Innocence Canada

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# Report from the Wrongful Conviction Round Table: The Future of Innocence Work as Part of the Federal Criminal Justice System Review

Submission to the Honourable Minister of Justice Jody Wilson-Raybould MP by Innocence Canada

## INTRODUCTION

With financial aid and organizational help from the federal Department of Justice, the round table took place at the Law Society of Upper Canada, with Innocence Canada hosting, on February 10, 2017. It included a remarkable cross-section of players from across the justice system noted for their expertise on the subject of wrongful convictions. (See Appendix A for a list of participants.)

The overall purpose of the round table was to identify specific reforms in an area where Canada, at one time, led the world – the identification and correction of wrongful convictions.

Thirty-five years after the exoneration of Donald Marshall, a Nova Scotia Mi'qmaq man whose case was Canada's first documented wrongful conviction, legislative reform has been sparse in Canada. For the most part, appellate courts have been left to engage in piecemeal, sometimes ineffectual, attempts to fill the legislative gap. However, the wrongful convictions round table took place with an apparent sense on all sides that a rare moment has arrived when long-awaited reforms are genuinely possible and the aims of advocates for the wrongly convicted dovetail with those of a reform-minded government.

In a justice system that seeks to be just, accessible, compassionate and fair, there can be no greater imperative than freeing the unjustly convicted. It is a painful reality that the wrongly convicted are disproportionately drawn from vulnerable groups, particularly marginalized communities. Exonerating the victim of a wrongful conviction makes our communities safer in that each time a wrongly convicted individual is freed, police are able to re-launch their investigation and perhaps apprehend the true perpetrator of a crime. These considerations all go straight to the heart of several crucial aspects of the Department of Justice's mandate.

Participants at the round table possess a vast amount of experience in the field of wrongful convictions. This allowed the group to adopt a realistic, pragmatic approach that, it is hoped, will prove useful to a Minister who has shown a determination to bring about meaningful change. Accordingly, the tone of the round table was uniformly co-operative, forward-looking and non-adversarial.

The round table commenced with counsel from Indigenous Elder Barney Batiste, who urged the participants and government to be "courageously inventive." This was followed by introductory remarks from Jerome Kennedy, an executive board member of Innocence Canada, and 20-minute speeches from three other central figures in the field of wrongful convictions:

- University of Toronto law professor Kent Roach, an internationally recognized expert in wrongful convictions.
- Amanda Carling, a leading specialist in aboriginal justice issues and former Legal Education Counsel with Innocence Canada; currently, Manager of Indigenous

Initiatives at University of Toronto's Faculty of Law.
- James Lockyer, a lawyer who, as co-founder of the Association in Defence of the Wrongly Convicted (now known as Innocence Canada), is synonymous with the innocence movement.

Following these addresses, participants divided into three sub-groups with the purpose of proposing and discussing recommendations for the Minister's consideration.
Rather than being put to a formal vote, these recommendations emerged from the three sub-groups and were discussed by participants at the round table.

For ease of reference, the first section of this report enumerates specific recommendations, along with a brief reference, where needed, to the rationale underlying particular recommendations.

The second section provides context as well as aspects of the round table discussion involving this report's key recommendation – the creation of an independent wrongful convictions commission.

The third section summarizes some of the key points made by Mr. Kennedy, Prof. Roach, Ms. Carling and Mr. Lockyer.

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## KEY RECOMMENDATIONS

1. The creation of a freestanding, independent Commission, funded by government, with power to initiate investigations of possible wrongful convictions and order court review in appropriate cases.

2. The appointment by the Minister of an individual conversant with the process of correcting wrongful convictions (such as a retired appellate judge) to prepare a report recommending specific approaches for creating, funding and sustaining an efficient, credible, independent Canadian commission.

3. The amendment of the *Canada Evidence Act* to include a new section headed: "Preventing Miscarriages of Justice." The first provision in the section would permit either party to call an expert witness on the issue of identification provided certain conditions are adhered to.

> *Rationale:*
> There is a need for a portion of the *Canada Evidence Act* to highlight chronic concerns about improper identification evidence. Eyewitness misidentification, for example, is a leading cause of wrongful convictions in Canada and most other common-law based criminal justice systems. In recent years, a large body of

social science literature has emerged showing that a number of factors can affect the ability of a victim or witness to identify a perpetrator. Some are relatively obvious, such as the effects of lighting, confusion or intoxication. Others are poorly understood, such as cross-racial identification and the effect of stress on memory.

