



Department of Justice  
Canada

Ministère de la Justice  
Canada

**DEPARTMENT OF JUSTICE COMPONENT OF CANADA'S  
ACTION PLAN AGAINST RACISM  
FORMATIVE EVALUATION  
Final Report**

**June 2008**

**Evaluation Division  
Office of Strategic Planning and Performance Management**



## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>i</b>
<b>1. INTRODUCTION.....</b>	<b>1</b>
1.1. Context for the evaluation.....	1
1.2. Scope and objectives of the evaluation.....	1
1.3. Structure of the report .....	2
<b>2. DEPARTMENT OF JUSTICE COMPONENT OF THE ACTION PLAN .....</b>	<b>3</b>
2.1. Program Logic .....	3
2.2. Management Structure .....	5
2.3. Resources .....	6
<b>3. METHODOLOGY .....</b>	<b>9</b>
3.1. Document Review.....	9
3.2. File review .....	9
3.3. Key Informant Interviews.....	10
3.4. Case Studies .....	10
<b>4. KEY FINDINGS .....</b>	<b>13</b>
4.1. Design and Delivery .....	13
4.2. Implementation .....	17
4.3. Early Results .....	18
4.4. Progress toward Long-term Results Achievement .....	29
4.5. Performance Measurement .....	30
<b>5. CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>33</b>
5.1. Design and Delivery .....	33
5.2. Implementation .....	35
5.3. Early Results .....	36
5.4. Progress toward Long-term Results Achievement .....	36
5.5. Performance Measurement .....	37



## EXECUTIVE SUMMARY

### 1. Program Description

The federal government established *Canada's Action Plan Against Racism* (CAPAR) in 2005, the first-ever horizontal, coordinated approach across four federal government departments (Canadian Heritage, Citizenship and Immigration Canada, Human Resources and Social Development Canada and Justice) to combat racism. As part of the Action Plan, the Department of Justice will receive a total of \$6.7 million over five years (2005-06 to 2009-10) to pursue activities in the three following areas:

- *Addressing race-based issues in the justice system:* conducting research and consultations to assess the problem of overrepresentation of certain groups in the justice system and the perception of racial profiling by police and security forces;
- *Interventions for victims and perpetrators of hate crimes:* exploring initiatives that respond to the special needs of victims of hate crimes and interventions that reduce recidivism in those who commit such crimes by conducting consultations and research; and,
- *Countering Internet-based hate crimes:* investigating the problem of borderless communication of hate propaganda through the Internet. Ongoing funding of \$500,000 has been allocated for an initiative directed towards combating hate on the Internet.

### 2. Evaluation Scope and Objectives

The evaluation focused on departmental activities funded through *Canada's Action Plan Against Racism* from its implementation in 2005-06 to the end of the 2006-07 fiscal year. With a view of broadening the scope of activities covered by the evaluation, activities completed up to the end of the 2007 calendar year (when the evaluation commenced), were also examined.

The objectives of the evaluation were three-fold:

1. To examine, assess and report on early results and progress towards long-term results achievement;
2. To examine and assess the progress and success of implementation of the Justice component of the Action Plan to date; and,
3. To review the Results-based Management and Accountability Framework (RMAF)'s performance and evaluation strategies to ensure that they are still relevant and that there is a focus on indicators that will demonstrate clearly the achievements of the Justice component of the Action Plan.

### **3. Methodology**

The methodology used to evaluate the Justice component of the Action Plan included a review of relevant documents, a file review of all projects funded, and denied grants and contributions (G&C) funding under the Action Plan, key informant interviews with departmental officials and other stakeholders, as well as three case studies, which provided a way to collect detailed information on a sub-set of activities funded through the Action Plan to illustrate activities and results.

### **4. Findings**

#### **4.1. Design and Delivery**

##### **Three priority work areas:**

The Department's anti-racism mandate includes three main areas of focus: race-based issues in the justice system, interventions for victims and perpetrators of hate crimes, and Internet-based hate crime. While it has attempted to pursue activities in each of the three areas, work has been concentrated in some (e.g. Internet hate tip line) and has been very limited in others (i.e. interventions for perpetrators of hate crime). The Department's work is evolving primarily in terms of whom within the organization is willing to collaborate and pursue activities that are relevant to Canada's priorities under the Action Plan.

### **G&C component:**

The Department of Justice provides G&C funding for anti-racism activities and projects through the Justice Partnership and Innovation Program (JPIP). Although funding criteria are very broad, take-up has been limited to six projects (five funded through JPIP and one funded in partnership with Youth Justice through the Youth Justice Renewal Fund) since the implementation of the Action Plan in 2005-06, resulting in significant lapses in G&C funding. Despite efforts to actively communicate and promote the G&C funding available, public awareness of the Department's mandate for anti-racism activities is likely still low as organizations that received funding from the Department to pursue activities under the Action Plan did not initially seek funding through JPIP.

### **Steering Committee:**

The Departmental Coordinator has established a steering committee, whose role is to assist in the implementation of activities under the Action Plan, for example, by reviewing proposals and submissions for funding. Steering Committee meetings are an effective mechanism for information sharing. Although meetings are not always well attended, informal discussions and communication among most committee members seem to be very frequent, if not continuous.

## **4.2. Implementation**

Initially, the implementation of the Justice component of the Action Plan began slowly. With the exception of some preparatory work within the Public Law Policy Section and Research and Statistics Division, new work relevant to Canada's Action Plan Against Racism did not occur during the first year of the initiative. However, the Department's work under the Action Plan is generally starting to gain more momentum now that mechanisms for its implementation have been established, such as a framework for providing G&C funding.

The evaluation found that there have been three main challenges to the implementation of the Action Plan, including lack of administrative support, delays in the approval process for project funding proposals and difficulties in undertaking some planned activities in the area of racial profiling. The first two challenges are thought to have been overcome now that funding has been approved for additional administrative support for the Departmental Coordinator and there is greater clarity concerning the approval process for funding G&C projects. Even though the Public Law Policy Section was not able to follow through with all of its planned activities, it has nevertheless completed a significant amount of work.

### **4.3. Early Results**

The Department of Justice has made progress in contributing to the achievement of many of its short and medium-term outcomes through a series of research, project funding and policy activities. However, relative to other Justice initiatives under the Action Plan, interventions for perpetrators of hate crime is one area where significant progress has not yet been made.

### **4.4. Progress toward Long-term Results Achievement**

Evaluation findings indicate that the Department has made progress toward long-term results achievement, in that activities have been undertaken that address many of the short and medium outcomes identified in the Results-based Management and Accountability Framework (RMAF), with the exception of interventions for perpetrators of hate crimes. However, interview findings indicate that the Department does still plan to pursue activities in this area through for example, a study on alternative measures for hate crime offenders and a panel on inter-racial conflict resolution.

### **4.5. Performance Measurement**

Performance measurement for activities carried out through the Action Plan focuses more on measuring outputs rather than outcomes. The data collected are essentially used by the Department to report to Canadian Heritage on its activities. More data illustrating the concrete results of the Department's activities will be necessary for measuring the impact of the Justice component of the Action Plan as part of the summative evaluation.

During the course of the evaluation, key informants indicated that the outcomes for activities related to interventions for perpetrators of hate crimes are no longer reflective of the work the Department plans to undertake in this area and suggested that they be revised so that they are realistic and feasible. Additionally, key informants identified activities to raise awareness of race-based issues in the justice system (e.g. March 21 Day of the Elimination of Discrimination) that are occurring within the Department or that are planned for the 2008-09 fiscal year, which are not captured in the current RMAF.

## **1. INTRODUCTION**

The federal government established *Canada's Action Plan Against Racism* (hereafter the "Action Plan") in 2005, the first-ever horizontal, coordinated approach across four federal government departments (Canadian Heritage, Citizenship and Immigration Canada, Human Resources and Social Development Canada and Justice) to combat racism. The Department of Canadian Heritage is responsible for the overall coordination and administration of the Action Plan, resources for which include a total of \$56 million over five years (2005-06 to 2009-10) as well as \$12 million in ongoing funding.

### **1.1. Context for the evaluation**

Each partner department (including Justice) is responsible for undertaking a summative evaluation of the initiatives it delivers under the Action Plan and is expected to report to Canadian Heritage on the results by June 30, 2009. The Department of Justice Evaluation Division received funds in 2007-08 for summative evaluation activities. The Evaluation Division used a portion of these funds to undertake a formative evaluation, which is intended to help inform the final summative evaluation. This document constitutes the final report of the formative evaluation of the Justice component of the Action Plan.

