

Summary of Site Reports for Canada's Black Justice Strategy

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Introduction

Overview of the Engagement Process

Justice Canada is developing Canada's Black Justice Strategy (CBJS) to address anti-Black racism, systemic discrimination, and the overrepresentation of Black people in the justice system. The goal of CBJS is to work towards ensuring Black people are treated equally under the law. As part of this strategy, Black communities across Canada were consulted through a variety of virtual and in-person methods. This report is a summary of the experiences, perceptions, and recommendations put forth by over 1,670 people in Canada across the five pillars of CBJS: Social Determinants of Justice, Policing, Courts, Corrections, and Community Re-entry and Reintegration. Those who contributed often had to relive trauma in order to participate. Despite this, they shared their stories, perceptions, and recommendations with the expectation that their contributions will help create meaningful change and not result only in yet another report about how systemic racism harms Black communities. The overwhelming majority of participants in the engagements and consultations were Black, and participants were incredibly diverse in terms of their experiences and relationship to the justice system.

In addition to the online survey developed and released by Justice Canada, community engagements were held by organizations working with Black people in the community and in custody. The organizations contracted to engage with members of Black communities across Canada are: Black Advocacy Coalition (BACUpNorth), Issamba Center, African Canadian Civic Engagement Council, Truly Alive Youth and Family Foundation Inc., The Hood Fams, Jaku Konbit, Network for the Advancement of Black Communities, Think Twice, Clinique juridique de Saint-Michel, DESTA Black Community Network, African Nova Scotian Justice Institute, and Black Lives Matter NB. In order to reach Black people across their respective provinces and territories, many of the organizations listed above worked alongside other Black-serving organizations in a collaborative fashion. A comprehensive range of in-person and virtual engagement methods was employed, including interviews, community workshops, focus groups, stakeholder meetings, community conversations, consultation sessions, roundtables, submissions via email, and surveys. The diverse stakeholders engaged include Black youth, Black community members, Black community Elders and knowledge keepers from African, Caribbean, and Black communities, advocates for individuals involved in the criminal justice system, formerly incarcerated Black individuals, currently incarcerated Black individuals, individuals with lived experience with the criminal justice system, family members/loved ones of individuals involved in the criminal justice system, victims/survivors of crime, family members/loved ones of victims/survivors, Black community-led and serving organizations, government officials, and individuals working in the criminal justice system or a related field.

Limitations

1) Community partners who contributed site reports were grateful to contribute to CBJS. Nevertheless, many of the authors of the site reports noted feeling very rushed by the process. They felt that time constraints for conducting community engagement and consultation sessions and authoring reports lessened the scope of their work and limited

who could be included. Some were unable to include all documents because they were not translated in time, others could not hire translators to be at events. They noted a desire to talk to people across different areas of their respective provinces and territories to reach more rural areas. While some were able to do this, many were not because the community partners could not set up engagement sessions within the limited time frame. In the future, engagements like these should be well-planned to grant enough time to complete the work in a comprehensive way, with clear directives and structure as to what each site is expected to do. Several community partners also noted that they would need more funding to carry out similar initiatives in the future. 2) There were very few instances where participants spoke about incarcerated Black women or women with interactions with the justice system. Overall, gender was not clearly identified across participants. This significantly limited the capacity for gender-based analysis. 3) Some site reports did not include any excerpts from community members or other participants. While their findings on experiences, perceptions, and recommendations are included here, there is little in their own words. Overall, the number of excerpts from different geographical regions is an indicator of how many excerpts were included in the site reports, not an indicator of support for ideas or the prevalence of perceptions or experiences. 4) While not a limitation, it is worth noting that there was an incredible level of consistency across the experiences participants had throughout the country. As such, this summary report does not address regional differences. 5) Most site reports did not rank the priority of recommendations proposed. This makes sense given the variation in consultation methods and community engagements. We have identified organizational support for each recommendation through tables located in respective recommendation sections. However, some site reports did not include sections for all 5 pillars. This suggests that we should not assume that a lack of organizational support (as indicated in tables) is a true lack of organizational support for a recommendation.

Brief Summary of Findings

We found that participants experienced considerable, pervasive, and interconnected inequity across all five pillars. They perceived social institutions across Canada as oppressive and asserted that anti-Black racism is deeply embedded in institutional policies, practices, and priorities. Participants called for long-lasting, sustainable, and widespread change to address these inequities. They highlighted the need to prevent and intervene in pathways into crime and contact with the justice system by increasing opportunities for Black people and developing better training, policies, and legislation across institutions and social actors involved in the social determinants of justice: income/employment, education, housing, mental health/physical health, child welfare, and immigration. Across policing, courts, corrections, and reintegration, participants advocated for expansive and comprehensive changes. Specifically, they called for expanding restorative justice and developing innovative anti-racist approaches to address institutional cultures and ensure outcomes are equitable. They recommended training, increasing Black representation in the justice system, increasing supports and opportunities for Black people who are involved in the justice system and those who work in the system, increasing oversight/accountability, implementing clear accountability measures and standards, and reviewing and amending policies, practices, and legal frameworks that are discriminatory or have disproportionately led to inequitable outcomes for Black people. They called for transparent, respectful, and

culturally informed data collection and dissemination to track progress made across the five pillars. Participants stressed the need to sustainably fund, support, and maintain Black-led organizations that serve Black communities. They expressed hope that the evidence presented here will be used to create and maintain a fair, equitable, responsive, responsible, and truly rehabilitative justice system.

Community Engagements and Consultation Tables

Community Engagements and Consultation Table 1 of 3					
	Province / Territory	Organization	Consultation Type(s)	Participant Type	# of Participants
North	Northwest Territories	Black Advocacy Coalition (BACupNorth)	Community Workshops, Focus Groups, Stakeholder Meetings, Online Survey 81	Black Individuals with Lived Experience with the Criminal Justice System (CJS), Black Community Elders/Leaders, Black Community Members, Black Youth, Individuals Working in the CJS/Related Field, Advocates of Individuals Involved in CJS, Black Community-Led and Serving Organizations, Government Officials	81
West	British Columbia	Issamba Center	Community Conversation (1, N=20), Focus Group (1, N=3), Interviews (11), Black in BC Project Survey (1200 originally from the Black BC Project, recode/ match open-ended responses)	Formerly Incarcerated Black Individuals, Black Individuals with Lived Experience with the CJS, Black Community Members, Individuals Working in the CJS/Related Field	34
	Alberta	African Canadian Civic Engagement Council	Focus Groups (13, N=141), Online Surveys (N=98)	Currently Incarcerated Black Individuals, Black Victims/ Survivors of Crime, Black Community Elders/Leaders, Black Community Members, Black Youth, Individuals Working in the CJS/Related Field	239
	Saskatchewan	Truly Alive Youth and Family	Focus Groups (4, N= 140) (In-Person and	Currently Incarcerated Black Individuals, Black Community Members,	265

	Foundation Inc.	virtual), Online Survey (N=125)	Individuals Working in the CJS/Related Field, Black Community-Led and Serving Organizations	
Manitoba	The Hood Fams	18 “consultation sessions”	Black Community Members	135

Community Engagements and Consultation Table 2 of 3

	Province/ Territory	Organization	Consultation Type(s)	Participant Type	# of Participants
QC / ON	Ontario	Jaku Konbit	Focus Groups (1 virtually, 5 in person) (N=126), Interviews (N=10), Online Survey (N=34)	Black Individuals with Lived Experience with the CJS, Black Victims/Survivors of Crime, Black Community Members, Black Youth, Individuals Working in the CJS/Related Field, Black Community-Led and Serving Organizations	170
	Ontario	Network for the Advancement Of Black Communities	In-person group sessions	Currently Incarcerated Black Individuals, Black Individuals with Lived Experience with the CJS, Black Family Members/Loved Ones of Individuals Involved in the CJS	157
	Ontario	Think Twice	Focus Groups, Interviews	Currently Incarcerated Black Individuals, Black Individuals with Lived Experience with the CJS, Black Community Elders/ Leaders, Black Community Members, Black Community Serving Organizations, Individuals Working in the CJS/Related Field	280
	Quebec	Clinique Juridique de Saint-Michel	Focus Groups/ Roundtables (virtually and in-person), Interviews (virtually and in person), Online Survey	Currently Incarcerated Black Individuals, Black Community Members	60

Quebec	DESTA Black Community Network	Community Roundtable discussions (in-person, virtual), Survey (in-person, virtual) (N=41)	Currently Incarcerated Black Individuals, Formerly Incarcerated Black Individuals, Black Individuals with Lived Experience with the CJS, Black Victims/Survivors of Crime, Family Members/Loved Ones of Individuals Involved in the CJS, Black Community Members	74
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Community Engagements and Consultation Table 3 of 3					
	Province / Territory	Organization	Consultation Type(s)	Participant Type	# of Participants
Atlantic	Nova Scotia	African Nova Scotian Justice Institute	Engagement Consultation Sessions (In Person [3, N=48], virtual [3, N=12], “Email submissions”	Formerly Incarcerated Black Individuals, Black Individuals with Lived Experience with the CJS, Black Youth, Black Victims/Survivors of Crime, Family Members/Loved Ones of Individuals Involved in the CJS, Black Community Members, Individuals Working in the CJS/Related Field	60
	New Brunswick	Black Lives Matter NB	Interviews (1), Online Survey	Individuals Working in the CJS/ Related Field	9
	Canada	Survey	Survey	Black Individuals with Lived Experience with the CJS, Black Youth, Black Victims/Survivors of Crime, Family Members/Loved Ones of Individuals Involved in the CJS, Family Members/Loved Ones of Victims/Survivors, Black Community Members, Individuals Working in the CJS/Related Field, Volunteers in the CJS/Related Area	230
	Total (Organizations)		Target # of Participants: 1470	# of Participants: 1483	Participation Rate: 101%
	TOTAL (Engagement)		Target # of Participants: 1670	# of Participants: 1713	Participation Rate: 103%

Experiences and Perceptions across the Five Pillars of Canada’s Black Justice Strategy

The participants in the community engagements and consultations were incredibly varied. Participants include Black youth, adults, community members, elders, and leaders; 2SLGBTQ+ refugees, Somali Mothers; Advocates of Individuals Involved in the Criminal Justice System; Formerly Incarcerated Black Individuals; Currently Incarcerated Black Individuals: Black adult and youth male prisoners; Individuals with Lived Experience with the Criminal Justice System: Those who have been stopped, carded, accused, charged, arrested, or convicted (without receiving a custodial sentence); Family Members/Loved Ones of Individuals Involved in the Criminal Justice System: Victims/Survivors of Crime;

Family Members/Loved Ones of Victims/Survivors; Black Community-Led and Serving Organizations: Black Professionals, Black Lives Matter Canada, Saskatchewan African Canadian Heritage Museum, Saskatoon Niger Delta Forum, Saskatoon Open Door Society; Governmental Officials, Individuals Working in the Criminal Justice System/Related Field: Legal Aid Saskatchewan, Parole Board of Canada, Saskatchewan Human Rights Commission, Saskatoon Police Service, Black Police Officers, Black legal professionals (lawyers, police officers, correctional services workers, including those working with Black youth and their families), Black social workers (including mental health practitioners), Front-line workers, Institutional Staff (Custodial Settings), Black Justice Support Workers, Retired and Current Justice System Staff (Court Workers, Police Officers, Lawyers). Unless their role or reason for participating was specifically identifiable from the excerpts, participants are simply referred to “community members”.