Appellate courts have been resistant to the use of expert evidence that could help a jury understand these factors. Legislation would make clear the advantages of this form of expert evidence and the circumstances that ought to govern its admission, including:

- The proposed witness is a properly qualified expert;
- The evidence relates to a live issue in the proceeding; and
- The evidence is likely to be useful to a jury on a point about which it might not otherwise have particular knowledge.

A second expert witness could be called with the permission of the presiding judge.

The new *Canada Evidence Act* section could also specifically set out sound principles that should govern police identification procedures, such as sequential line-ups.

4. Legislation should specifically require that police, laboratories and the Crown disclose any evidence of contamination that occurs during forensic testing. Specifically, to support independent review, DNA reports should be disclosed with the raw data on which the results were founded and the DNA profiles of lab technicians.

5. A legislative amendment should mandate that all custodial interrogations be videotaped. Further, this legislation should state that failure to record an interrogation would render the fruits of the interrogation presumptively inadmissible.

6. An amendment to the *Criminal Code* expanding the powers of appellate courts to inquire into an unreasonable verdict.

7. The inclusion in police education programs of instruction on cognitive bias; a phenomenon that can negatively skew decision-making by police investigators.

8. The implementation of a pilot project on the use of a contrarian within prosecution offices to challenge prosecutorial decisions made and ask why certain legal and investigative steps have or have not been taken.

*Rationale:*
The concept envisions a senior, experienced Crown attorney who is unconnected to the case being drawn in to assume a challenge function. The contrarian could be either seconded from another Crown office in the province or elsewhere in the country, or he/she could be ‘borrowed’ from a nearby federal Public Prosecution

Service Office. In extraordinary circumstances, an experienced lawyer from the private sector could be retained.

9. In order to reduce the adverse effects of cognitive bias, police services throughout Canada ought to be encouraged to utilize the services of a 'contrarian' officer who would challenge specific investigative assumptions that have been made in a case under investigation.

*Rationale:*
Some police services already use a contrarian model for particular cases and their experience could be instructive. A contrarian can be a senior officer used to challenge investigative decisions to help prevent tunnel vision or resistance to other theories.

10. Section 606 of the *Criminal Code* should be amended to require trial judges to inquire into the factual basis underlying a guilty plea.

*Rationale:*
An unknown (and, likely unknowable) number of wrongful convictions occur because of a pragmatic decision by an innocent person in custody to shorten his period of incarceration by pleading guilty. It is imperative that judges be in a position to ensure that guilty pleas are the product of a defendant with an "operating mind"; and that a plea of guilt is not being prompted by unacceptably pragmatic considerations or out of ignorance of the court process.

11. Work with the National Judicial Institute to enhance, accelerate and expand judicial education that feature prevention and detection of wrongful convictions including education on examining of the factual basis underlying a guilty plea

*Rationale:*
Enhanced education would enable more judges to recognize indications of a potential wrongful conviction and to identify the sort of problematic evidence routinely found in wrongful conviction cases.

12. Consideration should be given to amending S. 146 of the *Youth Criminal Justice Act* so that young persons – at the very least, those between the ages of 12 to 16 should not have an option to waive their right to counsel when providing a statement or confession to police.

*Rationale:*
Currently, a young person who is under arrest, in detention or who is a suspect is not required to have counsel present when giving a statement or confession to police. A young person cannot be considered sufficiently mature to appreciate the implications of a decision to waive his or her right to counsel in these circumstances. It should be mandatory for counsel to be present at such times.

13. Crown and probation authorities should undertake a thorough review in order to

ascertain the extent to which excessive police charging practices are behind the burgeoning numbers of accused people in custody on remand. The implementation of pre-charge screening to reduce the over-population of those in pre-trial detention should be considered.

*Rationale:*
This issue is relevant to the wrongful conviction area in that it is believed individuals facing long periods in remand regularly plead guilty to crimes they did not commit simply to opt out of legal proceedings and to commence serving a sentence. Relatively minor breach of probation charges or unnecessary bail conditions can cause an accused to spend considerable periods in custody. Pre charge screening, as it is currently practiced in some provinces, could reduce the daunting number of charges that an accused in remand may face.