### **1.2. Scope and objectives of the evaluation**

The evaluation focused on departmental activities funded through *Canada's Action Plan Against Racism* from its implementation in 2005-06 to the end of the 2006-07 fiscal year. New work relevant to the Action Plan did not really occur during the 2005-06 fiscal year as a Justice Coordinator for the Action Plan was not appointed until March 2006. With a view of broadening the scope of activities covered by the evaluation, activities completed up to the end of the 2007 calendar year (when the evaluation commenced), were also examined.

The objectives of the evaluation were three-fold:

1. To examine, assess and report on early results and progress towards long-term results achievement (information that will inform the summative evaluation) and determine what adjustments, if any, are required to any aspect of the initiative to better achieve its expected impacts;
2. To examine and assess the progress and success of implementation of the Justice component of the Action Plan to date, whether it is effective and according to plan; and,
3. To review the RMAF's performance and evaluation strategies to ensure that they are still relevant and that there is a focus on indicators that will demonstrate clearly the achievements of the Justice component of the Action Plan.

### **1.3. Structure of the report**

This evaluation report contains five sections, including the introduction. Section 2 describes the Justice component of the Action Plan, and Section 3 describes the methodology used to complete this evaluation. Section 4 summarizes the findings of the evaluation, and Section 5 presents the conclusions and recommendations.

## **2. DEPARTMENT OF JUSTICE COMPONENT OF THE ACTION PLAN**

This section of the report describes the Justice component of the Action Plan, including its goals, activities, management structure and resources.

### **2.1. Program Logic**

This sub-section describes the program logic linking the types of activities that the Justice Department undertakes as part of the Action Plan and their expected results.

#### **2.1.1. Program activities and outputs**

As one of the federal partners in implementing the Action Plan, the Department concentrates its efforts on activities in the three following areas:

*Addressing race-based issues in the justice system:* conducting research and consultations to assess the problem of overrepresentation of certain groups in the justice system and the perception of racial profiling by police and security forces;

*Interventions for victims and perpetrators of hate crimes:* exploring initiatives that respond to the special needs of victims of hate crimes and interventions that reduce recidivism in those who commit such crimes by conducting consultations and research; and,

*Countering Internet-based hate crime:* investigating the problem of borderless communication of hate propaganda through the Internet.

### **2.1.2. Expected results**

The implementation of the activities noted above is expected to contribute to the achievement of a series of immediate, intermediate and long-term outcomes.

In the short term, the Department's activities under the Action Plan are expected to result in:

- a better understanding of the needs of victims of hate crime and its effects on individuals and communities;
- a better understanding of effective interventions for perpetrators of hate crime;
- the identification of options to combat Internet hate and of the potential role of the Department ;
- a better understanding of what constitutes hate among general public/Internet service providers;
- enhanced information to support policy development around racial profiling; and,
- an improved understanding of the problem of overrepresentation of identified ethnocultural groups in the criminal justice system.

In the medium term, the Department's activities under the Action Plan are expected to result in:

- new approaches/products to help and deliver services to victims;
- sharing and implementing best practices on effective interventions for perpetrators of hate crime;
- tools in place to identify and report Internet hate;
- policy/program options provide greater clarity regarding appropriate and inappropriate uses of race; and,
- identification of innovative approaches to service delivery to address the problem of overrepresentation.

In the long term, the Department's activities under the Action Plan are expected to result in:

- improvements in services for victims of hate crime;
- an improved response to perpetrators of hate crime;

- improved capacity to combat hate on the Internet;
- improved ability to address public perceptions of racial profiling; and,
- improved access to information and legal resources/assistance for overrepresented ethnocultural groups in the criminal justice system.

Finally, the Department's activities under the Action Plan are ultimately expected to contribute to the elimination of racism and the achievement of equitable socio-economic outcomes for all Canadians.

## **2.2. Management Structure**

The overall success of and accountability for the three Justice-led initiatives rests with the Director General, Youth Justice, Strategic Initiatives and Law Reform Unit within the Policy Sector of the Department. In March 2006, the Director General appointed a Justice Coordinator for Canada's Action Plan Against Racism (hereafter the "Justice Coordinator"), who is responsible for overseeing the Justice's component of the Action Plan and acting as the principal point of contact for the Department on this file. The Justice Coordinator reports directly to the Director General; liaises with the departmental Advisory Committee on Visible Minorities; establishes mechanisms within the Department that facilitate work under the Action Plan (e.g. funding criteria); coordinates projects and activities with colleagues within the Department; and represents the Department at interdepartmental meetings regarding this file, etc.

In March 2006, the Justice Coordinator established a Justice Steering Committee for Canada's Action Plan Against Racism. Steering Committee meetings occur twice a year (once in May and once in November) and provide members with the opportunity to provide an update on the status of Action Plan activities and to discuss upcoming priorities and events. Additionally, Committee members work with the Justice Coordinator to create objectives and goals for the implementation of activities under the Action Plan, review proposals, submissions and research initiatives for funding through the Action Plan, act as a sounding board for departmental activities and priorities and advise on departmental obligations and links to other relevant work. This approach is key to ensuring that linkages are made within the Department. For the most part, the Committee is comprised of employees from other areas within Justice who receive funds to undertake activities under the Action Plan (e.g. Research and Statistics Division, Public Law Policy, Human Rights Law, Aboriginal Justice, Evaluation Division, Programs Branch) or who are working on files that are relevant to the Department's work under the Action Plan (Anti-

terrorism Act Review Team, Office of the Northern Region). The Committee is chaired by the Justice Coordinator.

The Department of Justice receives funds directly from Treasury Board to operate its specific initiatives. Funds are then distributed through the Senior Assistant Deputy Minister's office to the Strategic Initiatives Unit, Public Law Policy Section, Research and Statistics Division, Programs Branch and Evaluation Division within the Department for their initiatives under the Action Plan.

Funding for Justice initiatives under the Action Plan is distributed through a variety of mechanisms, including contracts, contribution agreements, and memoranda of understanding.

G&C funding provided through the Justice component of the Action Plan is administered through the Programs Branch Justice Partnership and Innovation Program (JPIP), a G&C program that allows the Department to develop and test approaches in relation to newly reformed justice systems and improvements to the delivery of justice services in collaboration with organizations, other levels of government and individuals whose technical expertise is valued. Interested organizations submit their funding proposals to the Department's Programs Branch for review and consideration. The A/Director of the Innovations, Analysis and Integration Directorate of the Programs Branch then facilitates the review of each project proposal to ensure that it is complete and consistent with the Terms and Conditions of the JPIP. When a proposal is incomplete, a letter is sent to the applicant requesting that he provide additional information. Completed applications are then reviewed by members of the Justice Steering Committee for Canada's Action Plan Against Racism, who determine whether the proposal is consistent with departmental priorities under the Action Plan and merits funding. When this is the case, senior management approval is sought to fund the project.

### **2.3. Resources**

As part of the Action Plan, the Department of Justice will receive a total of \$6.7 million over five years (2005-06 to 2009-10). Additionally, \$500,000 has been allocated on an ongoing basis for an initiative directed towards combating hate on the Internet. Table 1 (below) illustrates the annual distribution of Vote 1 (Salaries and Operations) and Vote 5 (G&C) funds for the Justice component of the Action Plan.

**Table 1: Distribution of funds for Justice Component of the Action Plan Against Racism**

Year	Vote 1	Vote 5		Subtotal	Accommodation 13%	Total
		Grants	Contributions			
2005-06	1,249,377	50,000	50,000	1,349,377	50,623	1,400,000
2006-07	999,377	100,000	250,000	1,349,377	50,623	1,400,000
2007-08	807,270	100,000	750,000	1,657,270	42,730	1,700,000
2008-09	807,270	100,000	750,000	1,657,270	42,730	1,700,000
2009-10 & ongoing	50,000		450,000	500,000		500,000
<b>TOTAL</b>	<b>3,913,294</b>	<b>350,000</b>	<b>2,250,000</b>	<b>6,513,294</b>	<b>186,707</b>	<b>6,700,001</b>

Although Canada's Action Plan Against Racism was announced on March 21, 2005, the Department did not receive approval for the Justice component of the initiative until November 1, 2005 and the appointment of a Justice Coordinator for the Action Plan did not occur until March 6, 2006 due to hiring procedures. As such, the Department did not actually receive funds in 2005-06 to support activities under the Action Plan. As a result, actual expenditures associated with the Justice's component of the Action Plan have been lower than expected during the first two years of program implementation.