Social Determinants of Justice

Participants expressed that anti-Black racism is pervasive and persistent in policies and practices across important social institutions in employment, education, mental health/health, child welfare, housing, and immigration. Some shared experiences that illustrate the attitudes, prejudice, and discrimination directed at them by individuals and through institutional outcomes. Anti-Black racism plays out through unconscious and conscious biases. These experiences are inextricably linked to becoming involved in the justice system and outcomes in the justice system itself. As one participant succinctly stated:

“These factors [social determinants] can intersect and amplify one another, leading to a complex web of circumstances that may bring someone into contact with law enforcement or the court system. It's important to acknowledge these systemic challenges and work towards solutions that promote fairness and equality.”

Overall, participants experienced multidimensional and layered social inequities that they felt prevented them from participating as active citizens in Canadian society.

RACISM AND CRIMINALIZATION IN SOCIETY

Respondents shared the sentiment that anti-Black racism across social life is a social determinant of justice. This section briefly portrays some of the insidious ways racism shapes the lives of Black people (outside of specific social sectors) in Canada through labelling, stereotypes, identity, a lack of positive role models and representation. This section closes by highlighting the feelings some of the participants had about continually confronting racism, exclusion, and criminalization in Canadian society.

The pervasive views of Black people as dangerous has an impact on how they are treated and can shape Black self-identities. A community partner in Québec shared:

“Several respondents, particularly men, expressed the fact that as a “Black man”

society labels them. They are often seen as dangerous people. As a result, they disproportionately find themselves in situations of racial profiling and suffer the torments of over-policing. Furthermore, it results in an identity twist for these people.”

Black parents recounted experiencing fear about how their children would be viewed, especially that their young Black sons would be treated with the stereotype of Black men as “dangerous”. A Black aunt shared a story of her young nephew being treated poorly by the police, who thought he was an adult. In response, a Black mother in Québec shared:

“Your nephew was treated like an adult man, but still the treatment is not valid, right? Even as an adult man, I want to say that. I remember having my two sons go to the dépanneur, and for the first time, seeing them walking off without mommy going to the store. And I was like, oh great. And then I looked at the stride they took and the confidence and that male strut. And I immediately went to fear. My 13-year-old is almost my height, right? So that's fairly tall and he's not a slim child, he's more heavy set. And that fear is so, it's like gut wrenching, you know what I mean? And then there's conversations. I mean, I've spoken to them before, but I'm like, now we really, really, really have to have these conversations, right? And it's so sad because you're addressing this stuff with them and you have to say, 'this puts you in a different light, yes, you're a child, but please function as an adult, please function as an able-bodied, able-mind person that makes proper decisions.' And it's such a hard conversation to have.”

This passage highlights that Black adults are often fearful about how Black children will be treated. This fear is warranted. In a report on Black youth and the justice system, the researchers cited many examples of Black youth in Canada being treated poorly across social institutions and being misperceived as adults (Owusu-Bempah & Jeffers, 2022). This finding is supported by ample research about adultification bias which leads Black youth to be perceived as less innocent, less emotionally expressive, and angrier than youth from other racial backgrounds and leads to poorer outcomes in schools and the justice system (Goff et al., 2014; Epstein et al., 2017; Halberstadt et al., 2020; Cooke & Halberstadt, 2021). Black parents in community engagements demonstrated a keen awareness of the adultification their children are subject to. This is one of many ways that Black youth and children are deprived of their childhoods. Participants also reflected on how racial barriers limits the amount of positive role models for Black children to look up to. This can set youth on a path to become involved in gangs for a sense of belonging:

“I'd like to share just from the perspective of my brother, I would say that in his situation, grief and trauma was the catalyst that got him involved with law enforcement and committing crimes. Not having a sense of belonging, falling into the gang lifestyle. There were no role models and a lack of supervision. That lack of belonging kind of led to a sense of loss, having lost a parental figure, family relationships, and these led to him searching for that in a number of ways that led to him being incarcerated.” (Black sister of an individual in the justice system, Québec)

Participants also discussed how the lack of racial representation across advocates for Black communities facilitates anti-Black racism:

“We don't have any Black MLAs here to speak and fight on behalf of the Black community. There are no Black parliamentary representatives from our community. And, to give you an idea, there are no Black school board trustees even.” (Black community member in British Columbia)

They felt that this underrepresentation lessens the level of care about issues facing the Black community and a lack of remedy for injustices experienced across social institutions. In community engagements in Québec, participants reflected on how their identity in Canada has been shaped by anti-Black racism. They felt that life in Canada was a constant struggle and a challenge to be treated equitably. They felt the need to be constantly resilient and a conflicted sense of identity. In their own words:

“Being Black in Canada is a constant protest just to be alive. The stress is in my whole body.”

“Being Black in Canada is activism because we always have to stand up for something. Its resistance. I feel like we're constantly resisting against a system that tries to ‘invisibilize’ our plight.”

“Being Black in Canada is a struggle. But I would prefer that being Black would just be rich and full of possibility.”

“Being Black is a bomb, nobody wants to deal with it. I also want to say that Black is light. Black is the thermometer that tells you how healthy your society is. If we're not healthy, your society is crazy sick.”

“Being Black in Canada is conflicting.”

“Being Black in Quebec, Canada is being part of a resilient people who continue to not be eliminated or... yes it's a struggle but we keep on standing up.”

“For me, being Black in Canada, it's being strong and being the best you can. But at the same time, it's being misunderstood. Displaced at times. And yeah, you use that strength and courage to fight and to exist.”

“Being Black in Canada is opposing. One is ignored while at the same time being stigmatized or stereotyped.”

“Being Black is limitations, imposed limitations. We need to take up more space. More space amongst our peers, more space in society, in our country, in this world. But Black is strength, and strengths throughout our generation and carried forth now

and into the future, we still have strength and to just lean on that.”

ECONOMIC FACTORS

Participants identified systemic inequalities in employment opportunities and wealth distribution. They emphasized that unemployment, underemployment, and a lack of diverse opportunities for Black communities increases the likelihood to become involved in criminal activity in various ways. They shared experiences of racism in recruitment, hiring, promotion, and retention, and noted experiencing race-based pay gaps, unstable or precarious employment, and de-skilling. For immigrants, having foreign education, skills, and experience recognized was difficult and derailed their adjustment to the Canadian social system. As a community member in Saskatchewan states:

“Black people are often the last to be hired and the first to be fired.”

This sentiment is supported by Statistics Canada data which finds that a higher proportion of Black women and a similar proportion of Black men have a post-secondary education as compared to the rest of the population. Nevertheless, Black adults and youth are about twice as likely to be in a low-income situation and are more likely to be unemployed when compared with the rest of the Canadian population (Do, 2020). Other research finds that as compared to white men, Black men (18-69) were overrepresented among those in jobs they were overqualified¹ for at a margin of 2.6 to 1. Black women were working jobs they were overqualified for 1.5 times more often as compared to white women (Pan-Canadian Health Inequalities Data Tool, 2017).

Furthermore, newcomers and immigrants consulted through the engagement sessions shared that they faced significant barriers finding a job and struggling with a lack of training and programs designed to bridge the credentials they have, and the credentials required to work in their fields within Canada:

“I am lucky that I'm from the United States, where it's a bit easier, but yet and still I can't be a clinical psychologist here, even though it takes more hours to be licensed in the state of California than it does in BC. I know people who were teachers for many years from the continent who are working at Tim Hortons. They like us coming into the country, but they don't want us to come in at the statuses that we have.” (Community member in British Columbia).

“Foreign diplomas are not recognized. More particularly in the case of Quebec, one of the participants told us that immigrant parents are exhausted by their migratory journey and all the administrative procedures that it involves, so they have neither the time nor the energy to return to school.” (Community partner in Québec).

Research has found that in addition to the barriers faced by immigrants noted above, anti-Black racism strongly impacts employment outcomes for immigrants, especially those who

¹ The job required a lower level of education/credentials than they were qualified for.

speak with accents (Augustine, 2012; Creese & Wiebe, 2012; Ng & Gagnon, 2020). This anti-Black racism impacts newcomers and Canadian-born Black people alike. Participants of the engagement sessions critiqued the underemployment they frequently experience. They claimed that underemployment creates a situation where Black parents need to work long hours to make ends meet, which lessens their ability to supervise their children and increases the likelihood that their children become involved with the justice system:

“[There’s] a lack of supervision because our parents were always working because they’re always trying to work and provide. So, we take advantage of that. And a lot of the issues stem from that.” (Community partner in Québec).

This relationship between limited employment opportunities for Black parents, time constraints, and a lack of child/youth supervision was also found in a recent report published by the DOJ (Owusu-Bempah and Jeffers, 2022). Importantly, Statistics Canada (2016) data shows that 33.0% of Black children (0-14) and 26.7% of Black youth (15-24) lived in a low-income household. Respectively, these proportions were 2.5 and 2.2 times greater than the proportion of white children and youth in low-income households. Research also shows that 28.9% of Black households in Canada are food insecure, this proportion is 2.6 times higher than the food insecurity rate for white households (Tarasuk & Mitchell, 2020). Given these findings, it is not surprising that respondents shared that economic constraints placed on parents often means that Black youth need to “grow up quicker” to earn money for their families alongside their parents:

“Several respondents told us that their parents were immigrants and that they worked at least two jobs to support themselves.... the children of immigrants had to take on responsibilities from a very young age and did not have the opportunity to be children or young adolescents. These circumstances meant that the latter were led to become very mature quickly, to find a solution to obtain money quickly.” (Community partner in Québec)

This finding indicates barriers placed on adults trickle down to their children and shapes their opportunities. Poverty creates a situation where the need to survive becomes the most important factor structuring youth trajectories. Yet the same employment limitations confronted by Black parents is also experienced by Black youth. Black men in custody shared that they became involved in crime to help their families:

“This same narrative is widely shared by the male prisoners we met. Many of them share difficult childhoods, with parents who worked two jobs. They have several responsibilities at a very young age. Poverty and the need for money seem to be the main reasons for their criminal acts and conflicts with the law.” (Community partner in Québec)

“If you don't have work where you live and you have to feed your family, you may need to find alternative ways.” (Community member in Québec)

Many respondents told us they had difficulty finding decently paid jobs. Others say that despite their diplomas and other certifications they have difficulty finding a job worthy of their skills. Some respondents told us they “dropped out of school” in order to find a job. However, after confronting significant barriers, they quickly abandoned the legal job market for more “lucrative” illegal activities. Participants felt that Black youth often experience a limited field of possibilities for careers because of the types of labour that are normalized for them and a lack of access to diverse opportunities, and training. Black community members in Québec shared:

“There is the lack of opportunities being exposed to Black youth. If you ask any Black youth ‘what do you want to be when you grow up?’ nine times out of ten it’s sports or entertainment. And that's because we don't really see ourselves in the media in a successful way in different positions. And they're not accessible and tangible.”

