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Final Report – Asper Fellowship

This summer I have been working with Innocence Canada as an Asper Centre Summer Fellow. Innocence Canada's mandate is designed to identify, advocate for, and exonerate individuals who have been convicted of a crime they did not commit. Further, Innocence Canada works to prevent future injustices through legal education and reform. Over the last 25 years, Innocence Canada has worked tirelessly to exonerate 23 individuals for crimes they did not commit. I feel very lucky to assist with the organization's fulfillment of this mandate since starting with Innocence Canada on May 11, 2020.

As a Summer Fellow, I have been splitting my time between the two parts of Innocence Canada's mandate. On the public legal education side, I have been working to develop an educational module. This module is part of a larger Wrongful Convictions toolkit that Innocence Canada is creating, aimed at educating current law students on the causes of wrongful convictions to prevent future failures of the Canadian justice system.

I have created and finalized a False Confessions module. False confessions are a serious and underrated cause of wrongful convictions in Canada. As such, this module provides an understanding of the psychology of false confessions, explaining why an innocent person would falsely confess guilt. The module also includes research on how discrimination, harsh interrogation tactics, and police tunnel vision lead to false confessions. This module further analyzes what safeguards against false confessions exist in the Canadian legal system, comparing these protections to the UK's PACE legislation.

The module incorporates leading case law, legislation, and academic perspectives on false confessions to help budding lawyers not only understand false confessions but prevent their occurrence. The final draft includes a module outline, a PowerPoint presentation, speaker's notes, and primary and secondary reading materials.

My second major project on the public legal education mandate is a Women's Outreach Project. This project is aimed at having a direct increase in the number of women Innocence Canada serves. I have been working closely with Innocence Canada's Director of Education to research and understand the challenges women face when applying for exonerations to determine the parameters of this project.

After speaking with a variety of parties, including judges and an exoneree, I have shifted gears to develop materials designed to specifically meet the needs of women who are wrongly incarcerated.

I have also focused my time on creating profiles for Innocence Canada's exonerees. Writing these profiles has allowed me to take an in-depth look at the experiences of exonerees with the justice system.

Regarding my assistance in Innocence Canada's casework, I have been assigned a variety of tasks. I have analyzed witness statements at preliminary hearings and trials for inconsistencies. Further, I have contacted a Court of Appeal, defense attorneys, and the Crown for a disclosure of witness statements to police and analyzed them for inconsistencies. I have also had the opportunity to create a memo responding to a media request detailing police accountability after allegations of misconduct. Lastly, I am working on a legal drafting assignment which analyzes the admissibility of a confession during a Mr. Big Operation.

The most exciting aspect of working with Innocence Canada has been connecting with legal scholars, justices, and lawyers from around the country. These partners have provided a wealth of legal knowledge. As a budding lawyer, I have found my summer with Innocence Canada to be incredibly fulfilling. This work has allowed me to assist with Canada's access to justice crisis – one of the foundational reasons I came to law school in the first place.

I am sincerely grateful to the Asper Centre for supporting my summer with Innocence Canada. I look forward to updating you on these projects in my final report at the end of my fellowship.

Thank you,

Seema Sidhu

J.D. Candidate, Class of 2022

Summer Fellow, Innocence Canada