### **3. METHODOLOGY**

The methodology used to evaluate the Justice component of the Action Plan included a document review, a file review, key informant interviews with departmental officials and other stakeholders, as well as three case studies. This section provides further details on each research method.

#### **3.1. Document Review**

A series of relevant documents were identified and reviewed. These documents can be grouped under the following categories:

- Performance information documentation such as: the 2005-06 and 2006-07 Annual Reports to Canadian Heritage; the Evaluation Assessment of Canada's Action Plan Against Racism; the Evaluation Framework for the Justice Component of Canada's Action Plan Against Racism; and, the horizontal RMAF for Canada's Action Plan Against Racism.
- Treasury Board submission for the Action Plan
- Minutes from Justice Steering Committee on Canada's Action Plan Against Racism meetings
- Deliverables from projects funded through the Justice component of the Action Plan, such as: the National Anti-Racism Council of Canada's report on the *Overrepresentation of Aboriginal Peoples and People of African Descent and Asian Descent in Custody*; Dr. Andrea Slane's report on *Combating Hate on the Internet: Current Canadian Efforts and the Recommendations of Non-Governmental Organizations to Improve upon Them*; and the *Hate Crime for Victim Services Workers* booklet, developed by Hate Crime Solutions.

#### **3.2. File review**

All JPIP files that have been funded under the Action Plan (n=6) as well as those that were not approved for funding (n=5) were reviewed as part of the evaluation.

### **3.3. Key Informant Interviews**

Interviews were conducted with key informants, both within and outside the Department, who have been involved with the implementation of the Justice component of the Action Plan. A total of 15 interviews were conducted. Interviews with departmental personnel (staff from Youth Justice, Research and Statistics, Public Law Policy, Criminal Law Policy, Human Rights Law, Aboriginal Justice, Office of the Northern Region and Programs Branch) (n=9) were conducted in person, while interviews with key informants outside the Department, including funding recipients and Canadian Heritage staff (n=6) were conducted over the telephone.

### **3.4. Case Studies**

Three case studies were conducted as part of this evaluation. The case studies provided a way to collect detailed information on a sub-set of activities funded through the Action Plan to illustrate activities and results. The conduct of each case study involved a review of the project file/documentation and related information as well as interviews with two to three key persons (including the funding recipient) associated with each project. In this section, each of the three funded projects selected by departmental representatives for the case studies is briefly described to provide context for the case study findings presented in this evaluation report.

#### **3.4.1. National Anti-Racism Council of Canada (NARCC) focus group sessions:**

Just prior to the end of the 2006-07 fiscal year, the Department provided a contribution to NARCC in the amount of \$110,017 to conduct four regional focus group sessions to highlight programs and activities that address the overrepresentation of Aboriginal peoples and people of African descent and Asian descent in the criminal justice system. NARCC is a national network of Canadian community-based non-governmental organizations committed to the development and dissemination of anti-racism related information and resources, and to the building and supporting of local, regional, national and international strategies to effectively address racism and related intolerance. NARCC membership consists of 125 national organizations representing immigrants and refugees and various ethno-racial groups.

### **3.4.2. Memorandum of Understanding with the Department of Justice's Policy Centre for Victim Issues :**

During 2006-07, the Department's Policy Centre for Victim Issues (PCVI) contracted with *Hate Crime Solutions* (a consulting firm that provides training to policing organizations, community groups and social agencies on how to respond to hate crimes) to revise its successful police training materials for use with victim services workers. A portion of Action Plan funds (\$12K) was provided for this initiative. Although the training itself is funded through the Victims Fund rather than the Action Plan, it is discussed nonetheless in order to illustrate the quality of the training materials, how they are being used and with whom.

### **3.4.3. Internet-Based Hate Crime:**

In September 2006, Justice contracted Dr. Andrea Slane, Executive Director of the Centre for Innovation Law and Policy (CILP) (University of Toronto) to prepare an overview report on the potential role of the Department in combating hate on the Internet. The CILP at the University of Toronto, Faculty of Law supports and facilitates the study of law and its relationship to technology, by sponsoring and cultivating research, teaching and knowledge exchange on law, legal theory, and policy related to technology, broadly understood.



## **4. KEY FINDINGS**

This section presents key findings from the document review and key informant interviews, beginning with those related to the design and delivery of the Justice component of the Action Plan.

### **4.1. Design and Delivery**

#### **4.1.1. Three priority work areas**

The Justice component of the Action Plan was designed such that the Department would focus its activities on three main areas: addressing race-based issues in the justice system (including the problem of overrepresentation of certain groups in the justice system and the perception of racial profiling), interventions for victims and perpetrators of hate crimes, and countering Internet-based hate crime. Interview, case study and file review findings indicate that, while the Department has attempted to pursue activities in all three areas, work has been concentrated in some areas, such as the Internet tip line, and has not yet occurred in others, such as interventions for perpetrators of hate crime. Interviewees involved with the development of the Internet tip line indicated that this project has dominated other activities because it is the only initiative that will receive ongoing funding (\$500K annually) after the Action Plan concludes in 2009-10 and because it is the most concrete Justice Canada deliverable in the Action Plan. Interview findings also suggest that, beyond providing general direction by identifying key priority work areas (e.g. countering hate and bias) and broadly defining the work that will be undertaken by each partner Department (e.g. clarifying race-based issues in the justice system), the Action Plan was meant to be flexible. As such, the Justice component is evolving primarily in terms of whom within the Department is willing to collaborate and pursue activities that are relevant to Canada's priorities under the Action Plan.

#### **4.1.2. Contributions component**

In order to expedite the implementation of the G&C component of the Action Plan, the Department decided it would use the JPIP, an already well-established program with its own Terms and Conditions to deliver the G&C funding available through the Action Plan. The main advantage of this was that the Department did not have to design a whole new program to carry out G&C activities under the Action Plan, particularly since the G&C funding allocated is a relatively small amount at \$2.5M over five years and \$450,000 in ongoing funding for the tip line. However, by doing so, the Action Plan funding has become somewhat of an initiative within a program, which tends to make it less visible than if it had been made its own distinct program. The issue of the visibility of the Justice component of the Action Plan is discussed more in the next section on “Take-up”.

#### **Take-up:**

According to Table 1- Distribution of funds for Justice Component of Action Plan Against Racism (page 7), \$50K was allocated to contributions in 2005-06 (which the Department never actually received because Justice did not receive approval for the Justice component of the initiative until November 1, 2005), \$350K in 2006-07 and \$850K in 2007-08. Interviewees involved with the G&C portion of the Department’s work under the Action Plan indicated that funding criteria are very broad and flexible, allowing the Department to fund projects on a wide range of race-based issues in the justice system. However, only 11 organizations had applied for funding at the time of the evaluation, and only five had actually received funding through JPIP. Of the six applicants that did not receive funding through JPIP, four did not follow up further with the Department by providing the additional requested information needed to complete their proposal. This resulted in their file being closed. One of the remaining two proposals was funded in partnership with Youth Justice through the Youth Justice Renewal Fund, as the JPIP was undergoing renewal at the time. The remaining proposal did not meet the objectives of the Action Plan. The limited take-up of the G&C component has resulted in the provision of only \$330K or 27% of available funds since the implementation of the Action Plan<sup>1</sup>.

Interviewees suggested that the limited take-up in relation to the G&C portion of the Action Plan could be due to several factors. Firstly, even though a funding overview description for the Justice component of the Action Plan was prepared in May 2006, it was not posted on the JPIP website until March 2007. As such, many organizations would not have known that G&C

---

<sup>1</sup> This includes the \$20K in contributions that was provided through the Youth Justice Renewal Fund and does not include the funds that were allocated in 2005-06, which the Department never received.

funding for anti-racism activities was available through the Department of Justice until the end of the 2006-07 fiscal year. Additionally, one interviewee indicated that the Terms and Conditions of JPIP were to terminate on March 31, 2007, leaving a slight doubt that the Program might not be renewed, which may have resulted in some hesitation within the Department to actively publicise and promote the G&C portion of the Action Plan until the Program was renewed. Another interviewee suggested that the departmental mandate for anti-racism activities may not be very apparent to the public. Therefore, organizations seeking funding to pursue anti-racism activities may not consider doing so through the Department of Justice, but rather through departments with clearer links to this area, such as Canadian Heritage which is responsible for multiculturalism.