“Laws contribute to people going through the criminal justice system. For example, a law that forces people to speak French when they may be coming from other places, and then it goes through them not succeeding in a school system and then having to find alternative for work. So, I feel like, indirectly, that causes people to go into alternative paths.”

As this section demonstrates, inequities in employment and employment opportunities pushes Black youth and adults to become involved in crime in order to survive. Participants shared a range of recommendations on how to reduce inequities in the section of the “Improving access to economic opportunities”.

EDUCATION

Black youth, community members, community partners, individuals in custody, and community Elders stressed the crucial role of education in determining the life paths of Black people. They recalled personal and observed accounts of the inequities impacting Black students at school such as racial discrimination, a lack of meaningful curriculum content about Black people in Canada, and a stark absence of Black role models in teaching and administrative roles. Incarcerated individuals often connected unfavorable experiences during their K-12 schooling and being in a correctional facility. One individual shared an experience of being taunted by white students with racial slurs, slurs that went unpunished by school authorities. Yet when he responded to these incidents, he was punished. These experiences left him feeling unsupported and isolated. For many Black students, being punished at school- and being discriminately punished especially- can later lead to being incarcerated because: a) it can decrease feelings of belonging, lead to school dropout, and subsequent criminal engagement through rebellion, b) it can decrease feelings of belonging, lead to school dropout, limit labour market opportunities, and increase criminal

engagement for financial survival, and c) when police officers are called to handle situations involving Black youth at school, it increases the likelihood of further criminal justice involvement (Owusu-Bempah & Jeffers, 2022).

At the primary, secondary, and post-secondary levels, Canadian school curriculums lack comprehensive coverage of Black Canadian history, the contributions made by Black individuals in Canada, and the issue of anti-Black racism. This educational gap plays a role in perpetuating racial discrimination, as many Canadians graduate without Black cultural competency, Black cultural understanding, or the ability to recognize or address anti-Black biases they may have. This deficiency is particularly impactful among individuals in decision-making roles and those with significant power to shape outcomes for Black people- such as educators, employers, health and mental health professionals, and those working in housing and the justice system. Community members and community partners in British Columbia said:

“There isn't a place for Black people in the education system. The majority of learning institutes and education are based upon white/European history that leaves out the Black experience and historical accuracy.”

“Our participants indicated that the anti-Black racism and discrimination in the justice and criminal systems have been fostered by the absence of, or limited education about Black cultures, histories and peoples in schools as well as the harmful misrepresentation of Black people in popular media. School curricula and popular media have created and sustained negative anti-Black stereotypes that lead to needless suspicions and doubts.”

The lack of Black Canadian history in curriculums and discriminatory portrayals of Black people in history can also decrease the belongingness Black students feel in Canadian schools and society:

“It's great that we have Black History Month, that's great. But we need to step it forward. It's just been too long. I'm personally really looking for what action there is towards lobbying and working with the Ministry of Education to finally have curriculum reflective of the contributions that Black Canadians have made so that our kids that are in the schools get the full story, and they're able to really see themselves. I think it really starts with the kids from pre-K, that's where they're subjected to the narratives. And they're very negative when it comes to our community. (Community member in Québec)

The engagement session revealed that Black parents and their children generally feel underwhelmed or frustrated about the relationships that many teachers have with Black students. Bias comes out in disciplinary practices, lowered expectations, and exclusion. A Black community partner in Ontario notes that there are “two distinct types of teachers: those who lower their expectations for Black students and those who adopt rigid approaches.” A Black youth in Québec shared:

“When we went to high school, they told us 70 to 75% the kids that do go to that school. They drop out of high school. Yeah, that's what they tell you. You go with your parents, you register, that's what they tell you.”

Others shared specific cases where teachers even underestimated Black students who showed special academic promise:

“School had an impact because I was left feeling less intelligent due to my social status, even though I was helping other kids. I was the one who was left with lower marks as if I were cheating off them.” (Community member in Ontario)

“A Black student was singled out to confess to a missing \$5 in class, despite having just won \$40,000 for her school in a reading competition.” (Community partner in Saskatchewan)

This particular kind of racial bias held by teachers leads directly to Black students being placed on the school-to-prison pipeline. Research shows that students are less likely to graduate high school if they dislike school, do not feel like they belong at school, and are not connected to any teachers (Eckstrom et al., 1985; Jordan, 1994; Dei, 1997, James & Turner, 2017). In addition to examples of teachers treating Black students differently academically, many participants shared examples of differential disciplinary practices in schools. These practices served to further marginalize Black youth and “push” them out of schools (Dei, 1997). In their own words:

“I was put in a behavior class automatically when I disagreed with something. I was seen as rebellious.” (Community member in Ontario)

“If two students get in a fight, the Black student will face more injustices and all the blame is put on them. This is where the adversity starts.” (Community member in Ontario)

“The education system is failing Black youth and boys. So many suspensions and severe punishments for minor issues. This is racially biased. There also needs to be better neighborhood investments in places where Black people live.” (Community member in Alberta)

“I think that it is more important to work with young Black males and encourage them to focus on their skills and abilities when they are young for them not to get caught up in the justice system. They need to understand the historical and political nature of racism.” (Community member in Ontario)

“I worked in the school system, and often in the lunchroom in the teacher's lounge, I would hear a teacher describe a big, Black kid, usually a boy. And even when the physical being is not big. It could be a little boy short as I am. But they were always

described as this ‘big, Black kid’. And of course, to them it sounds scary. It's embedded in the mentality.” (Community member in Québec)

Black parents, students, and community partners claimed that teachers are rarely penalized when racist behaviour is reported to school authorities, even in extreme instances where derogatory language is used. To address some of these issues in schooling, participants advocated for holding educators and accountable. They also asserted the need for more accessible recreational activities in schools and outside of schools for Black youth as a tool to decrease the dropout rate:

“One of the things that anchors our young Black men to their communities and schools is recreational activities, social activities, and sports. From a cultural lens, these activities help to provide the young men with “street cred”, socialization, and a positive prosocial outlet. However, as a punitive method in schools, participants mentioned that this is one of the first things to be taken away from them if they misbehave, or their academics slip.” (Community partner in Nova Scotia)

Support for this belief has been found in academic research, Chang and colleagues (2021) found that Black student who participated in sports at school had a lower dropout rate than their non- sport participating counterparts. Students also tend to be disengaged from the schooling experience if there is a lack of involvement in sports, arts, and clubs (Cairns, Cairns, & Neckerman, 1989).

In summation, schooling institutions play a significant role in whether Black youth become involved in crime. The lack of representation across educators, the mistreatment of Black students, and a paucity in recreational activities impacts whether students finish their schooling and the opportunities available for them. Participants suggested important changes be made, that are highlighted in the recommendations for “Addressing racial disparities in education” section. In addition to what has already been shared here, participants also felt that Black children are often misdiagnosed as having learning disabilities, mental disabilities, depression, and ADHD because of anti-Black stigma at school. This suggests that need for interventions in mental health, which will be discussed next.

MENTAL AND PHYSICAL HEALTH

Black community members highlighted that the pervasive experience of racism within social institutions and across interactions with people outside of institutions contributes to mental health issues and poor mental well-being among Black people. Furthermore, respondents note that people within the Black community can also stigmatize those with mental health issues which means many Black people experiencing poor mental health continue to be undiagnosed. Prevailing anti-Black sentiments among mental health professionals and a lack of knowledge about the impact of racism on Black people has resulted in many Black people being misdiagnosed or treated in a manner that is not sensitive to their racial and cultural backgrounds. Participants also noted the impact that adverse childhood

experiences and untreated trauma had on the life course of Black people. Black clinicians in Nova Scotia said:

“If we look at Adverse Childhood Experiences (ACEs) for our children, we are then repeating those behaviors and the cycle allows for those disrupted family styles to continue. Our community has romanticized our past. If we look at ACEs and those who have lived in poverty or witnessed partner violence, sexually abuse, inappropriate relationships, sexualization of Black men, multiple moves because of insecurity, or had a parent who had significant substance abuse. That is very loaded with no intentional interventions from an ACEs perspective. Where are those community hub integrated models of care? Why are we as a community still working in silos?”

“In our experience with trauma from anti-Black racism, it sits with us forever and there are things we will never forget. To the general public of white people, they do not look the same and we are judged for being traumatized. A police officer arrested a person I know for ‘fitting a description’, they got roughed up, put in jail and then were just told that they were not the person they were looking for”.

Early experiences can shape whether and how youth become involved in crime. But importantly, ACEs and other experiences are often shaped by wider societal oppression. A clinician in Nova Scotia shared that they “remind clients that we are both victims and perpetrators. Those are the nuances of people of African Nova Scotian descent”. Despite these realities, there are limited supports and interventions for trauma tied to ACEs and experiences of racism. Participants shared that a lack of culturally sensitive mental health care perpetuates mental health issues among Black people and can lead to inaccurate and inappropriate diagnosis:

“Our problem is our counselors are not trained in how to deal with mental health issues specific to African, Caribbean and Black youth. They do not get the training in their work. So, what ends up happening is sometimes, when youth go to the counselors, they actually perpetuate more racialized violence and trauma, and they can actually do more harm than good.” (Community member in British Columbia)

The lack of culturally sensitive mental health care also contributes to stigma against people with mental health issues within and outside of Black communities:

“Counselors don't understand Black parents and what they have to go through as well, and so parents could end up rather vilifying their kids in the process.” (Community member in British Columbia)

“As a community, we frequently face traumatic experiences without the necessary support and systems in place to effectively address and heal from the harm we have endured.” (Community partner in Nova Scotia).

As participants have highlighted, anti-Black racism both increases the likelihood of developing a mental health issue and decreases the likelihood that Black people receive adequate supports. Mental health is a social determinant of justice. In a report for the Mental Health Commission of Canada, Coleman and Cotton (2014) noted that about 40% of people with a mental illness have been arrested in their lifetime, and only a small proportion were engaging in criminal activity when arrested. Further, stigma about mental illness shapes the perceptions among many Canadians that those with mental illness are dangerous. This means they are more likely to call the police to handle people seemingly in distress and also that the police are more likely to inappropriately assess the level of risk associated with those in a moment of crisis (Coleman & Cotton, 2014, p.57). Since 2000, approximately 50% of police-involved fatalities in Canada involved a person who was experiencing mental distress (Nicholson & Marcoux, 2018). People with mental health issues additionally experience adversities in the courts, corrections, and reintegration (John Howard Society Ontario, 2021). All of this together suggest an urgent need to develop and implement interventions to promote mental health and well-being, recommendations are laid out in the section on “increasing access and funding for culturally responsive and culturally informed mental health programs”.