14. Proper guidelines should be created for compensating those who have been exonerated of serious criminal offences.

*Rationale:*
Compensation is currently awarded on an *ad hoc* basis across the country. Guidelines are sorely needed that would provide guidance about how to obtain compensation and govern *quantum*.

15. Prompt action should be taken to act on a series of recommendations made by the Truth and Reconciliation Commission (TRC) that are aimed at criminal justice reform affecting Indigenous peoples.

*Rationale:*
The TRC recommendations are the product of substantial research and consideration. It is vital that those pertaining to the reliability of evidence and safeguarding the presumption of innocence be actively considered by legislators and law reformers.

16. Easily accessible interpreter services, particularly for Indigenous individuals, should be enhanced.

*Rationale:*
Understanding evidence and the nature of a proceeding is a critical component of a fair court system. Extra effort is needed to ensure that defendants are not placed at a disadvantage on account of inadequate interpretation services.

17. Any police records, including CPIC records, ought to be purged of information relating to individuals who have been exonerated.

*Rationale:*
Without such provisions, exonerated individuals may continue to suffer for the balance of their lives, coming under unfair suspicion in future interactions with

police and potentially being described in guilt presumptive terms such as being "known to police."

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## CREATING A MADE-IN-CANADA INDEPENDENT WRONGFUL CONVICTIONS COMMISSION

This issue monopolized the entire session of a breakout group on the future of wrongful conviction work. It also came in for exhaustive discussion at the final plenary session. Given the significance of the recommendation and its scope, the topic warrants careful elaboration in this report.

By way of background, the existing wrongful conviction review process closely involves an office located within the Department of Justice – the Criminal Conviction Review Group (CCRG). Several participants at the round table praised the strong leadership the CCRG has enjoyed under its long-time director, Kerry Scullion. At the same time, the model was widely perceived as being inherently flawed.

To begin with, various speakers noted that the unit lacks robust investigative powers and is under-resourced. Nor is it pro-active. The CCRG moves into action only after fresh evidence has been assembled and provided to the unit in support of an application to review a conviction.

For applicants and organizations that seek to correct wrongful convictions – primarily, Innocence Canada – the requirement to compile a well-developed, documented and argued case is almost invariably costly, excessively time-consuming and entirely unmanageable for an inmate serving a prison sentence.

In addition, the primary function of the CCRG is ultimately to provide the Minister of Justice with a recommendation. The federal Attorney-General is the same individual who decides whether a wrongful conviction case can go forward – a reality that cannot inspire confidence in a convicted person.

It should be noted that Mr. Scullion told the round table during this discussion that he has never been approached by a Minister of Justice about a case, nor has anyone ever attempted to influence his decisions for political reasons. Still, the clear consensus of the round table discussion group was that the perceived taint of conflict of interest cannot be remedied as long as the wrongful conviction apparatus is contained within the Department itself.

Advocates of a free standing commission emphasized that, besides being genuinely independent, there would be an all-important *perception* that the commission is independent.

Another problem that was identified is the relative anonymity of the CCRG. Some of those who have worked in the field for many years said that prison inmates are generally unaware of its existence. Of those who are aware, many express little faith in the CCRG given their perception that it is a creature of the same government that worked so hard to prosecute and convict them.

Were an independent commission granted inquisitorial powers and the ability to engage investigators and specialized staff capable of seeking out evidence expeditiously, it would approach each case from a standpoint of potential innocence.

Several speakers expressed their strong belief that a commission oriented toward pro-actively seeking evidence would dramatically reduce the number of years innocent inmates languish behind bars, waiting for their convictions to slowly work their way through the review process. Delays would be further reduced if, instead of the CCRG referring cases to the Minister, cases could be referred directly to the courts by the Commission.

The question of why no previous federal government has embraced the notion of an independent commission was the subject of vigorous discussion. Theories ranged from the orientation of recent governments toward a law-and-order agenda, to a public perception that since exonerations take place only periodically, the justice system "must be working".

It was noted several times that over the past three decades, six commissioners or public inquiries into specific wrongful convictions have recommended in vain that an independent commission be created. (Two of them, The Honourable Justice Stephen Goudge and The Honourable Justice Patrick LeSage, were present at the round table.)

These inquiries were created by various provinces, which could help explain why federal governments have paid scant attention to their recommendations.