Of note, all of the organizations that have received funding from Justice to pursue activities under the Action Plan did not initially seek funding through JPIP. Rather, they were referred by Canadian Heritage (Community Action Unit, Multiculturalism Program Directorate) or by another area within the Department. As such, it appears as though the public is generally unaware that specific funding for anti-racism activities is available through the Department of Justice.

Although take-up for the Department's G&C portion of the Action Plan has been limited, the results of the interview findings suggest that the Department is taking steps towards communicating the funding available through the Action Plan to the public. For instance, the Departmental Coordinator for the Action Plan actively seeks out proposals and promotes the funding available through the Action Plan at conferences and meetings, during site visits and through cold calls to anti-racism and related organizations. Additionally, a fact sheet that describes the Action Plan and the types of projects that are eligible to receive funding (e.g. projects that explore the role the Department may have in working with others to combat hate-motivated crimes) is posted on the Programs Branch website where all of the Department's funding programs are described.

Programs Branch has also taken steps to help ensure the success of the Action Plan. For instance, a Program Analyst from the Branch attended a recent National Stakeholders' Meeting on Combating Internet Hate held on December 6-7, 2007, in order to ensure that participants understood the G&C funding element so that sound proposals for the development of Internet hate tip line tools would be received. In fact, interview findings indicate that it was very helpful to have a Program Analyst attend the event to distribute application kits, explain funding criteria and answer questions from potential applicants.

### **Organizational Configuration:**

Because the Departmental Coordinator is an employee of the Strategic Initiatives and Law Reform Unit and not an employee of the Programs Branch, the success of the G&C component is largely dependent upon good communication and significant collaboration between Programs Branch who has been largely responsible for the administrative aspect (e.g. reviewing proposals to ensure that they are complete and consistent with the Terms and Conditions of the JPIP, communications with the applicant, and managing agreements) and the Departmental Coordinator who has been dedicating a significant amount of time to soliciting proposals and communicating the G&C funding that is available. Although both the Departmental Coordinator and Programs Branch have taken steps to facilitate the success of the Action Plan as mentioned earlier, the lapse of funds suggests that more could be done. To enhance the effectiveness of the G&C mechanism, it would be beneficial for the Programs Branch and the Departmental Coordinator to work collaboratively to identify and implement a more strategic, coordinated and systematic approach for soliciting proposals (e.g. through a call for proposals) and for communicating the funding available (e.g. by sending out letters to organizations who undertake work in the area of anti-racism alerting them that Justice funding is available).

#### **4.1.3. Justice Steering Committee for Canada's Action Plan Against Racism**

All of the members of the Steering Committee (there are currently eleven in total) who were interviewed as part of the evaluation (n=8) indicated that Steering Committee meetings are an effective mechanism for information sharing. Some further indicated that meetings provide members with the opportunity to test ideas, discuss approaches and garner a better understanding of who is doing what under the Action Plan within the Department. Several, but not all, Steering Committee members interviewed suggested that the frequency of meetings should be increased to once every two months rather than twice a year. One member suggested it meet quarterly, adding that an increased frequency of meetings might help keep members more engaged in the file. Additionally, now that work under the Action Plan is gaining more momentum within the Department, one interviewee suggested that the focus of the meetings should be on sharing work plans and timelines and discussing how each division's/section's activities fit together under a longer-term plan.

A review of the meeting minutes and interview findings indicate that Steering Committee meetings are not always well-attended by committee members. Even though discussions through the more formal channel appear to be somewhat limited due to the lower level of attendance, the

informal discussions and communication among committee members seem to be very frequent, if not continuous. These more informal discussions between meetings occur both among committee members and between the Departmental Coordinator and certain members. Committee members who were interviewed indicated that they often test ideas and seek advice and input from other members. As well, the Coordinator often circulates project funding proposals to members as appropriate, so that those with expertise in a particular area have the opportunity to provide comments and feedback on proposals that are relevant to their work.

## **4.2. Implementation**

Initially, the implementation of the Justice component of the Action Plan began slowly: the Department did not receive approval for its component until November 1, 2005 and the appointment of a Justice Coordinator for the Action Plan did not occur until March 6, 2006 due to hiring procedures. As a result, with the exception of some preparatory work within the Public Law Policy Section and Research and Statistics Division, new work relevant to Canada's Action Plan Against Racism did not occur during the 2005-06 fiscal year (the first year of the initiative). However, interview findings indicate that, with only a few exceptions, which are discussed later in the report, the Department's work under the Action Plan is starting to gain more momentum now that contacts have been made (e.g. with NGOs working on anti-hate activities), networks (steering committees and work groups) have been established, preparatory work has been completed (e.g. research ideas have been developed), a framework for providing G&C funding is in place, and approval processes for the G&C portion of the Action Plan have been clarified.

### **4.2.1. Implementation Challenges**

Several different implementation challenges were identified during the course of the interviews with departmental staff, which have been categorized as follows:

#### **Lack of administrative support:**

During approximately the first eight months of her term, the Departmental Coordinator for Canada's Action Plan Against Racism did not have any administrative support. As such, she was not only responsible for the day-to-day activities of a Coordinator (e.g. representing the Department at interdepartmental meetings, soliciting proposals, meeting with non-governmental organizations, etc.) but also for the administrative tasks associated with these activities, resulting in a very heavy workload. However, at the time of the evaluation, funding had been approved to

staff an administrative support position within the Strategic Initiatives and Law Reform Unit to support the Departmental Coordinator and assist with organizing meetings, arranging travel, etc. The staffing of this position is expected to ease the administrative workload of the Coordinator.

#### **Delays in approval process for project funding proposals:**

The delay in obtaining approval to fund G&C projects has been a challenge. As an example, the Department received an application for funding in August 2007 for a meeting that was to occur on October 25/26, 2007. However, funding was not approved until November 5, 2007, after the meeting was to take place. As a result, the original work and room bookings were lost and the applicant had to redo his work. Of note, the Department was in the midst of implementing a new approval process for JPIP project funding proposals during that time, which contributed to the delay. The new approval process has now been clarified and as such, the Programs Branch does not anticipate any other delays like the one noted above.

#### **Difficulties in undertaking some planned activities:**

According to the Action Plan, “Justice Canada, in cooperation with federal agencies and departments, will develop options to address concerns about racial profiling”. The Public Law Policy Section of the Department received funds in 2005-06 and 2006-07 to carry out activities in the area of racial profiling that included public opinion research pieces, during approximately the same time the Government of Canada was taking steps to put in place the *Federal Accountability Act and Action Plan* to reinforce Canadians’ confidence in the procurement process for public opinion research. While it was not possible to implement some of its planned activities, resulting in a lapse of 40% of funding, the Department, and in particular the Public Law Policy Section, has nevertheless undertaken and completed a significant amount of work, which is discussed in detail later in the report.

### **4.3. Early Results**

Evaluation findings from the literature review, key informant interviews and case studies suggest that the Department has made progress in contributing to many of its short and medium-term objectives through a series of activities, as follows:

1. An increased awareness among justice system personnel of the special needs of victims of hate crime/the effects of hate crime on individuals and communities:

- The Research and Statistics Division of the Department has completed a research paper entitled “An Exploration of the Needs of Victims of Hate Crimes” that highlights the special needs of and services for victims of hate crimes. This report has been widely distributed and shared both within and outside the Department, and is posted on its Internet and intranet Websites.

***Case Study of Memorandum of Understanding with the Department of Justice Policy Centre for Victim Issues (PCVI):*** During 2006-07, the departmental PCVI contracted with Hate Crime Solutions to revise its successful police training materials for use with victim services workers. The materials and accompanying training is a resource for front-line victim services workers, designed to provide them with basic information about hate crime, its impact, as well as strategies to address the needs of victims. The training module consists of five parts: Understanding Hate Crime, Why Hate Merits a Special Response, What Victim Service Providers Need to Know, Case Studies, and a Pocket Guide to Hate Crime.