Outside of mental health, participants did not talk about physical health in the community. Nevertheless, the social determinants and inequities in health for Black Canadians; education, employment/income, housing, and health behaviours (Public Health Agency of Canada, 2020) overlap considerably with social determinants of justice outlined in this report. According to the Public Health Agency of Canada (2020), between 2010 and 2013, Black Canadians aged 18 and over were more likely to self-report fair or poor health compared to their white counterparts. Moreover, they exhibited a higher prevalence of diabetes and were less likely to report engaging in active or moderately active lifestyles. Black people also experience systemic under-treatment in hospitals and health care facilities (Williams & Wyatt, 2015; Nnorom et al., 2019)². The Public Health Agency of Canada (2020) called for more research on the social determinants of health and their relationship with anti-Black discrimination and outcomes for Black people in Canada and their relationship to justice. The Public Health Agency of Canada also called for increasing the representation of Black healthcare professionals.

CHILD WELFARE

Black community members and service providers expressed that there were double standards in the approach of child welfare services when it comes to Black people compared to members of other racial groups. A community partner in Ontario shared an interaction between police, child welfare, and a Black family:

² These findings give us clear reason to assume this under-treatment of Black people in custodial facilities.

“A mother shared the experience where their young son squabbled with his sister and called 911. Police bang on the door and there a white male officer shoved the mother (who was pregnant at the time) and escorted her to change while he watched. While she was changing, the children got taken from the house.”

Respondents expressed the view that social services separate Black children from their parents without considering cultural differences (i.e., different parenting styles), which sometimes lead to trauma in these children and eventually a negative contact with the justice system because of the separation from an environment that promotes their cultural identity, heritage, and the kind of nurturing they require. Significant changes must be made to address these issues as Black youth are overrepresented in the child welfare system (Laverne et al., 2009; Clarke, 2011; Fallon et al., 2016; Ontario Human Rights Commission, 2018b). Moreover, Black youth in the care of child welfare, especially those in group homes, receive more criminal charges and more severe charges than their white counterparts, especially for administration of justice offences (Finlay et al., 2019). To combat the child welfare-to-prison pipeline face by Black children and youth, participants called for keeping families together as much as possible. Recommendations for improving child welfare are laid out in the section on “Addressing systemic racism in child welfare”.

HOUSING

Stable housing is a crucial social determinant of justice. Homelessness and unstable housing situations can increase the risk of involvement with law enforcement and the justice system. Black community members shared that homelessness impacts Black people by increasing their exposure to crime and their need to rely on crime to get by. They also stressed that public housing units were often below standard quality and not maintained. Black individuals also face anti-Black racism while trying to secure housing and having their homes maintained. Black community members in British Columbia shared:

“I always had to go with my white husband when we were renting. By myself, I was quickly denied even when I phoned and made appointments.”

“When my partner and I were house hunting all the brochures used by property developers only had images of white people and in all the design mock-ups. These can sometimes send a message that Black people are not welcome in the neighborhood. There is a lot of racial segregation here in Vancouver with predominantly white neighborhoods.”

“When I was renting, I noticed such factors as more frequent rent increases and meaningless harassment though I was a very good tenant and took good care of our homes.”

“We were not hurting nor inconveniencing anyone. We were the ones being inconvenienced. We had no clean hot water unless I boiled it on the stove. Even going to the Landlords' and Tenants' Board made no difference. I called the health board

and was later evicted.”

“Condominium "president" told me I was not welcome to live there, lied to the landlord and strata... had to involve my landlord and police.”

These perceptions and experiences shared by respondents are supported by Statistics Canada (2016) data which revealed striking racial differences in housing security. Black Canadians were 2.7 times more likely to be living in housing below standards compared to white Canadians. Black people in Canada were more likely to be unable to afford their housing costs, live in crowded homes, or live in a home that required major repairs. Respondents also shared frustrations with a lack of available affordable housing, the presence of public housing in high-crime neighbourhoods, and sub-standard living conditions in public housing units. Participants reflected on the limitations experienced in their neighbourhoods that increased their likelihood to be involved in the justice system through efforts to resist unfair social control and over-policing. Community members and youth in Québec shared:

“It really started with hanging out with my group of friends. You play at the park and you get labeled. You're too loud. You make a lot of noise. They put up a gate around the basketball court. At some point, they put a lock on that gate as well. So, we had to climb up the fence to go play basketball. And then the police came, they said, you're not allowed to play basketball before noon. And we had to play from noon to 8 PM. So, I would say, you can say a lot of factors. You could say poverty. You could say your economic situation. But I think the problem is deep rooted. And I think that it goes beyond just having the means to not be poor. If you want to have a sense of belonging to your community, I think you need to understand your environment. And a lot of us, we don't really understand why we're targeted. We know it has to do with race. But at times, when we try to engage and have those conversations, it really falls to deaf ears. So, I would say for me, it started out just existing in my neighborhood. That's what it was, unfortunately and fortunately. Because we exist, we [are] here. And we need to be confident enough to occupy the physical space. But in order to have that confidence, you need to know that you're secure in your environment. And growing up, I never really felt secure. And I would say too, that's how a lot of my friends, their hatred started for the police. And that's how they ended up going on the other side of society”

“When I was growing up, all police talked about is how ‘all the Black kids in this neighborhood, they're in the gangs, they're gang related’. So they kind of prepped you for that life without you knowing it. As you grow older, the role models that you have, the people that you see making money, you realize, ‘okay, if I wanna to be something in the society, this is who I'm gonna become’. They're prepping you to be part of that gang. Now the police start to know about you, they start to know your face. But they put the thought in your mind in order to make you believe that.”

As demonstrated, living in high-crime, low-income neighbourhoods can lead to Black youth

being subject to the self-fulfilling prophecy of criminalization while also increasing the visibility of crime for Black youth. When paired with barriers in the labour market, these neighbourhood dynamics can serve to normalize engaging in crime (Owusu-Bempah & Jeffers, 2022).

In summation, participants assert that there are many barriers to accessing safe, affordable, clean, and stable housing, and the research cited in this section demonstrates stark differences for Black people, specifically. A lack of stable and affordable housing options can increase the likelihood that people engage in financially motivated crime. Housing is a key social determinant of justice.

Homeless people are more likely to be arrested and many people who are released from prison are released back into homelessness. Across 15 prisons, jails, and detention centers in Ontario, for example, the proportion of prisoners released from prison into homelessness has increased in the last 7 years (Hayes, 2023). This reality has led some experts to assert that there is a revolving door between homelessness and incarceration (Novac et al., 2007). Altogether, these findings suggest the need to address housing issues to remedy the overrepresentation of Black people in the justice system. Housing recommendations posed by participants are laid out in the section on “Addressing inequities in housing stability and homelessness”.

IMMIGRATION

Most participants shared their concerns about the immigration consequences for non-citizens who are convicted of crime. In the engagement sessions, participants recalled anecdotes of young men sent back to their countries of origin with dire consequences to their lives. In many cases, deported individuals came to Canada while children and lacked social ties to the country they were deported to. In particular, respondents felt strongly that it should be Canada’s responsibility to support people who immigrated before becoming legal adults. Community members in Ontario said:

“Young men being sent back ‘home’ have learned the wrongdoings here not back ‘home’, and so, if they are a problem, they are a Canadian problem.”

“Young people get involved with friends into trouble because they did not know any better that they could be deported. Help new immigrants to handle culture-shock and go through the whole adjusting process.”

As can be seen in these excerpts, participants stressed concerns about the lack of education and awareness about Canadian laws among immigrants and explained how this leads to interactions with the justice system. In the section above on economic determinants of justice, participants also discussed how poorer economic outcomes and a lack of resources can make the integration experience for Black newcomers particularly difficult. Recommendations for the prevention and intervention of immigrant involvement in the justice system are shared in the section on “Addressing the needs of Black immigrants and newcomers”.

Policing

The prevailing view among the diverse range of respondents is that they feel demeaned, oppressed, and marginalized by the police. Participants perceive that police often used their authority to violate, discriminate, interrupt, and abuse instead of to protect them. Our engagements reveal that Black people across Canada feel over-policed as offenders and under-policed as victims of crime, and that both of these phenomena are facilitated by prevalent stereotyping of Black people as aggressive, angry, and dangerous. There was frustration about the early negative contact Black children have with police. Black community members cited feeling that the police were unwilling to engage in open dialogue with them, understand their communities, or gain cultural knowledge. Likewise, the underrepresentation of Black people in police services was perceived to limit their cultural knowledge. One of the most common findings across engagements was that the police often initiate interactions with Black people without a clear reason. Across the country, participants shared stories of being stopped simply because they were Black. Black participants in predominantly white neighbourhoods shared stories of being “othered” by community members who used the police as a tool in this regard. Black participants in neighbourhoods with a high- percent-Black population shared that there was a heavy police presence within their communities. In either case, the engagement sessions revealed that Black people across Canada feel a strong negative police presence in their daily lives. For example:

“I once got pulled over and before the cop came to talk to me, he called for backup and 8 other cops showed up. They talked to me with their hands on their weapons, only for them to ask for ID and then let me go. They needed 8 cops with their hands on their weapons to do a traffic stop on a single Black male”. (Black male community member in Northwest Territories)

“Police should stop pulling me over when I'm walking and asking where I'm going when I'm walking home. Stop pulling me over when I'm sweaty after the gym.” (Black community member in British Columbia)

“Personally, I have dealt with racial profiling. For instance, I was driving a nice rental vehicle and was pulled over, and when I asked the officer what I had been pulled over for, it was for no apparent reason, and he let me go.” (Black community member in Ontario)

“There is inherent stereotyping and implicit bias against people who look like me or have my name, so I always need to prove myself and work to disprove the negative biases.” (Black community member in British Columbia)

“Depends on your geographical location in the city. Some places are heavily policed, and you're harassed by the police. You have a greater chance of falling into the criminal justice system.” (Community member in Québec).

