



**For Immediate Release**

## **NEWS RELEASE**

### **SUPREME COURT OF CANADA DECIDES BLACK JUDGE IS NOT GUILTY OF BIAS**

**(Ottawa -September 26, 1997)** Earlier today, the Supreme Court of Canada upheld the original judgement of Judge Corrine Sparks to acquit a Black youth (R.D.S.) of assault charges against a white police officer during the arrest of another youth in the case, *R.D.S. v. The Queen*. The acquittal was successfully appealed to the Nova Scotia higher courts, on the basis that certain remarks the Judge made implied bias against the police. The Women's Legal Education and Action Fund (LEAF) and the National Organization of Immigrant and Visible Minority Women of Canada (NOIVMWC) intervened in this case last spring to argue that the principle of judicial impartiality does not prevent a judge from acknowledging that systemic racism may be part of the context in a given case.

Immediately after finding R.D.S. not guilty, and in response to a direct question from the Prosecutor, Judge Sparks made general comments about strained relations between police and non-white groups and the tendency for police to overreact when dealing with those groups. At issue before the Supreme Court of Canada was whether these remarks would lead to a perception that Judge Sparks was biased.

By a 6-3 majority, the Supreme Court found that a reasonable person would not think that Judge Sparks was biased in this case. The majority held that Judge Sparks used her experience and knowledge of the community to understand the social context behind the case. At the time of the acquittal, Judge Sparks was the only Black judge in Nova Scotia. The majority also held that the evidence before Judge Sparks was clearly sufficient to support an acquittal.

"We are very pleased with this decision," said LEAF Staff Lawyer Carissima Mathen. "In particular, we applaud the written reasons of Justices L'Heureux-Dube and McLachlin (concurring in by Justices La Forest and Gonthier) regarding the proper interpretation of the test for finding reasonable apprehension of bias. These Justices acknowledged that the "reasonable person" should be aware of the social reality behind every case, for example, the prevalence of racism or gender bias in a particular community. They also stated that judges, to be neutral, need not discount their life experiences. As a Black woman and a judge, Judge Sparks was correct to take account of the social reality of this case."

Yola Grant, a member of LEAF's National Legal Committee (NLC) and Carol Allen, a former LEAF NLC member, were co-counsel in this intervention.

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