There was a strong consensus at the round table that, rather than presenting the Minister with a finely-tuned proposal detailing precisely how a free-standing commission could be set up, it would be preferable for the Minister to select an individual who is well-versed in the wrongful conviction field – such as a law professor or a retired judge – who would report expeditiously on how an appropriate 'Made In Canada' model could best be created.

An individual selected for this purpose could, for example, canvas all sides and make proposals on: the structure of an independent commission; criteria for appointments to it; an appropriate threshold for claims of innocence to be referred back to appellate courts; the range of offences and/or sentences that would come within its purview; whether all legal remedies would need to be exhausted before the Commission commences a review; and, budget requirements.

Discussion took place about the merits or demerits of generating media and public discussion or pressure surrounding the need for an independent commission. A consensus emerged that, while this sort of activity might make some sense when a particular government is reluctant to embrace reform, it is unlikely to be useful when a government has articulated its express desire for reform.

Several participants described the creation of such a commission as a potential "legacy project" that could define the current federal government's reformist orientation for decades to come.

One member of the Innocence Canada delegation injected a cautionary note, however, observing that should the government create an independent commission but fail to adequately fund it the plight facing wrongly convicted individuals could become more dire than it was before.

Some participants pointed to the United Kingdom's Criminal Cases Review Commission (CCRC), established in 1997, as a particularly sound model. With well over a hundred staff members, many of them former police officers, the CCRC investigates pro-actively and has robust powers of investigation and subpoena in order to uncover evidence.

The CCRC examines a wide variety of potential wrongful convictions. It has referred over 600 cases to appellate courts for review, two-thirds of which were ultimately found to be wrongful convictions. Almost 80 of these cases were homicides.

Despite having been in existence for 14 years longer than the CCRC, it was noted that Canada's CCRG - albeit in a country with a smaller population - has made only 28 referrals for appellate review. (Most of these cases were homicide convictions and the vast majority have resulted in exonerations.)

Participants at the round table from the Ontario and federal governments stressed that reliable statistics would play a useful role in deciding any policy consideration of this magnitude. This observation prompted considerable discussion about the extent to which U.K. statistics can be reliably extrapolated to indicate the number of potential wrongful convictions that remain undiscovered in Canada.

Absent an exhaustive survey of prison inmates and a review of their cases, several participants stated it is virtually impossible to estimate how many Canadian inmates have *not* come forward with claims of innocence because of their innate skepticism about the current review mechanism or because they are simply unaware it exists.

Further to this point, one of the police attendees observed: "There are 69,000 cops in Canada, and probably about five per cent of them know there is a CCRG." He noted that given this reality, it is most unlikely that very many defendants – a high proportion of whom are illiterate or damaged by substance abuse or mental illness – are aware of the "byzantine" process through which convicted inmates can seek exoneration.

A participant from the defence bar offered that about 3 to 5 per cent of convictions are thought likely to be miscarriages of justice.[1] Statistics pinpointing the percentage of convicted individuals who are victims of a miscarriage of justice are rare. Most range from a low of approximately 0.5 per cent to a high of between 3 and 5 per cent. However, when even the most conservative of these figures is used to estimate raw numbers, the results are most troubling.

It is worth noting that, using stringent criteria and with a focus that is almost wholly on homicide cases, Innocence Canada has more than 80 cases in its backlog. Some of these have waited several years to be examined. Admittedly, some are considered to be unpromising. At the same time, however, an effective outreach program in the prison system would undoubtedly add many more cases to this list. In addition, there is no way of estimating how many factually innocent inmates simply complete their sentences, believing there is no alternative once their appeals are exhausted.

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## HIGHLIGHTS FROM KEY SPEAKERS AT THE ROUND TABLE

### Jerome Kennedy: As Round Table Chair

No one who works within the justice system sets out to convict an innocent person, yet it is inevitable that a system that relies on human beings will always be inherently fallible.

When a miscarriage of justice takes place, there are three victims: the wrongly convicted person and his or her family, the victim and his or her family and the public at large. This reality underlines the importance of moving quickly to correct wrongful convictions.

The public clamour that attends the public spectacle of a wrongly convicted person being exonerated tends to subside. Enhancing the process of rooting out miscarriages of justice, therefore, is not necessarily a 'vote-getter,' but it undeniably tests the moral compass of a government.

By promoting the notion of a round table and committing itself to reforms, the current federal government has shown that it is prepared to lead the way after a generation of false steps.