“Police stereotype... I was coming from work, was stopped and was asked if I had

taken drugs.” (Black community member, British Columbia)

“How can I walk down the street as a Black man and be myself every day, when I have to look over my shoulder for skulking white and Asian officers. I rarely ever see Black or coloured officers.” (Black male community member in British Columbia)

“I believe I grew up in the time of the most brutal police tactics. When TAV gang unit and carding was legal, both rightfully outlawed today. As an adolescent before I could process my thoughts and emotions through critical thinking skills, the police were just another gang uttering threats and committing assaults, whether or not you were arrested through the guise of carding, racial profiling, policing with unlawful tactics.” (Black community member in Ontario)

These experiences often stem from racial profiling and stop, question, and search practices across police services. It is troubling that instances of racial profiling persist despite being identified by the Standing Senate on Human Rights (2021a) and others as an example of systemic racism that “disproportionally targeted Black Canadians living in Ontario and subjected them to arbitrary detention by the police” (p.89). A community participant in British Columbia shared “I am scared to be arrested for doing nothing. Or worse, killed for no reason.” This perfectly summarizes the fear held by many Black people across Canada about being victims of police brutality tied to racial profiling. This fear is reasonable and supported by research. Black people are overrepresented in police use-of-force cases and are more likely to be fatally shot by the police in Canada than white people (Singh, 2020). Race remains a significant independent predictor of use of force and policing shooting deaths against Black people even after relevant factors are considered including civilian characteristics (age, gender, criminal history) and situational factors (community setting, living in a patrol zone with higher crime, civilian behaviour towards officers, mental illness, civilian impairment, the presence of a weapon) (OHRC, 2020, p. 7-8). In Toronto, the police lethal shooting rate was about 20 times higher for Black people than their white counterparts (OHRC, 2018). The Toronto Police Services lethal shooting rate of Black people (7.29 per million) was higher than the American police lethal shooting rate of Black civilians (6.99 per million) (OHRC, 2021). This finding challenges the assertion that systemic racism in policing is not “as bad as it is in the United States”, a sentiment frequently invoked to demonstrate Canada’s progressiveness and delegitimize the concerns of Black people in Canada and their allies about the state of law enforcement. Research demonstrates that officers who feel “threatened” are less likely to use alternative methods to de-escalate situations like containing subjects, increasing physical distance, dialogue, and disengagement, and are more likely to discharge their firearms (Parent, 2007). People are also more likely to perceive Black people as threatening (Eberhardt et al., 2004; James, 2018) and misidentify objects they are holding as threatening (Correll et al., 2011), this second finding is pronounced for Black men (Plant et al., 2011). These findings help validate the concerns of community participant’s claims about the differential likelihood of police to use force against Black people and highlights the need for robust cultural competency training to address explicit and implicit biases held by law enforcement, crisis intervention training to accurately identify individuals in distress, and anti-racist de-escalation training for police to reduce

failures in accurately assessing situations involving Black people.

These findings about police brutality and errors in policing practice are particularly frightening when considered alongside the fact that some respondents shared that the police mistook them for suspects of crime. Some even shared that this happened when their physical characteristics did not match that of the suspects:

“Two years ago, we celebrated my brother's birthday. He's in his 30s. He's tall with nice locks and whatnot. He left the home. We were just all together. Family, nieces, nephews, whatnot. He just went maybe three or four blocks away to a little pub with his friends. As soon as he got there, there were like six police cars that pulled up. They stopped his way while driving. They pulled him out of the car and accused him of being somebody else. They said some random name and he's just like, ‘that's not my name, my name is... like Richard’, it was very English, you know what I mean? And they're like, ‘no, your name is’, it was like a not an English name. And he's just like, ‘no, you can see my ID, you can check my pockets’. They slammed him on the ground, they put his hands behind his head. We had just celebrated his birthday. His friends had to be like, ‘no, it's not this person you're saying...this is his name and please check his ID’. And the police were not taking what you say at face value. They had him in this situation for about 30 to 45 minutes until they're like, ‘Oh, we're sorry. We got the wrong person. Have a nice night. Goodbye’. That's traumatizing. And then, us hearing that story it's like, ‘we were just celebrating you, we were just celebrating your birthday’. And this matter could have escalated into something that would be horrific.” (Black sister of an individual with lived experience with the justice system in Montréal)

“Look at what they did to 81-year-old Selwyn...you want to tell me they can't differentiate between a 40-year-old and an 81-year-old? Only when they are Black! These police officers are enabled by the system.”³ (Community member in British Columbia)

“When it comes to the famous, “you look like someone we're looking for.” I could tell you as a Black man, I look like a whole bunch of brothers. I look like a lot of brothers. I can't tell you on how many occasions that I was stopped by the police because I look like a tall Black guy that's six foot five that happened to do a crime. And it's like, ‘are you such and such?’ ‘No.’ ‘Yes, you are’. Now I'm supposed to prove that I'm not someone that they're looking for. And I have no means to prove it because I'm not that person. But now it's my word against the person in authority's word. And now I'm ‘lying’ because I'm saying I'm not such and such. In 2012, 2013, I was jumped by the police in Old Montreal.” (Black male community member in Québec)

This trend of misidentification by police not only impacts adults, it also impacts youth. A

³ As context for this quote, the late Retired Justice, Honourable Selwyn Romilly was the first Black judge to be appointed to the B.C. provincial court bench and the B.C. Supreme Court. In May 2021, Justice Romilly was handcuffed by five police officers in Vancouver when he was simply taking a stroll. According to the police, the justice (in his 80s) resembled the suspect a “40-50-year-old dark-skinned man.

community member in Montréal shared:

“I think about one of my cousins who was a pre-teen. By no stretch of the imagination was he at a stage like teen or adult. He had gone to play with some friends, was on his way back home and the police picked him up and threw him in the back of a police car because apparently there was somebody who had gotten attacked or assaulted and he fit the description. And this is not a big pre-teen. They dropped him off at his house in the driveway in a police car. They never rang the doorbell. Just dropped him right home because they knew it [they made a mistake]. And they just dropped him off, for all neighbors to see. Kids experience for the first time his interaction with the police as being in back of the car. Then my aunt and my uncle had to call a police station because [my cousin] comes in the house and explains what happened and they never came to the door. And they treated their child like he was a grown man, you know. That stays with a child. They carry that with them. That stuck with me. Black kids don't get to be kids. And I don't know what the answer is.”

Significantly, this example illustrates how the treatment of Black children and youth by police is yet another way that Black people are denied their childhood. They are forced to grow up fast, take on responsibilities typically performed by adults, and have life experiences that no person should ever experience- but that children, especially, often lack the emotional tools to grapple with.

In addition to increasing police brutality and being overly involved in the lives of Black community members, policing practices such as racial profiling and carding serve as major contributors to the disproportionate representation of Black individuals within the Canadian justice system (Government of Ontario, 2018). These practices have especially harmful impacts on the overincarceration Black people when it comes to petty crime and trivial behaviour among youth (Owusu-Bempah & Jeffers, 2022). Discretion also plays an important role. Statistics on drug- related offences demonstrate alarming differences in enforcement, with much higher rates of being charged if you are Black or Indigenous, despite a lack of support for the idea that there are substantially different rates of drug use among racial groups in Canada (Owusu-Bempah & Luscombe, 2021). We can therefore reasonably connect these outcomes to heavier police presence in areas where the presence of Black community members is high (Owusu-Bempah & Jeffers, 2022) and to differential enforcement in interactions between Black people and the police, as compared to white people (Owusu-Bempah & Luscombe, 2021). The engagement sessions revealed many examples of Black people receiving overtly different treatment by police as compared to white people. They also recounted unnecessarily negative and extreme experiences with the police:

"Police appear intimidating especially when driving and when they stop me on the road. They usually never issue me a warning, it's always a straight ticket where some of my other friends of different races say they got away with a warning like driving over the posted limit by 10 to 15 km." (Black male community member in British Columbia)

“Myself and two other Black men were arrested after being assaulted because we stood out from the rest of the crowd and I, in their own words “were the only ones that they could identify as aggressors and connected.” (Black male community member in British Columbia)

“Most, if not all, our interactions with the police were negative”. The police humiliate us for no reason. The police hate us. Police are always rude and judgmental. My family and I were arrested for jaywalking.” (Community member in Ontario)

“A family member (youth) was driven in a cop car over the bridge from one side to the other and the cop asked the kid if he wanted him to throw him over.” (Community member in Nova Scotia)

“He was been beaten by 10 police officers. He refused to file a complaint since he has recovered from the situation and does not wish to relive this trauma through the legal process. This person says they feel helpless in the face of police abuse.” (Community partner in Québec)

Differential enforcement is facilitated by the fact that police officers can charge people with offences that are highly discretionary and tend to be arbitrarily and differentially applied:

“Oftentimes we see that it's the same infraction that comes up over and over and over. And the police are using "entrave à la police", 129AE to harass people in certain neighborhoods. It's obstruction of justice, yeah. The police are empowered because they can just use a vague interaction where it's their word against the population. And if they don't like the way they were talked to, or if there was any kind of resistance, they use that infraction to give people a criminal record. And the one thing that I've noticed is that oftentimes the people who participate in the project that I run, they say they feel powerless because it happens so often that at some point you start to lose your will to fight against the system. And you know that if you say anything, even if you know your rights, that they can use that article against you. I think what's important is to take away these arbitrary powers that allow the police or other members of the institution to harass our people.” (Community partner in Québec)

As succinctly stated by a community member in Québec, there is an urgent need for police to: “Stop pulling over Black people and discriminating against us.”

Racial profiling, carding, and other forms of discrimination in policing have severe consequences and facilitate discrimination that persists throughout the justice system. Research shows that Black people are more likely to be criminally charged by the police than white people and people from other racialized groups (OHRC, 2020). Despite accounting for only 8.8% of the general population, Black people represented “28.8% of arrests involving a single charge, 30.5% of arrests involving two to five charges, 33.8% of arrests involving six to nine charges, and 38.9% of arrests involving 10 or more charges” laid by Toronto Police Services (OHRC, 2021). Black males are less likely to be referred to diversion programs

outside of the justice system for cannabis possession than white males (Samuels-Wortley, 2022) and Black people are more likely to face poor-quality charges than white people (Wortley and Jung, 2020). Charges facing Black people are often withdrawn or dismissed. These statistics demonstrate a significant interruption in the daily lives of Black people in Canada, a lack of fairness, unbiased discretion among police officers, and an unnecessary load on courts across Canada. The Ontario Human Rights Commission (2021) highlights that “being charged, in and of itself or in conjunction with pre-trial custody, can have serious negative consequences for charged individuals in terms of financial hardship (job loss, legal expenses, etc.), diminished employment prospects, interrupted education pathways and reputational harm” (n.p). When charges are not withdrawn or dismissed, Black people are less likely to be granted bail as compared to white people when the offence charge is the same and criminal history and other important factors are considered (Commission on Systemic Racism, 1995; Paperny, 2017). Black people are more likely to be detained prior to trial (Kellough & Wortley, 2002) and research demonstrates that when bail is denied, people feel immense pressure to plead guilty even when they are innocent (Canadian Civil Liberties Association and Education Trust, 2014; Euvrard & Leclerc, 2017).