*At the time of the evaluation, the training materials had been used for presentations to the F-P/T Working Group on Victims Issues and during the opening ceremony for National Victims of Crime Awareness Week to a public forum. Additionally, there is an opportunity for jurisdictions and non-governmental organizations to apply to PCVI for funding to bring the training to their respective communities. At the time of the evaluation, only the University of Windsor, School of Social Work and the province of Alberta (Victims Programs, Alberta Solicitor General and Public Security) had received funding to hold the training. In order to assess the quality of the training materials as well as the training itself, pre- and post-training survey questionnaires were administered to participants to assess their level of knowledge of the training subject areas before the training began and after the training had finished. Data from the survey questionnaires administered during the Windsor training indicated that 87.9% of participants were more aware of hate crime legislation, patterns of incidents and victim needs after the training. Additionally, a strong majority of attendees (79%) indicated that they were more confident in assisting a hate crime victim after having received the training. A letter on the file from the University of Windsor, School of Social Work to the presenters indicated that it had “received excellent feedback from the workshop attendees about (their) delivery of the information as well as (their) ability to engage and capture an audience”. The training in Edmonton, Alberta occurred in November 2007 and was delivered to approximately 35 Victim Services Coordinators from across the province. At the time of*

*the evaluation, the Department had not yet received feedback on the success of this training session.*

- In addition, at the time of the evaluation, the Research and Statistics Division was in the process of contracting out the data collection for a survey to assess the community impact of hate crimes and was conducting interviews with members of Interfaith Ottawa to examine how they respond to hate crimes. The impacts of this research project will be examined as part of the final summative evaluation.
2. An increased awareness among justice system personnel of effective interventions for perpetrators of hate crime:
    - The Action Plan indicates that the Department will conduct consultations and research to identify meaningful interventions and sentences for those who commit hate and racially motivated crimes. At the time of the evaluation, no projects in this area had been completed. However, the Research and Statistics Division was developing projects that would address this gap, such as a study on alternative measures for hate crime offenders, and was working on a research project on “Hate as an Aggravating Factor in Sentencing”, which had not yet been completed.
  3. An increased awareness among justice system personnel of race-based issues in the justice system:

The current logic model for the Justice component of the Action Plan does not identify this as a short-term outcome. However, during preliminary discussions with the Departmental Coordinator for the Action Plan in preparation for this evaluation, several activities internal to the Department aimed at increasing awareness among Justice staff of race-based issues in the justice system were identified, and thus examined as part of the evaluation.

- Funds (\$9,500) were provided through the Action Plan to support a forum held at the Government Conference Centre on March 30, 2007 entitled "Justice System Responses to Violence in Northern and Remote Aboriginal Communities". Rupert Ross (Assistant Crown Attorney responsible for a number of fly-in remote communities in North Western Ontario), was a featured speaker along with several other panellists. Departmental staff and staff from other federal departments (e.g. Indian and Northern Affairs, Public Safety, RCMP, Canadian Heritage and Status of Women) attended the event. The intention of the forum was to inform attendees about the hard truths in relation to life in northern and

remote First Nations, Métis, and Inuit communities and to discuss more effective responses for dealing with the problem of violence in these communities. Of note, the Department's Research Division has developed a report summarizing the discussions that occurred during the seminar, which it plans to publish in JustResearch, a periodical shared widely on the Department of Justice intranet and Internet Websites.

- In 2007, Action Plan funds (\$10K) were provided through a Memorandum of Understanding with the Department's Human Resources Directorate to support March 21 day for the Elimination of Racial Discrimination activities within Justice. The departmental Advisory Committee on Visible Minorities (ACVM), with the assistance of the Employment Equity Unit of the Human Resources Directorate, organized a learning event entitled "Mentoring: Building Bridges to Enhance Diversity". During the event, two Ontario Court of Justice judges (one Japanese Canadian and one African Canadian) spoke about the importance of visible minority representation in the judiciary and in the legal profession more generally, as well as about their experiences with mentoring programs. All departmental managers and staff were invited to attend the conference. In total, there were approximately 60 participants. A report summarizing the findings of the conference was drafted by the Justice Research and Statistics Division, and was used by ACVM to assist in the development of a submission to the Employment Equity Steering Committee on mentoring to help address visible minority under-representation within the Department. The report is also available to all employees on the Research and Statistics Division's intranet site. Interview findings indicated that a departmental mentoring program has been approved and is expected to be implemented by the end of the 2007-08 fiscal year.

#### 4. Enhanced information to support policy development around racial profiling:

- The Public Law Policy Section (PLPS) of the Department has completed extensive preparatory work to support policy development on racial profiling. More specifically, it has consulted with a number of Justice Regional Offices, the Federal Prosecution Service, the Anti-terrorism Act Review Team and the Criminal Law Policy Section. Consultations centred on the use of race as a decision-making factor in law enforcement and security operations and how the issue of racial profiling arises in their work. The Section has also met with other federal government departments and their legal services units (Public Safety, RCMP, Citizenship and Immigration Canada, Canada Border Services Agency, Communications Security Establishment, Canadian Security Intelligence Service, Transportation Canada, Department of National Defence and Correctional Service of

Canada). PLPS prepared discussion papers for these consultations, the goal of which was to inform and assist policy makers in their attempts to understand possible distinctions between racial profiling and appropriate decision-making. Additionally, 30 issue papers (e.g. United States Department of Justice Policy on the use of race by federal enforcement agencies) as well as sample policies and guidelines on the use of race as a decision-making factor in law enforcement and security agencies have been developed. The Section has established a list of stakeholders for external consultations on racial profiling which includes national organizations, academics/experts, ethnocultural groups, religious groups, justice groups and Cross-Cultural Roundtable on Security members in seven regions. The intention of the PLPS was to further its work through the conduct of national focus group research and consultations; however, as noted earlier, it was not possible to proceed with this work. PLPS has nevertheless continued its policy analysis work.

5. An improved understanding of the problem of overrepresentation of ethnocultural groups:

*Case Study of the National Anti-Racism Council of Canada (NARCC) focus group sessions: NARCC conducted four regional sessions to highlight programs and activities that address the overrepresentation of Aboriginal peoples and people of African descent in the criminal justice system. A total of 111 participants representing more than 40 different community-based non-governmental organizations, governmental and policing organizations took part in the focus group sessions. The sessions took place in Winnipeg, Edmonton, Halifax and Toronto between February 3 and March 10, 2007 and provided participants with the opportunity to learn about other community-based projects addressing the overrepresentation of racial minorities in the criminal justice system and their impact on the identified communities. In particular, participants discussed shared experiences, strategies and best practices for responding to the problem of the overrepresentation of racial minorities in the Canadian criminal justice system as well as barriers and challenges. Twenty-four different strategies for reducing the problem of overrepresentation in the Canadian criminal justice system were shared during the four focus group sessions. The population targeted varied with each strategy and included Aboriginal women and youth, young African Canadians and African Canadian women, young offenders whose crimes were motivated by hate or racism, and young people in general as part of educational and cross-cultural awareness programs in schools to combat racism. A number of the strategies also targeted members of racial minority groups overrepresented in the criminal justice system in general, regardless of age.*

*An extensive report outlining the research and underlying factors in the overrepresentation of racial minorities in the Canadian criminal justice system was prepared following the focus group discussions, which NARCC intends to disseminate to more than 150 organizations, post on its Website and encourage members to post on theirs once it is finalized by the Department. The report also assesses existing measures to reduce or prevent the overrepresentation of racial minorities and Aboriginal peoples in the Canadian criminal justice system, describes the findings of the focus group sessions and includes 26 recommendations for next steps. Participants were asked to complete a survey questionnaire at the end of the focus group sessions. The results of this survey indicate that the sessions provided a strong majority (79%) of participants with a better understanding of the issues of overrepresentation of Aboriginal peoples and people of African descent in the criminal justice system and increased knowledge of effective practices in combating overrepresentation in the criminal justice system among the majority of participants (57%). Additionally, 77% of participants indicated that it would be possible to replicate the best practices discussed during the focus group sessions in other jurisdictions.*

- Very prominent in the logic model for the Justice component of the Action Plan is the work that the Department proposes to undertake to address the problem of overrepresentation of ethnocultural groups in the justice system. In particular, the logic model indicates that the Department will provide G&C funding and will conduct research to improve understanding of the problem. Although at the time of the evaluation, the Research and Statistics Division was planning several projects, research had not yet been undertaken in this area.
6. A better understanding of what constitutes hate among general public/Internet service providers:
- The Department of Justice intends to produce educational material that would help key Internet service providers identify hate propaganda. At the time of the evaluation, this activity was still in the developmental stages.
  - Funding (\$20K) was provided in August 2006 to the League for Human Rights and Institute for International Affairs of B'nai Brith Canada to help support its Third International Symposium on Hate on the Internet. The Symposium was held on September 11 and 12 in Toronto and provided more than 150 participants (law enforcement, government agencies, legal experts, industry partners and educators from

around the world) with the opportunity to increase their awareness and knowledge of both domestic and global issues of Web-based hate, extremism, and terrorism-related activities. The objectives of the Symposium were to share information on issues related to hate crimes on the Internet, including current global legal protections, and to develop tools to aid people working to combat hate crimes on the Internet.