[1] This statistic aligns with the 2010 article by Gould and Leo which states that although it is difficult to determine exactly how many wrongful convictions occur, "several studies on this question cap estimates at around 3% to 5% of convictions." See Jon B. Gould & Richard A. Leo, "One Hundred Years Later: Wrongful Convictions and a Century of Research" (2010) 100:3 J Crim L & Criminology 825 at 832. For additional references citing this statistic see footnote 35 of the above noted article.

**Prof. Kent Roach: Prevention and Remedies**

Notwithstanding forward-thinking reports in 2004 and 2011 by Federal-Provincial-Territories Heads of Prosecutions, Canada has generally lagged behind many other democracies in using legislation to design its justice system to minimize wrongful convictions and enhance the process of obtaining an exoneration.

The only concerted legislative reforms took place in 2002, when the current Criminal Conviction Review Group was created within the Department of Justice as part of the ministerial review process; a move that remains controversial.

The lag in reform is partly a consequence of the Canadian Constitution's Division of Powers. With a federal government that is responsible for criminal law and procedure; and provinces that are largely responsible for policing, forensic science establishments, prosecutions and administering the court process, it is difficult for reform efforts to gain traction and achieve consensus.

Canadian appellate courts are partially hamstrung when they attempt to tackle wrongful convictions in that they are unable to examine "fresh and compelling evidence" absent a formal request from the Minister to do so. Two states in Australia, on the other hand, recently created a second right of appeal based on fresh and compelling evidence; a reform Canada would do well to consider.

Australia, the United Kingdom and various states in the U.S.A. have also moved ahead of Canada in regulating problematic police processes and speeding up appellate review aimed at overturning wrongful convictions. North Carolina, for example, has created an independent commission that considers claims of factual innocence. Some other U.S. states have enacted legislation to regulate practices such as identification procedures, interrogation techniques and mandatory videotaping of police statements.

There is no reason that the *Criminal Code of Canada* or the *Canada Evidence Act* could not be amended to regulate identification procedures and the use of jailhouse informants as well as permitting a judge to inquire into the factual basis underlying a guilty plea.

Parliament could also codify standards for the admissibility of expert forensic evidence in order to place even greater emphasis on reliability. These could include permitting expert evidence that relates to the frailties of eyewitness identification as well as police/prosecutorial tunnel vision and confirmation bias.

Prof. Roach concluded: "If we can amend the *Criminal Code* multiple times each year to create new crimes and give police new powers, why have we not amended it to prevent wrongful convictions that can convict the innocent and allow the guilty to go free?"

**Amanda Carling: Indigenous Peoples and Other Marginalized Groups**

There are 634 Indigenous communities in Canada. Indigenous people make up just 4.5 per cent of the population, yet they represent 22 per cent of the federal prison population and 26 per cent of the provincial jail population.

Given this over-representation in the prison system, it is only logical to assume that Indigenous people are similarly over-represented amongst the ranks of the wrongly convicted. However, the problem is likely considerably worse for Indigenous defendants in that two distinctive reasons sometimes play a clear role in their ending up behind bars: racism and communication.

Public inquiries have found over the years that lawyers may work less diligently for Aboriginal or non-white clients compared to their white clients. Non-white defendants are also substantially less likely to be granted bail; a factor that may cause many Indigenous defendants to plead guilty in an attempt to gain their freedom, regardless of whether they are criminally culpable.

Another reason Indigenous and other marginalized peoples are disproportionately likely to plead guilty to crimes they did not commit is an inherent lack of faith in the justice system.

In terms of communication, for cultural reasons, some Indigenous peoples may not readily make eye contact during police interrogations. They may also habitually pause during responses, arousing police suspicion.

Similarly, defendants may engage in "gratuitous concurrence": a phenomenon whereby they may appear to assent to a proposition put to them even though they do not actually agree with it. In addition, some Indigenous peoples speak a dialect of "Aboriginal English" which allows for particular pronunciations to be easily misinterpreted by police or courtroom personnel.

An abysmal lack of interpreters capable of properly interpreting Aboriginal dialects exacerbates the language problem.

Individual jurors may stereotype Indigenous defendants as being "more likely" to commit a crime or a particular type of offence – a bias that can be difficult to detect or screen during jury selection.

Indigenous prisoners may also find it more practically difficult to access the over-taxed resources of Innocence Canada or other advocates for the wrongly convicted.