Participants also shared that they received little to no help when they were the victims of crime or when their loved ones had been victimized:

“The Shawnigan Lake RCMP Detachment completely botched my uncle's death due to lack of professionalism such as telling my aunt that the lady who hit and killed my uncle was really sorry. This detective also didn't even bother giving the lady a ticket. There are plenty of people with stories like mine.” (Community member in British Columbia)

“My sister was almost killed by her drunk landlord and the police didn't even investigate. The man got off scot free.” (Community member in British Columbia)

“Dealing with a criminal justice system in which my sister was the victim of – I was a witness to how this system apprehended the accused (white) and afforded her with advantages and benefits that any other person of colour in the accused’s position would not have been granted. Moreover, the criminal Justice system showed its ass and verified exactly what I’ve always known it to be: A biased and flawed system.” (Community member in Saskatchewan)

“My local police is the RCMP - In a recent interaction where I reported another student threatening to curb stomp my 12 year old son, police were very dismissive and did nothing about the incident, not even a conversation with the other student’s parents!” (Community member in British Columbia)

“I did advocate for a girl who did not get support from police when she and others were threatened by a white boy's racist video. Many people felt that if the roles were reversed, there would be a different outcome and consequences for the boy. The police don't seem to want to treat people equally so there needs to be better policies

and consequences when they don't adhere to them.” (Community member in British Columbia)

“The police did not contact my family to inform us of the horrific death of our loved one even when the news' outlets were reporting on it with full information of who she was.” (Community member in Saskatchewan)

“One participant shared about a parent whose son was shot in the head and shoulder who was known to be a soft-spoken boy. Police came to the scene, but justice is not yet served. They [police] are there without serving justice for Black victims and added, “check the TPS website and you will see all of the unsolved killings of young Black men.” (Community partner in Ontario)

“I have been attacked three times; 2 in a grocery store. I had police sleep outside my house when racist attackers threatened to kill me and my kids and husband. They defaced our car, drew swastika signs on the house, swastikas and hangman's noose, even the baby on the car, and wrote "get out and you are not welcome”.” (Community member in British Columbia)

Some respondents also shared that they felt that they were treated like criminals when they were the victims of crime and sought police assistance:

“I was attacked by four white guys, but I ended up being the one arrested and the cop threw me to the ground.” (Black male community member in British Columbia)

“Supporting victims starts at the moment of contact with police. As someone who had to go to the police for a crime, I was discouraged by the level of indifference they have shown me. They made me feel like a criminal instead of the victim in need of their help. I am not [sure] if I was a white woman, I would get such inhumane treatment.” (Black female community member in Alberta)

“Traumatizing. I didn't receive supports, I developed PTSD, I was charged because I didn't say who did it even though I was the victim” (Think Twice, 53)

A service provider in Montréal spoke about her experience of trying to advocate for a Black youth who was being victimized by a white youth and ended up being taken away by the police. She recounts how the police refused to listen to her, threatened to sanction her if she proceeded, and how they made both her and the youth feel powerless:

“One of the young boys was a 14-year-old Black boy and the other was a 14-year-old white boy. Both of them I knew. The white boy was actively really beating up the Black boy. At poor judgment, I right away was trying to separate them. At the same time that I'm getting in the mix, the police are coming, about four of them. They grabbed the Black boy, really manhandled him. They began to put handcuffs on him. And I said, ‘hey, hey, I know them, we're gonna see their parents. This is an altercation that got

out of hand'. And an officer said to me, 'are you interfering with police work?' And I said, 'no, I'm just trying to help the situation'. He said, 'if you continue, you will become a part of the situation'. And I just, I remember just feeling like what the heck am I supposed to do? I'm standing there, I'm watching. I just remember feeling so trapped and the Black boy was looking at me with this... I can't even describe the communication that was coming from his face. Like, honestly, I felt tied in the powerlessness with him. The police began to escort him. The white boy was gone. He ran out of there. I followed, you know, at a distance behind them. I was able to get to work, call the mother. The boy ended up in the back of the police car. It took a lot of space in my mind, like me going through that, thinking 'where is he? What is he experiencing? What time is his mom going to get off work to go get him?' He's 14. That really stayed with me. I never saw that boy. He never came back. I really believe there was a component of shame and embarrassment because this was a kid I was seeing all the time. And the mother didn't approve of him coming back to the Teen Zone because she felt that's where he got into trouble. It was difficult."

Importantly, this unwillingness of police to fully assess the situation and listen to Black community members happens alongside the persistent assumption that if a Black person is involved, they are offenders and a tendency to escalate situations. This has fostered an extreme reciprocal distrust between Black communities and the police. Community members in British Columbia, Ontario, and Nova Scotia shared that there is a "trust deficit":

"There's simply no trust between the Police and Black People. Zero trust on both sides. In the most common cases, it's caused when the white public tries to weaponize the police to their advantage. As soon as the police are called and a Black person is present, there's already an assumption of guilt."

"They [police] are fake friendly."

"There is an inherent state of paranoia with Black people around police. Almost where you feel like you have a fight or flight mentality."

Black community members shared that they had to develop strategies to deal with police and that they had to teach these strategies to Black children. For example, a mother in British Columbia said:

"I have had to adapt, absorb, learn, accept, appreciate, welcome, turn my cheek, forgive, fight and survive. I have a boy, aged 26 and a girl, aged 30. I not only fear for my life but worry every day that the police/RCMP will be the ones in the end that will mistreat him especially!"

Community members in British Columbia, Québec, and other parts of Canada commonly reported feeling that there is a lack of accountability for police officers and a lack of justice for police misconduct:

“I feel that most times the police get a pat on the back, you know, or a tap on the shoulder for their behavior. It is very difficult for them to be brought before the justice system and to answer to the racist behavior. They often seem to find a way to get out of it, but I think there should be clear consequences for that.”

“I feel like we need to hold the system accountable, if we don't... the violence against Black bodies in Canada, in Quebec, and Montreal for over 300 years [will continue]. I have archives of people getting killed by the police in the 1700s, 1800s, 1900s. The police ...killed Anthony Griffin, Marcellus François, Trevor Kelly in Côte des Neiges. All of that is still happening. We can talk about Nicholas Gibbs. What happened to those police officers? We want to know, we want to have answers and we just don't want to have answers, we want to know is that person going to get fired? Is that person going to go to jail because they committed murder? What's going to happen to the person?”

“We never, ever hold police accountable. We don't have a law that says, OK, that police officer, you stopped me for no reason. NBA players, they curse the referee and get fined, but he's just a professional athlete. Now, imagine someone that's supposed to serve and protect you. They kill you and get away with it. But the police that killed a person is like, ‘yeah, but he had a criminal record’, ‘yeah, but two years ago, he sold crack’, ‘So that's why, you know, we understand why he got killed’.”

“I realized what the system lacks from the inside and the outside is fair and just internal affairs. We need a police for the police.”

Participants also highlighted feeling that their efforts to hold police officers accountable through complaint systems were usually “pointless” and did not result in positive or reasonable outcomes. One participant from Québec stated that ineffective accountability measures have left many Black community members feeling like they were “a victim twice”. These feelings are elaborated on by community members and community partners in Québec, Ontario, and Nova Scotia:

“I was just thinking about who the onus should be on? Because the police harass us. And then it's also our responsibility to go to file a complaint against them. It takes years, it takes resources, it's like you're a victim twice. It doesn't make any sense that it should be you that goes through this entire process after you've been harassed.”

“I cannot remember a positive interaction with the police. I prefer to stay away from them. I don't trust them. And I do put them all in one bucket, because that's based on my experience. The trust isn't there. I've had experience with regards to reporting an incident that happened to our organization. At the police station I was treated like a criminal. And I am going there to report a crime and you're treated like you're a criminal. And I personally would not feel comfortable going in person to make another complaint, I would do it online. And again, that's from my experience.”

“Where do the parents of these children find accountability?”

“One of our partners specializing in violence against women told us that it is even more difficult for Black women to file a complaint. It appears that the justice system greatly lacks empathy towards Black women. In addition, there is a tendency not to take them seriously when they file a complaint.”

Relatedly, participants had an issue with the lack of data collection tracking what police officers do while performing their role. They stated that a lot of policing practices directly impact Black people and can lead to trauma but are not accounted for. A community member in Québec said:

“When you talk about numbers and how they're calculated we know that there's a lot of Black individuals or Black males that are in the justice system. They've gone to court, they have their sentence, those are the things that we hear about. But what about all the things that we don't hear about when the police officer stops you and he thinks that you did something, but it's not you. Okay, so, are numbers calculated in terms of all the times that the police do something or approach somebody? No those are not calculated. So, we never hear of all the things or the injustices that happen. Racial profiling exists. I've been stopped on more than three occasions because I wear my hair low. I was driving a certain car, you know, it's dark and when they come out with their flashlight on both sides, they roll down your window, [they think] ‘he's got his hand on his gun’ and then realize, ‘oh, it's a female’. Black people are born into trauma.”

Another common theme identified across the engagement sessions was that participants felt that systemic racism and racial bias are deeply embedded within police culture, organizational priorities, and practices. Participants across the country shared:

“Racism in policing is real and has material effects on Black people. Until this country addresses the lack of accountability and culture of no expectations on police to act with respect and composure when they interact with Black people, very little will change in the justice system.”

“Systems are in place to deal with internal police racism. It is the generally mono-cultural police leadership in Canada, which often 'overlook' violators or if they can't hide it, provide non-existent sanctions to [police] offenders. 'Slap on the wrist'.”

“For me, it's just been shocking to see the amount of them wearing that pin, the blue lives matter [thin blue line] pin. I've been very wary and essentially move out of their way, especially when I notice that type of symbol, knowing their mentality, and how you're going to be treated, you never feel safe around them ever.”

The flaws in policing culture across Canada have also been discussed elsewhere. Systemic racism in policing culture can persist even after policing bodies engage in efforts to increase racial equity in outcomes and be more culturally responsive. The Standing Senate

Committee on Human Rights (2021a) asserts that “failures of an era in which racial and cultural biases were direct and intentional aspects of policy may continue to be reflected in the inadequacies of present” (p. 89). This happens because “bureaucracies reproduce themselves; in the process, they also reproduce their institutional culture and problems” (Leuprecht, 2020). This process of absorption has been found across justice institutions in Canada. For example, in her work on women’s prisons in Canada, Hannah-Moffatt (2001) writes “prisons are remarkably flexible institutions that absorb, adapt, and accommodate a variety of competing and sometimes contradictory rationalities” (p. 5). This happens when old cultures, beliefs, and practices persist but are confronted with new beliefs and ways of doing things. All of this together suggests the need for policing bodies and other justice institutions to overhaul, revamp, and develop a truly innovative set of approaches to address inequities and implement them at the same time and in a timely fashion rather than slowly. Addressing one problem at a time or expecting progress from only a few small changes has been shown time and time again to lead to a perpetuation of the status quo. Problems are continually reproduced. For example, participants of the engagement sessions identified how absorption plays out when “diversity hiring” alone is used to address systemic racism. Black police officers, like police officers from other racial groups, adopt police culture. This means that they can end up reproducing the same harm against Black people that other police officers do. In their own words, participants in Québec and Nova Scotia shared:

“I think that there's a lot of exclusion at the hiring stage. I'm not against saying that they should review their hiring practices, so that if a Black person wants to become a police officer, they can. But I take issue with the idea that just increasing diversity is gonna address the issue, because I think that doesn't change the culture...the institutional culture is the same. Black police officers are also part of the institution and then the same harm is being replicated. But now it's actually being done by people that look like you and I found that to be more harmful. Because before I would say, ‘well, you know, there's so few of us, there's no one to support us’. But now it's some of the people that look like us that are doing this harm. So of course, if we were to still have a police force, anyone should have the right to join. But we can’t make that the solution.”

“Training and increasing diversity aren’t going to make a major difference because the police system is a racist institution so there needs to be a major structural change to how police operate. We must start with having serious checks and balances, so they don’t abuse their power. There needs to be funding for cultural organizations that support the Black community in dealing with the police, especially organizations that support victims. Anti- racism training needs to be part of all police training and not just a separate module. It must be embedded within all aspects of police training”.

