drilling Down to Understand Distorted Decision-Making by Prosecutors, by Bruce MacFarlane, (2016), 63 C.L.Q. 439

At least one federal district court located in the state of Washington has created a 10-minute video that is played at every juror orientation session for every criminal or civil trial in that district - [See what one court has done](https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Finfo.stroock.com%2Fcollect%2Fclick.aspx%3Fu%3DNXhYT0dSbDJrdUp6ajM0TS9CY3diMjFSUlFTOW5RRFFUemJnU2JObGxkTDZSNEw0ODQwQWJlZGdNK2R6SjVRQzV1UHJweW14ZVQyRTNmcUc4dm4xdzk3N0QwRDlYanhYd284SzVxVEZXb2RXcHVRSXczREZqdEd3OWk2ajVkaUFVVHBtUjBGVU5pNUVlb3ZLcE1qSVZRPT0%3D%26rh%3Dff006b1fb7adcc61c0f8e027a947b3dc3cd4eea2&data=04%7C01%7CRenee.Pomerance%40scj-csj.ca%7C497ee5b2ffb044536cc208d88ff66a6a%7Ccddc1229ac2a4b97b78a0e5cacb5865c%7C0%7C0%7C637417635794964498%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=wz3ZF%2B%2B0k47iDa8Qvi2wy2lci3RxOSoSayFpReExvao%3D&reserved=0) – The video is linked in the article and is described as neutral — it is described as teaching the concept that each individual has these automatic biases, for or against individuals or groups, without being judgmental about this reality.

Watch it here: <http://www.wawd.uscourts.gov/jury/unconscious-bias>

Bias, Subjectivity, and Wrongful Conviction, by Katherine Judson, 50 U. Mich. J.L. Reform 779 (2017) – available at <https://repository.law.umich.edu/mjlr/vol50/iss3/13>

Webinar Materials

A Critical Race Theory (“CRT”) Primer, by Joshua Sealy-Harrington, (submitted by the author, written for another conference)

A working paper on CRT and racial profiling, by Joshua Sealy-Harrington (presented by the author at the *Criminal Lawyers’ Association* conference 2020)

A *Globe and Mail* op-ed on juries and racial bias co-authored by Joshua Sealy-Harrington with Reakash Walters and Anthony Morgan

The BCCLA’s intervener factum in *R v Chouhan*, (SCC No. 39062, [2020] S.C.J. No. 101) addressing juries and racial bias

Lorna Fadden, “Police Interviews with Aboriginal and Non Aboriginal Suspects” (2007) Language and Law.

Lorna Fadden, *Communicating Effectively with Indigenous Clients* <https://www.aboriginallegal.ca/assets/als-communicating-w-indigenous-clients.pdf>

Amanda Carling, “Pleading guilty when innocent: A truth for too many Indigenous people” <https://www.theglobeandmail.com/opinion/article-pleading-guilty-when-innocent-a-truth-for-too-many-indigenous-people/>

Kenneth Jackson, *Tunnel Vision: the sad wrongful conviction of Clayton Boucher*

<https://www.aptnnews.ca/tunnel-vision-the-sad-wrongful-conviction-of-clayton-boucher/>

[*R. v. R.D.S.*, [1997] 3 S.C.R. 484](https://www.canlii.org/en/ca/scc/doc/1997/1997canlii324/1997canlii324.html?resultIndex=1)

[*R. v. Parks*, [1993] O.J. No. 2157](http://canlii.ca/t/1npp2)

[*R. v. Le*, 2019 SCC 34](http://canlii.ca/t/j0nvf)

[*R. v. Ahmad*, 2020 SCC 11](http://canlii.ca/t/j7xvl)