In combination, these factors render it virtually impossible to estimate how many Indigenous people are serving time for crimes they did not commit.

**James Lockyer: The Need for an Independent Review Commission in Canada**

The cause of correcting wrongful convictions has slid substantially backwards in the past ten years. In particular, the role of shoddy forensic science has come to the fore as a leading cause of miscarriages of justice.

Appellate courts are seriously restricted in how they can approach potential wrongful conviction cases. Lawyers find themselves obliged to show that a proceeding was marred by procedural errors, as opposed to showing that the trial process ended in the wrong result.

Appellate courts have also reduced their own ability to effectively scrutinize wrongful convictions by too readily invoking the principle of 'finality' and increasingly showing deference to findings made by trial judges.

The current Ministerial process is reactive, not pro-active. It requires defendants to do the bulk of the work of uncovering and presenting fresh evidence - evidence that may be impossible for an applicant to obtain.

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The round table concluded on a note that was hopeful, yet urgent. "How long are we going to deliberate while these things are going on?" Elder Baptiste asked the participants. "How long can we wait before we do something?"

**Appendix A.**

**Wrongful Conviction Round Table Participants**

**David Asper**, Manitoba lawyer, business-person, professor and philanthropist

**Elder Barney Batiste,** Matachewan First Nation member and Nishnawbe Aski Nation Elder

**Stephen Bindman**, Special Advisor on Wrongful Convictions, Justice Canada

**Phil Campbell**, Ontario criminal lawyer

**Amanda Carling**, Manager, Indigenous Initiatives, University of Toronto, Faculty of Law

**Emma Carver**, Policy Advisor, Office of the Minister of Justice and AG of Canada

**Ron Dalton**, Co-President of Innocence Canada and wrongly convicted person

**Sherri Davis-Barron**, Senior Counsel, Public Prosecution Service of Canada

**Tamara Duncan**, British Columbia criminal lawyer, Innocence Canada Director

**Keith Forde**, retired Deputy Chief, Toronto Police Service, Innocence Canada Director

**Jonathan Freedman**, Professor, University of Toronto, Department of Psychology and President of the Innocence Canada Foundation

**The Honourable Justice Stephen Goudge Q.C.**, retired Ontario Court of Appeal Justice and Commissioner for the Public Inquiry into Pediatric Forensic Pathology

**Brenda Gunn**, Professor, University of Manitoba, Faculty of Law, Innocence Canada Director

**Kate Kehoe**, Managing Senior Advisor, Education Resources, National Judicial Institute

**Jerome Kennedy Q.C.**, Round table Chair, Newfoundland criminal lawyer, Innocence Canada Director

**Doug LePard O.O.M.**, Chief Officer, Metro Vancouver Transit Police, former Deputy Chief Constable of the Vancouver Police Department

**Howard Leibovich,** Director of the Crown Law Office-Criminal, Ontario Ministry of the Attorney General

**The Honourable Justice Patrick LeSage Q.C.**, retired Chief Justice of the Ontario Superior Court of Justice and Commissioner for the Public Inquiry into the Trial and Conviction of James Driskell

**James Lockyer**, Senior Counsel and Director of Innocence Canada, Ontario criminal lawyer

**Bruce MacFarlane Q.C**., former Deputy Attorney General of Manitoba

**Kirk Makin**, former Globe and Mail Justice Reporter, Innocence Canada Director

**Nigel Marshman**, Policy Advisor, Office of the Minister of Justice and AG of Canada

**Timothy Moore**, Professor, York University, Department of Psychology

**Debbie Oakley**, Executive Director, Innocence Canada and Innocence Canada Foundation

**Kent Roach**, Professor, University of Toronto, Faculty of Law

**Jonathan Rudin**, Program Director, Aboriginal Legal Services

**Kerry Scullion**, Director/General Counsel, Criminal Conviction Review Group, Justice Canada

**Russell Silverstein**, Co-President of Innocence Canada and Ontario & Quebec criminal lawyer

**Eric Tolppanen**, Assistant Deputy Minister, Alberta Crown Prosecution Service

**Donald Worme Q.C.**, Saskatchewan criminal lawyer, founding member of the Indigenous Bar Association of Canada

**Alan Young**, Co-Founder and Director of the Osgoode Innocence Project, Professor, York University, Osgoode Hall Faculty of Law