“There is a lot of work that needs to be done... They talk about training. But I am for the notion of defunding the police in the sense that there has to be a different use of those funds because just putting more police officers in the streets, yeah, you’re gonna get some Black ones and different members of the BIPOC community, but I don't see, I don't see any improvement be made. So again, my statement, for me, I

stay away from the police.”

These excerpts from participants suggest a lack of confidence that increasing diversity and improving training alone will not fully address systemic racism in policing. Culture must also be addressed through a *real* shift in policing policies, practices, sanctions, oversight, and the informal messaging given to officers about their work. Policing services, forces, boards, and associations should take the concerns of Black and other racialized people seriously. Police should accept that if they want to improve their relationships with communities and not be perceived as “all bad”, they have to remove members of the police that *are* bad. Protecting officers that consistently participate in misconduct harms Black communities, families, and individuals while also increasing the lack of trust between community members and the police. Participants made very clear that the “thin blue line” of protection for bad police officers and “the old boys club” have got to go. Recommendations on how to address the numerous issues shared here have been gathered from Black people currently and formerly in custody, Black community members, Black individuals with lived experience in the justice system, Black victims and survivors, Black criminal justice actors, Black community partners, and other service providers are shared in the section on “Policing Recommendations” below.

Criminal Court and the Legal System

Respondents shared that there tends to be a deficit in terms of the understanding that Black people have about their rights and legal processes. Additionally, consensus was reached regarding the perception that there was prevalent anti-Black racial bias within the legal system. Participants perceived hostility towards Black individuals, including offenders, accused individuals, victims, families, community members, and experts. Participants found their experience in courts and throughout the legal process to be unpleasant and frustrating. Judges and lawyers treated them unfairly and often failed to consider their interest in legal proceedings. Participants felt that judges used a tougher approach in bail hearings and sentencing involving Black people and observed considerable discrepancies between outcomes for different racial groups. Members of Black communities asserted that they received harsher sentences than white people for committing the same or lesser crimes, including for first-time offences. Additionally, participants took issue with the lack of representation of Black people in the legal system and a lack of relevant supports. The inadequate number of Black lawyers and justices in the country also means Black people do not have the option of accessing legal professionals with shared lived experiences who can identify with them and understand their concerns. They perceived that this lack of shared understanding increased the possibility of being presumed guilty or that important details would not be communicated in legal proceedings. They also perceived that anti-Black racism was prevalent within Legal Aid system; services were often not tailored to suit their needs and lawyers were not patient enough with them. Overall, participants felt that there was an unequal application of the law when it came to receiving bail, alternative sentences, length of sentences, considerations for victims, and across other legal outcomes:

“The court system does not "protect or serve" us. It works to keep us oppressed.”
(Community member in British Columbia)

“I have had white friends get off for things a lot worse than what I was charged with. My sentence was doubled for the same crime as my white friends and they received community services but no jail time.” (Community member in British Columbia)

“Usually, Black people get stiffer sentences and experience less leniency by the courts.” (Community member in British Columbia)

"It seems to be biased based in favor of persons from different races - who even with worse charges get lesser sentences or pleas." (Community member in British Columbia)

“I have very little faith in the system's responsiveness to the needs of Black victims and its ability to be fair and just to accused Black people.” (Community member in Ontario)

“I was given a weapon ban times 3 for drug charges and ended up in jail for a bb gun. I am currently fighting to get bail.” (Community member in Ontario)

“Understand that racism exists, notify the reason it does, how can we make it stop.”
(Community member in Québec)

“People do not want to go against the system which is unfair.” (Community member in Québec)

Participants shared that there is a lack of representation and respect when it comes to legal advocacy and the legal system. Some participants disclosed that they felt compelled to accept a plea deal and confess to guilt even when they were innocent out of fear of facing more severe sentences. Some perceived that the lack of representation of Black judges, defense attorneys, Crown prosecutors, and jurors facilitated poorer outcomes for them through a lack of care or difficulty relating their own life experience to Black people in Canada. In their own words, community members and service providers in Ontario, Québec, and elsewhere in Canada shared:

“I did not know that Black lawyers existed.”

“My white lawyer wanted me to say I was guilty of a crime I didn't commit. My case kept getting put off for no reason. No one in authority looks like us, and my lawyer seems to be working against my best interest. All, if not most, of the jurors are always white. So much for having a jury of your peers.”

“I took a plea deal for 10 years for a crime I did not commit because I feared that the

jurors couldn't relate to me and I didn't want to put my life in their hands. There were no Black jurors and people tend to look at themselves as family and others as not."

"The system is racist. Most of the people in the system are white. White people don't understand our culture and where we live, so they can't relate. They must listen to young people. We have great ideas as well."

"Any efforts to increase representation of staffing with new Black hires needs to ensure that 50% of those hires are Black folk with demonstrated awareness and interest in effecting change towards systemic barriers. A lot of times, Black people in the system assimilate to the practices and are not instrumental to the cause. But Black presence is important."

Many participants stressed that court-appointed lawyers and more affordable lawyers often have heavy caseloads. They felt that having a heavy caseload limits the amount of time a lawyer spends with their clients, the effort they are willing to put forth, and the efficacy of legal strategies used. They stressed that all of this leads to poorer outcomes in the justice system:

"Equal, but not necessarily equitable. One example is that a legal aid clinic in the NWT is available in only large centres, not in communities. Those with money will have a harder time finding a lawyer that they feel authentically advocates for them, and those without money will be without representation or rely on legal aid where the lawyers may not be able to help with all legal issues, have a cap on hours, or may be burnt out. These communities often have less personal connection and supports within the legal field as well". (Community partner in Northwest Territories)

"Someone I know well went through the justice system without any support. They had legal aid and that was it. In another incident they pursued a known lawyer to take their case as they were assaulted by several RCMP in Vancouver. If it wasn't for their family stepping in they would have been in jail for 15-20 years. There was no equity or support provided and their legal aid lawyer had clearly made a deal without their client's consent based on their actions. The family chose to pay for a lawyer when it came to sentencing and that was the difference." (Community member in British Columbia)

"I felt like my own lawyer was against me and he did the barest minimum, and I was not sure why." (Community member in Saskatchewan)

"Sold by their lawyer." (Community partner in Québec)

"Some lawyers seek to prolong proceedings, thereby involving additional costs." (Community partner in Québec)

“When my son was going to trial, I asked the lawyer 3 years before trial to have him assessed by a psychologist as I had serious concerns about his mental health. They waited until the last few months before trial. The psychologist did not speak to anyone else in the family to get a clear understanding, he only spoke to my son and when he did he was asked a few questions. My son was not comfortable speaking about his traumas with someone he just met. After the brief phone call the psychologist told the lawyer he was fine. I called the psychologist and explained the situation he agreed that something sounds like its wrong. In my experience this ‘experienced’ psychologist did not understand mental health, trauma, grief and what it looks like in Black people. They ran out of time, and we were not able to have him properly assessed.” (Community member in Ontario)

“We take plea deals to get out of hell even if we’re innocent.” (Community member in Ontario)

“Not all legal resources are equal. The more money you have, the more and better access you have. One’s financial resources play an important role is getting legal representation. Most times the cheaper options are overburdened to provide services that can compete with their counterparts”. (Community member in Northwest Territories)

Participants also noted feeling like they did not receive adequate supports to assist them with navigating through the justice system:

“I have not heard of any program that helps to promote access to the justice system for Black people in BC.” (Community member British Columbia)

“Sometimes the release is not available to our young people because they cannot find the sureties to bail them out, and they end up sitting in court.” (Community member British Columbia)

“In the moment when going through legal battles, you need an organization that will really listen to what you have to say and attempt to not only do what they can to help but really assist in helping your specific situation.” (Community member in Nova Scotia)

These services are important because understanding what is happening in the legal process, what is being asked of you, and how you present yourself in legal proceedings can shape outcomes. For example, one woman was presumed to have a mental illness because she did not speak the languages used in court. Having adequate support could have helped identify the need for a language interpreter, sped up the legal process, and removed the need for a mental health assessment through the courts:

“In certain regions, particularly in Lanaudière, legal translation services, particularly in African languages and dialects, are very difficult to obtain. One of the participants

from the Lanaudière region told us that her client spoke neither French nor English. The Court requested a psychiatric evaluation for the woman, since she seemed, according to the first, confused and very unresponsive. However, the psychiatrist rightly pointed out that the lady had no mental health problems, she simply did not master the languages in which the Court spoke to her.” (Community partner in Québec)

Participants perceived that the court process was unnecessarily long, financially draining, and significantly interrupted their lives. When considered alongside the racial inequities in policing that disproportionately brings poor quality cases involving Black people to the courts, having to endure the taxing legal process for charges that are later dropped is an added injury. In their own words:

“I experienced constant postponing and wasted trips to the courts only for all charges to eventually be dropped.” (Community member in British Columbia)

“One young person was in court for, I think, almost two years, after which the charge was withdrawn.” (Community partner in British Columbia)

“When the charge is withdrawn or dismissed, young people can leave being very angry, and I can understand that.” (Community partner in British Columbia)

Importantly, new research from the Department of Justice revealed striking findings about the racial make-up of court outcomes. Specifically, as compared with white accused “Black accused were more likely to encounter a withdrawal⁴, dismissal⁵ or discharge⁶, less likely to be found guilty⁷ and encounter a stay⁸, and equally likely to be acquitted⁹ (except for Black men who were more likely to be acquitted)” (Sagbini & Paquin-Marseille, 2023, p. 18). The authors also found that on average Black accused of non-violent offences were more likely to receive a probation¹⁰ sentence than white accused between 2005 and 2016 (p. 20). However, they found that Black youth accused were 17% less likely to receive a probation

⁴ “A Crown prosecutor has the discretion to withdraw charges, which means that the charges will no longer be before the court and the prosecution will not continue.” (Sagbini & Paquin-Marseille, 2023, p. 16).

⁵ “The judge has a discretionary power to dismiss a case by not allowing it to proceed after the charges are filed.” (Sagbini & Paquin-Marseille, 2023, p. 16).

⁶ “An accused may also be discharged upon a preliminary inquiry where the court decides not to commit the accused for trial on the basis that there is insufficient evidence to prosecute (Criminal Code, s 548).” (Sagbini & Paquin-Marseille, 2023, p. 16).

⁷ “Upon undergoing a trial, an accused may be found guilty and convicted of an offence...this includes...by the court and guilty pleas.” (Sagbini & Paquin-Marseille, 2023, p. 18).

⁸ “A stay of proceedings is an order by the judge or the Crown prosecutor that prevents any further action on a prosecution.” (Sagbini & Paquin-Marseille, 2023, p. 17).

⁹ An accused may be acquitted when a judge or jury returns a verdict of not guilty (Sagbini & Paquin-Marseille, 2023, p. 17).