7. The identification of options to combat Internet hate and the potential role of the Department of Justice:

*Case Study of Combating Hate on the Internet: In August 2007, Dr. Andrea Slane, Executive Director of the Centre for Innovation Law and Policy (University of Toronto), submitted a report, entitled "Combating Hate Crime on the Internet: Current Canadian Efforts and Recommendations of Non-Governmental Organizations to Improve upon Them", to the Department of Justice. The objective of the report was to identify and understand the work done by various Canadian organizations, primarily non-governmental organizations (NGOs), on identifying and combating hate crime on the Internet. This information was collected through 39 interviews with key personnel at NGOs and prominent individuals with expertise in online hate. Public documents provided by these and other anti-racism oriented organizations were also reviewed in order to garner a better understanding of the work occurring in Canada to combat Internet hate crime. Each organization was provided with the opportunity to express their views on what role the Department may have in combating the problem of hate crime on the Internet, including whether a national tip line would be beneficial. Dr. Slane's report identified a number of options for improving Canada's ability to address online hate, such as: establishing a national tip line for online hate, court ordered take down or blocking of Internet materials, voluntary take down of Canadian-hosted Websites and voluntary blocking of foreign hosted Websites. All participants in the study agreed that combating hate on the Internet requires a multi-front approach, including public education, counter speech, specialized law enforcement units and training, and an accessible human rights complaints process. In response to one of the recommendations contained in Dr. Slane's report, the Justice Coordinator created the Working Group on Combating Internet Hate. The Working Group is chaired by the Justice Coordinator and the group had met twice at the time of this evaluation (once on March 20, 2007 and once on July 10, 2007). This multi-sector Working Group is comprised of twenty members and includes representatives from NGOs, government officials, Internet service providers and the Canadian Human Rights Commission, many of whom were identified during the*

*fieldwork phase of Dr. Slane's report. The role of the working group is to advise the Department of Justice on the implementation of a tool to help combat Internet hate. Interview findings suggest that, to date, the Working Group's expertise and advice has been valuable in helping the Department pursue its work in this area. Also, in response to the options for improving Canada's ability to address online hate contained in Dr. Slane's report, the Department is planning to pursue several new projects in the 2008-09 fiscal year, including the development of educational material to help Internet service providers identify hate propaganda.*

- As a follow-up to Dr. Slane's report, the Department provided a contribution (\$67K) to the Center for Research-Action on Race Relations for a National Stakeholders Meeting on Combating Hate on the Internet that occurred on December 6-7, 2007 in Toronto. The purpose of the meeting was to solicit community participants' reaction and input concerning the recommendations of the report and to examine concrete follow-up actions and other solutions suggested by the report. The meeting was attended by 43 selected participants, 25 of whom submitted an evaluation form at the conclusion of the meeting (a response rate of just under 60%). The meeting was assessed unanimously as "meeting expectations" and "worthwhile". Respondents rated the meeting overall as "excellent to very good". The majority were of the opinion that the meeting met the goal of identifying the best role for the Department in the development of a tool for combating Internet hate. The success of the meeting was attributed largely to the calibre of the participants, the presentations and the workshop format that enabled focussed discussion. The next steps arising from the meeting include continued consultation with stakeholders, the development of steps for implementation of a tip line, the submission of proposals and the conduct of a pilot project.

8. An increase in networking and information sharing opportunities:

All Justice interviewees indicated that there has been an increase in networking and information sharing and provided a number of concrete examples, such as:

- *Cross Cultural Roundtable on Security*: The Roundtable brings together 15 citizens from various ethnic, cultural and religious groups across Canada who are leaders in their respective communities. The group provides advice and perspectives to the Minister of Public Safety and the Minister of Justice concerning matters of national security. As part of her outreach activities, the Coordinator for the Action Plan presented the Internet hate tip line project at the November 2007 meeting of the Roundtable.

- *The Metropolis Project*: Exists as both an international and a Canadian initiative. In Canada, it consists of five university-based Centres of Excellence and a Secretariat based at Citizenship and Immigration Canada that manages the project on behalf of a partnership of federal departments and agencies. Some 350 university researchers are affiliated with the Centres. The Secretariat is dedicated to ensuring communication between researchers and government (policy development). Justice, Policing and Security is one of six federal policy-research priorities that focus the Centres' research. The Department of Justice has a Memorandum of Understanding with Metropolis that has resulted in a number of deliverables under the Action Plan, including annotated bibliographies, literature reviews, symposiums, etc. The Research Division attends and presents research findings at Metropolis conferences and participates in research agenda planning sessions between Justice, the Atlantic Metropolis Centre and other government departments such as Public Safety, Canada Border Services Agency and the RCMP.

9. The development of approaches and/or products to help victims and deliver services:

- Ultimately, the training materials being delivered by Hate Crime Solutions (discussed in Section 4.3.1 of this report) are intended to help victim services workers provide better services to victims of hate crimes, their families and communities. The results of post-training questionnaires administered to training participants at the University of Windsor, School of Social Work indicate that a strong majority of attendees (79%) felt more confident in assisting a hate crime victim after having received the training.
- Additionally, a chapter on Victims of Hate Crimes has been added to a manual entitled "Working with victims of crime: A manual applying research to clinical practice" by Dr. James Hill, which is used by criminal justice professionals and particularly victim services workers. At the time of the evaluation, this chapter, along with a chapter on working with victims of terrorism, was in the review/editing process. The intent is to include both chapters when requests are made for the manual. Requests for the manual are received by the Policy Centre for Victim Issues on a regular basis for training volunteers and regular service providers, researchers, and other service providers. The chapter on hate crimes has been sent out (in its draft form) to researchers at the University of Windsor, the Centre for Diversity, among others.

10. Sharing and implementing best practices on effective interventions for perpetrators of hate crime:

- The Action Plan indicates that to ensure fair, meaningful interventions and sentences for those who commit hate and racially motivated crimes, the Department will test interventions that ensure accountability while encouraging rehabilitation. Relative to other departmental priority work areas under the Action Plan, “interventions for perpetrators of hate crime” has received little attention. For a recommendation on this issue, see Section 5.3.

11. The development and implementation of tools to help identify and report Internet hate:

- Although at the time of the evaluation the Department had not yet developed and implemented tools to help identify and report Internet hate, it had made significant strides in this area, as discussed in Section 4.3.7 of this report. Additionally, at the time of the evaluation, proposals were being accepted to advance the project through the creation of a pilot “Internet hate tip line” with educational and auditing components. Of mention, several interviewees indicated that this activity has taken more time than originally anticipated, in part because NGOs are taking longer to submit their proposals than expected. One interviewee indicated that she started soliciting proposals last March 2007 and is in contact with organizations who have indicated that they plan to submit a proposal, but have not yet done so.

12. Policy/program options that clarify appropriate and inappropriate uses of race in law enforcement/national security:

- As indicated in Section 4.3.4 of this report, the PLPS of the Department has undertaken extensive preparatory work in this area. At the time of the evaluation, PLPS was preparing a report on its work to date, including proposals for national policies/guidelines for the appropriate and inappropriate use of personal characteristics (race, religion, ethnic or national origin and colour), which may serve as a basis for future work by government departments.

13. The identification and implementation of new/improved approaches to service delivery for overrepresented groups:

- As indicated in section 4.3.5 of this report, one of the purposes of the NARCC focus group sessions was to identify community-based projects addressing the overrepresentation of racial minorities in the criminal justice system. In fact, 24 different strategies for reducing the problem of overrepresentation in the Canadian criminal justice

system were shared during the four focus group sessions. However, at the time of the evaluation, the report summarizing the discussions and findings from the focus group sessions had not yet been finalized or disseminated.

- In June 2006, the Department provided funding for the African Canadian Youth Justice Program that is administered by the African Canadian Legal Clinic. Funding was provided for three Court Liaison workers who act as a resource and support within courts in the Greater Toronto Area to encourage alternatives to incarceration for Black Youth through alternative measures, and to provide assistance in providing effective and culturally appropriate referrals. The results of the file review indicate that, during the first quarter of operation (June 06 – September 06) alone, the African Canadian Youth Justice Program received 161 referrals for the court worker component of the program.
- During the forum on "Justice System Responses to Violence in Northern and Remote Aboriginal Communities", discussed in Section 4.3.3 of this report, panellists spoke generally about more effective approaches to dealing with violence in northern and remote First Nations, Métis, and Inuit communities, rather than through the traditional criminal justice system, and some provided examples of successful programs in their jurisdictions. As a follow-up to the forum, a Department of Justice working group was formed to further develop the ideas raised during the event. At the time of the evaluation, the working group had plans to hold another seminar at the end of March 2008, where participants would discuss concrete measures that use a healing model to address the problem of violence in Northern and rural Aboriginal communities.
- In October 2006, the Department provided \$50K (the first of three payments of \$50K) to the Government of Yukon, Department of Justice for the development of an evaluation framework and the eventual conduct of an evaluation of the Yukon's Community Wellness Court. The purpose of the Court is to test a therapeutic court monitored approach aimed at addressing the overrepresentation of Aboriginal persons in the Yukon courts. The Court will provide a specialized court for offenders with substance abuse addictions problems (both drug and alcohol), Foetal Alcohol Spectrum Disorder and/or other diagnosable mental health problems, which are significant motivating or influencing factors in the commission of offences. The Court is designed to address the unique circumstances of life in Northern communities. According to the funding proposal provided by the Government of Yukon, upwards of 75% of offenders who participate in this program will be from First Nations communities.

#### **4.4. Progress toward Long-term Results Achievement**

Evaluation findings indicate that the Department has made progress toward long-term results achievement in that activities have been undertaken that address many of the short and medium outcomes identified in the RMAF, with only one exception, that is, interventions for perpetrators of hate crime.

##### **An improved response to perpetrators of hate crime**

According to the Action Plan, to ensure fair, meaningful interventions and sentences for those who commit hate and racially motivated crimes, Justice will conduct consultations and research to identify effective approaches. Additionally, in cooperation with stakeholders, it will test interventions to ensure accountability while encouraging rehabilitation. Information gathered through these tests will be shared with the legal community to promote best practices. However, relative to other departmental initiatives under the Action Plan, significant progress in terms of the achievement of the short and medium-term outcomes in this area (i.e. an increased awareness among justice system personnel of effective interventions for perpetrators of hate crime and sharing and implementing best practices on effective interventions for perpetrators of hate crime) had not yet been made. Although at the time of the evaluation, the Research and Statistics Division was developing projects that would address meaningful interventions and sentences for those who commit hate and racially motivated crimes (e.g. a study on alternative measures for hate crime offenders) and was working on a research project on Hate as an Aggravating Factor in Sentencing, to date research within the Department has tended to focus more on interventions for and the needs of victims of hate crimes. Interview findings suggest that this is due in part to the fact that there has been more enthusiasm within the Department for research on victims, making it easier to justify and proceed with research in this area. As well, no funds had been provided to test interventions. For a recommendation on this issue, see Section 5.3.

Interview findings indicate that the Department does still plan to pursue activities in the area of interventions for perpetrators of hate crimes (e.g. a study on alternative measures for hate crime offenders and a panel on inter-racial conflict resolution). As such, it would be worthwhile revisiting the outcomes in the RMAF and making adjustments as necessary, in order to ensure that they accurately reflect the work that is planned. A recommendation to this effect is included in Section 5.5.

#### **4.5. Performance Measurement**

Canadian Heritage is responsible for the overall coordination and administration of the Action Plan, including reporting and evaluation activities. In order to fulfill its reporting requirements, the Department of Justice, along with the three other partner departments, submit data annually to Canadian Heritage on the outputs and outcomes of Action Plan activities for its *Annual Report on the Operation of the Canadian Multiculturalism Act*.

Representatives from Canadian Heritage were interviewed as part of this evaluation to determine whether, in their view, the data that Justice has provided over the last two reporting periods (2005-06 and 2006-07) since the implementation of the Action Plan, has been sufficient to meet Canadian Heritage monitoring and reporting requirements. They indicated that, in general, the data provided by Justice annually has been adequate. However, they did suggest that the Department provide more concrete examples of the results and impacts of the activities it has funded under the Action Plan as they found that portions of the Department's 2006-07 report were vague. Furthermore, Canadian Heritage key informants indicated that for the next reporting period (2007-08) there will be a requirement for partner departments to provide more qualitative data and concrete descriptions of the results of the activities funded through the Action Plan, in order to make the Annual Report more meaningful to the public/readers.

Similarly, using the data collected by the different sections/divisions within the Department of Justice, it was possible to compile a list of activities and outputs of the various priority work areas within the Department (race-based issues in the justice system, interventions for victims and perpetrators of hate crimes, and Internet hate crime) under the Action Plan. In some cases, it was possible to illustrate how these activities have contributed to immediate and intermediate outcomes of the Justice component of the Action Plan. For example, in the Hate Crime Solutions case study, it was possible to illustrate that the hate crimes training had contributed to an increased awareness of the needs of victims of hate crimes among participants through the use of pre- and post-training survey questionnaires. However, in other cases it was difficult to illustrate concrete results/impacts of the some of the initiatives because either it was too early on in the project (e.g. the Internet hate tip line), or data was not readily available on results/impacts (e.g. forum on "Justice System Responses to Violence in Northern and Remote Aboriginal Communities"). This information will be necessary for measuring and illustrating the impact of the Justice component of the Action Plan as part of the summative evaluation.

Of note, key informants at Canadian Heritage were not aware that the Department of Justice had implemented an evaluation framework that includes a logic model for the initiatives that it

delivers under the Action Plan. They indicated an interest in receiving a copy so that they have a better understanding of the initiatives/work that the Department is undertaking under the Action Plan and what it has identified as short, medium and long-term outcomes.

Additionally, Canadian Heritage key informants indicated that an evaluability assessment of the Action Plan they undertook in Spring 2006 recommended that a management review be conducted in 2008 to assess the design and implementation of the initiatives underway in the partner departments (including Justice) as well as the measurability and meaningfulness of success indicators. This approach was approved by Canadian Heritage's Audit and Evaluation Committee and is planned for Spring 2008.

The evaluation also explored whether the indicators and outcomes in the RMAF are still measurable and meaningful for the initiatives involved, and whether the Department can improve the evaluation framework. In particular, the evaluation found that the medium-term outcome of greater use of proven interventions for perpetrators of hate crime and the long-term outcome of an improved response to perpetrators of hate crime are not realistic and feasible intended outcomes for the Department's component of the Action Plan. Additionally, a gap in the RMAF was identified. More specifically, the Departmental Coordinator for the Action Plan has taken the Plan mandate to include work within the Department to increase awareness of race-based issues in the justice system through, for example, March 21 day for the Elimination of Racial Discrimination activities, a learning event for Justice employees on "Mentoring: Building Bridges to Enhance Diversity" (as discussed in Section 4.3.3 of this report). However, work in this area is not identified in the logic model for the Justice component of the Action Plan. It will be important to ensure that these types of activities are reflected in the RMAF so that they are captured at the time of the final summative evaluation.



## 5. CONCLUSIONS AND RECOMMENDATIONS

### 5.1. Design and Delivery

#### **Three priority work areas:**

The Department's anti-racism mandate includes three main areas of focus: addressing race-based issues in the justice system, interventions for victims and perpetrators of hate crimes, and countering Internet-based hate crime. While it has attempted to pursue activities in each of the three areas, work has been concentrated in some (e.g. Internet hate tip line) and has been very limited in others (i.e. interventions for perpetrators of hate crime). The Department's work is evolving primarily in terms of whom within the organization is willing to collaborate and pursue activities that are relevant to Canada's priorities under the Action Plan.

#### **G&C component:**

The Department provides G&C funding for anti-racism activities and projects through the Justice Partnership and Innovation Program (JPIP). The Department offers information about the application process on its Web site, and Programs Branch staff is available to provide guidance to applicants throughout the process. Although funding criteria are very broad, take-up has been limited to six projects (five funded through JPIP and one funded in partnership with Youth Justice through the Youth Justice Renewal Fund) since the implementation of the Action Plan in 2005-06, resulting in significant lapses in G&C funding. Despite efforts to actively communicate and promote the G&C funding available, public awareness of the Department's mandate for anti-racism activities is likely still low as organizations that received funding from the Department to pursue activities under the Action Plan did not initially seek funding through JPIP.

**Recommendation 1: It is recommended that the Departmental Coordinator for the Action Plan and the Programs Branch work with the Communications Branch to review and make any necessary adjustments to the current communications strategy for informing departmental staff as well as other stakeholders about the G&C funding available, with a**

**view to increasing the take-up and making it a more effective mechanism in meeting the Department's obligations under the Action Plan.**

### **Management Response**

Agreed. Although it appears that for the current fiscal year (2008-09) all of the G&C funding will be spent, discussions have occurred with officials in the Communications Branch regarding the provision of support for other Communication-related activities (e.g. the launch of the national tip line). This support, provided on an as needed basis, will be beneficial for all members of the Canada's Action Plan Against Racism Steering Committee and others in the Department.

**Recommendation 2: It is recommended that the Departmental Coordinator convene a larger departmental meeting, with a particular focus on including other relevant areas within the organization that have not been actively involved in the implementation of the Action Plan to date, in order to enhance its visibility and examine how these other areas can collaborate.**

### **Management Response**

Agreed. A departmental meeting is being organized for June 2008. It is hoped at that time that approval will have been obtained for the national tip line project. If so, the meeting will provide a key opportunity to inform others about this major initiative.

Action Plan colleagues from Canadian Heritage may be invited to attend in an effort to educate about the broader CAPAR strategy.

**Recommendation 3: It is recommended that the Programs Branch continue to provide dedicated Program Analyst support and that he or she and the Departmental Coordinator work collaboratively to identify and implement a more strategic and systematic approach to soliciting proposals and communicating the funding that is available, with a view of enhancing the effectiveness of the G&C component.**

### **Management Response**

Agreed. Programs Branch has already ensured that a Program Analyst assume the lead responsibility in regards to the administration of G&C. This approach has already yielded positive results in the coordination of funding proposals. The Program Analyst

will continue to be supported by the A/Director of the Innovations, Analysis and Integration Directorate. These measures aim to ensure that ongoing support is provided to the Departmental Coordinator to ensure the success of the Action Plan.

### **Steering Committee:**

The Departmental Coordinator has established a steering committee, whose role is to assist in the implementation of activities under the Action Plan, for example, by reviewing proposals and submissions for funding. Steering Committee meetings are an effective mechanism for information sharing. The Committee meets twice a year, which several members indicated is not frequent enough. Although meetings are not always well attended, the informal discussions and communication among most committee members seem to be very frequent, if not continuous.

**Recommendation 4: It is recommended that the Departmental Coordinator explore opportunities for increasing the frequency of Steering Committee meetings and expanding the mandate of the Committee to include strategic planning activities.**

### **Management Response**

Agreed. Steering Committee meetings will occur at minimum every two months. Furthermore, discussions regarding strategic planning activities occurred at the Committee's last meeting on April 17, 2008 and it was decided that a special strategic planning meeting be convened in May 2008 to plan for activities in the 2008-09 fiscal year.

## **5.2. Implementation**

Initially, the implementation of the Justice component of the Action Plan began slowly. With the exception of some preparatory work within the Public Law Policy Section and Research and Statistics Division, new work relevant to Canada's Action Plan Against Racism did not occur during the first year of the initiative. However, Department's work under the Action Plan is generally starting to gain more momentum now that mechanisms for its implementation have been established, such as a framework for providing G&C funding.

The evaluation found that there have been three main challenges to the implementation of the Action Plan including lack of administrative support, delays in the approval process for project funding proposals and difficulties in undertaking some planned activities in the area of racial

profiling. The first two challenges are thought to have been overcome now that funding has been approved for additional administrative support for the Departmental Coordinator and there is greater clarity concerning the approval process for funding G&C projects. Even though the Public Law Policy Section was not able to follow through with all of its planned activities, it has nevertheless completed a significant amount of work.

### **5.3. Early Results**

The Department of Justice has made progress in contributing to the achievement of many of its short and medium-term outcomes through a series of research, project funding and policy activities. However, relative to other departmental initiatives under the Action Plan, interventions for perpetrators of hate crime is one area where significant progress has not yet been made.

**Recommendation 5: Given that the Action Plan indicates that the Department will conduct consultations and research to identify meaningful interventions and sentences for those who commit hate and racially motivated crimes, and this area has not been a focus to date, it is recommended that Steering Committee members consider addressing this gap when planning their activities for the 2008-09 fiscal year.**

#### **Management Response**

Agreed. Activities to date have been focused to other priority areas (i.e. combating Internet hate). Although it has been difficult to identify specific “meaningful interventions” for those who commit hate and racially motivated crimes, the Justice Coordinator is exploring the possibility of funding a national symposium on responses to racially motivated offending that would occur in the last quarter of the 2008-09 fiscal year.

### **5.4. Progress toward Long-term Results Achievement**

Evaluation findings indicate that the Department has made progress toward long-term results achievement, in that activities have been undertaken that address many of the short and medium outcomes identified in the RMAF, with the exception of interventions for perpetrators of hate crimes. However, interview findings indicate that the Department does still plan to pursue

activities in this area through, for example, a study on alternative measures for hate crime offenders and a panel on inter-racial conflict resolution.

## **5.5. Performance Measurement**

Performance measurement for activities carried out through the Action Plan focuses more on measuring outputs rather than outcomes. The data collected are essentially used by the Department to report to Canadian Heritage on its activities. More data illustrating the concrete results of the Department's activities will be necessary for measuring the impact of the Justice component of the Action Plan as part of the summative evaluation.

**Recommendation 6: Areas within the Department of Justice that receive funds through the Action Plan such as Research and Statistics Division, Public Law Policy Section, Strategic Initiatives Unit, and Programs Branch should continue to collect ongoing performance information on their activities, and, to the extent possible, collect and record data on concrete examples of the impacts/results of their activities in order to facilitate and improve annual reporting to Canadian Heritage. This information will also be vital for measuring the Action Plan's impact as part of the final summative evaluation.**

### **Management Response**

Agreed. Efforts will continue to be made to illustrate the concrete results of activities funded under the Action Plan through the collection of performance data and information.

The Justice Coordinator recently worked with the Evaluation Division to design a survey questionnaire that was used to assess the success of a Forum on Justice Programs in Northern and Remote Aboriginal Communities that occurred in March 2008. Concrete performance data such as this will continue to be collected and compiled on an ongoing basis to help inform annual reporting to Canadian Heritage and the final summative evaluation.

During the course of the evaluation, key informants indicated that the outcomes for activities related to interventions for perpetrators of hate crimes are no longer reflective of the work the Department plans to undertake in this area. Instead, they suggested that the outcomes be revised so that they are realistic and feasible. Additionally, key informants identified activities to raise awareness of race-based issues in the justice system (e.g. March 21 Day of the Elimination of

Discrimination) that are occurring within the Department or that are planned for the 2008-09 fiscal year, which are not captured in the current RMAF.

**Recommendation 7: The logic model and performance measurement strategy for the Justice component of the Action Plan should be revised to reflect the work that the Department plans to undertake in the area of interventions for perpetrators of hate crime as well as the activities to raise awareness of race-based issues in the justice system.**

### **Management Response**

Agreed. Departmental officials have worked with Canadian Heritage in an effort to meet reporting requirements that are applicable to both the interdepartmental CAPAR obligations as well as those of the Department of Justice.

As work has progressed, it has become clear that adjustments need to occur, including ensuring that all activities identified regarding race-based issues in the justice system (e.g. collaboration with the Departmental Advisory Committee on Visible Minorities and the March 21 Day of the Elimination of Discrimination) are captured in the current RMAF. CAPAR Steering Committee members will work with the Evaluation Division to make any necessary revisions to the RMAF prior to the final summative evaluation.