¹⁰ “A probation order (up to three years) may be imposed as a standalone sentence or in addition to a fine or to a term of imprisonment of no more than 2 years (Criminal Code, s 731). Probation allows an offender to serve their sentence in the community under conditions prescribed in the order.” (Sagbini & Paquin-Marseille, 2023, p. 19).

sentence (p.20) and Black accused were 9% less likely to receive a conditional sentence¹¹ (p. 21). Alarming, they found that on average Black accused are 24% more likely to receive a custodial sentence and Black youth were twice as likely to receive a custodial¹² sentence when compared with their white counterparts (p.21). Furthermore, with respect to the length of custodial sentences, Black accused were equally likely or less likely to receive a short sentence (1-3 months) and more likely to receive a medium or long sentence (p.24). Specifically, Black accused were 12% more likely to receive a sentence of 3-6 months (p.25), 38% more likely to receive a sentence of 6-12 months, and 36% more likely to receive a sentence of 2 years or more (p. 26). Saghbini and Paquin-Marseille's (2023) findings both support and contradict some of the perceptions of court outcomes shared by those consulted throughout the engagement sessions. They also serve to identify key equities and inequities in racial outcomes at court.

The experiences of participants noted above illustrate how easily racial injustice can compound to have a profound impact on the lives of Black. Individuals who should not have even been charged in the first place lose money, time, work, etc. to seek legal remedies while exposing themselves to the legal system, which may or may not find them innocent. These experiences can perpetuate a lack of trust and faith in the justice system and make Black people in Canada feel afforded all the rights and freedoms purported to be owed to Canadians. To help reduce some of the discrimination in the legal process, participants stressed a need for different methods to ensure justice for Black people in the courts and broader legal system. They asserted changes must be made to consider how social context is relevant for understanding why a Black person appears before the courts. They noted this is especially important because of the overwhelming lack of awareness legal actors have pertaining to systemic racism. For example, a community member in Québec said:

“There's a decision of the Supreme Court, the name is RDS, 1996. That story, like the intervention in a police interaction with Black youth, went to the Supreme Court. And the first Black judge for Halifax was on the bench. And she said on the bench, you know, we know that in that area of Halifax, there's an encounter with the police, we know that. It went in front of the Supreme Court because they said that the judge was partial because she came with her knowledge. The court was divided about that. But they discuss the notion of social context and [that] the judge should know what's happening with respect to diverse communities. So, this decision exists, it has been applied, but there's issues with it because people say that we need some expert to prove how Black people are treated. But the judges are supposed to judge us. They're supposed to do that. So, because if you look at the question to [get] an expert to be able to explain our position, since we are poor, generally as a community, we won't

¹¹ “A conditional sentence is a term of imprisonment of less than two years that may be served in the community under strict conditions (Criminal Code, s 742.1) ...A probation sentence is primarily a rehabilitative sentencing tool, while a conditional sentence seeks to fulfill punitive and rehabilitative sentencing objectives (R v Proulx, 2000).” (Saghbini & Paquin-Marseille, 2023, p. 21).

¹² “A custodial sentence is considered the most restrictive type of sentence as it involves a term of imprisonment.” (Saghbini & Paquin-Marseille, 2023, p. 21).

all be able to make the proof.”

Impact of Race and Cultural Assessments (IRCAs) were highlighted as an integral method for bringing relevant social context and background factors into the legal process. Participants called for standardizing IRCAs in the courts and providing more resources, training, and funding supports to increase their usage:

“IRCA needs to be mandatory for all cases involving Black people. It must be well funded, and we need to increase the availability of the reports across the province especially rural communities that don’t get the support. We need more balcony people who understand the experiences of Black people.” (Community partner in Alberta)

“I’ve attended a lot of those workshops in Ontario, there’s an organization doing them, and they talked about how they have a huge backlog. I think the government knows, right, all of these tools that can be - it doesn’t reform the system, but it can have an impact. It’s like there is minimum funding, so it can operate, but it can’t be in a way that’s transformative.” (Community partner in Québec)

Nevertheless, community partners shared that lawyers were not always aware of IRCAs:

“IRCA seems to be a mechanism unknown to many lawyers who participated in the public consultations.” (Community partner in Québec)

As such, efforts should be made to increase awareness of their usefulness. Participants also shared a fear that the IRCAs could negatively impact Black people coming before the courts. This would happen if rather than viewing details presented in IRCAs as mitigating, judges instead view the IRCA in a lens that pathologizes Black people and serves as evidence that the defendant would be resistant to rehabilitation or incapable of being rehabilitated, leading to a longer or harsher sentence¹³. In their own words:

“When my friend went for sentencing the Impact of Race and Assessment report benefitted him but with me the report gave me extra time and was used against me.” (Black male currently incarcerated in Ontario)

“One of our partners told us that this procedure can be compared to a double-edged sword. That is to say that in certain cases, the IRCA assessment can be used against the racialized person.” (Community partner in Québec)

These concerns about how the IRCAs may worsen outcomes for Black people suggests a pressing need to train judges and lawyers about addressing systemic racism and to meaningfully interpret the IRCAs as a tool to inform bias-free sentencing decisions and to

¹³ Importantly, research has found that the overincarceration of Indigenous people worsened after Gladue (MacIntosh & Agrove, 2012).

employ sentences that are alternatives to incarceration to reduce the overrepresentation of Black people in the prison system. To increase the efficacy of IRCAs and other initiatives to bring social context into court, participants also called for increasing the use of restorative justice within the community and in sentencing processes for Black people. Restorative justice refers to:

“An approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime. Restorative justice: Provides opportunities for victims, offenders, and communities affected by a crime to communicate (directly or indirectly) about the causes, circumstances, and impact of that crime, and to address their related needs. [It] is based on an understanding that crime is a violation of people and relationships and is based on principles of respect, compassion and inclusivity. Encourages meaningful engagement and accountability and provides an opportunity for healing, reparation and reintegration. [It] uses processes, including conferences, dialogues and circles, and is guided by skilled facilitators. [It] is a flexible process and can take different forms depending on the community, program, case, participants, or circumstances.” (Federal-Provincial-Territorial Ministers Responsible for Justice and Public, 2018, n.p).

Williams (2013) notes that restorative justice should serve as “a transformative response to the oppressive dimensions of the criminal justice system” (p. 420). The community partner, Clinique Juridique de Saint-Michel, provided insights on Hoodstock, a Montreal-based organization actively involved in the engagement sessions. Hoodstock focuses on implementing a restorative justice program specifically tailored for Black communities. They shared:

“Through the Hoodstock program, participants have the opportunity take part in healing retreats through Afrocentric workshops on topics such as Black history, kasàlà poetry, yoga, meditation, managing emotions, self-reflection, and self-esteem to work on rebuilding oneself. The *Justice Hoodistique* project also offers psychosocial follow-up and circles (*cercles hoodistiques*), where the accused, their social circle and the victim (if they decide to participate) can jointly find the best approach to repair the harm that was caused. This project was inspired by the alternative measures program used in Indigenous communities. ...Hoodstock told us about the importance of having programs that are created by and for Black communities, since many people have developed a mistrust of the justice system as a result of the abuse of power by police officers, the lack of access to justice, systemic racism and racial profiling.” (Community partner in Québec).

When speaking about Nova Scotia’s Restorative Justice initiatives, Williams (2013) notes that there is a need to change what occurs at the “macro and micro level...to avoid perpetuating racial and intersecting forms of inequality” (p. 421). One such macro change may be to address sentencing frameworks. Mandatory minimums and other required components of sentencing frameworks limit the discretion judges can use and constrain

their ability to choose safe, appropriate, and meaningful sentences informed by contextual knowledge and designed to rehabilitate offenders and repair harm *without* using a custodial sentence. Community engagement participants also shared that Crown prosecutors and other legal actors often do not recommend alternative sentences and that the scarcity of support for alternative sentence programs limits access:

“Many people do not know their rights, prosecutors do not mention possible alternatives, and this contributes to systemic racism, since halfway houses are at their full capacity, despite the absence of a racialized person within them.” (Community partner in Québec)

“More popularization is needed, since many individuals who have committed minor crimes - and who could benefit from this alternative - are not informed of this alternative or simply are not referred to it by prosecutors.” (Community partner in Québec)

As a community partner in Québec notes “there is an overrepresentation of Black people in the justice system. There is an under-representation of them in diversion programs which would allow them to not have a criminal record”.

Overall, participants experienced and perceived inequities in the courts and in legal proceedings. The research by Saghbini and Paquin-Marseille (2023) demonstrates that in some ways Canadian courts mediate some of the racial harm imposed in the policing stage through unfounded arrests and charges. Nevertheless, the experiences shared by participants clearly illustrate how the legal system can also impose harm through racial discrimination, bias, harsh sentencing, a lack of Black representation, and painfully long processes. Community engagement participants shared recommendations to address these issues and additional legislative changes to help shift some of the racial inequities noticed across the other pillars. These can be found in the section on “courts, legal process, and legislative recommendations”.

Corrections

Participants’ experiences in corrections were characterized as being cruel, dehumanizing, and unpleasant. They recounted daily experiences of discrimination, stereotyping, and racial bias. Participants highlighted corrections officials’ overreach of their authority and abuse. They also noted that institutions deprive Black individuals in custody of receiving necessary support and gaining skills that would help them with community reintegration post-release. Furthermore, they noted inequitable access to parole, a lack of access to products designed for Black people, and a disproportionately higher likelihood of being sent to structured intervention units (segregation), receiving disciplinary charges, being involuntarily transferred, and being incorrectly classified with respect to their security and risk levels. Participants raised that there were hardly any Black correctional officers and claimed that officers showed a lack of cultural sensitivity when dealing with Black people. They cited examples where they were victims of poor and discriminatory treatment by correctional staff. Notably, they highlighted that because many Canadian prisons and jails

are in rural areas where the percentage of Black people is often low, correctional officers often have a lack of exposure to Black people. Black people who are currently incarcerated perceived that correctional officers tended to rely on stereotypes about Black people, largely from media:

“White staff exhibited compassion and favoritism towards fellow white inmates, drawing parallels with familial relationships, while Black inmates were often ‘painted with the same brush’. The geographical location of prisons was also raised, with inmates suggesting that staff, prior to their correctional roles, had limited exposure to Black individuals, leading to the development of biased perceptions rooted in media portrayals.” (Community partner in Ontario)

This perception about the underrepresentation of Black correctional staff is supported by collected data. Demographic statistics collected by the Canadian government demonstrate the alarming paucity of corrections staff that are Black. In a 2022 report, the Auditor General of Canada states:

“Regionally, the Black offender population was highest at institutions for men in Ontario, at 18% of offenders in custody. At some institutions, this figure was much higher: At one maximum-security facility, 41% of offenders identified as Black, but only 2% of front-line correctional officers and no front-line parole or programs officers identified as Black. These gaps were not limited to the Ontario region. We found that at more than half of institutions where Black offenders made up more than 10% of the population in custody, CSC had no front-line parole or programs officers who identified as Black.” (p. 20-21)

Participants from the engagement sessions shared that the discrimination they experienced could be evidenced in cruel, pervasive, and extreme injustices within corrections and is worsened by a lack of real oversight and limited accountability measures:

“The correction system is so violent towards Black inmates. We are seen as violent people even if the crime was minor. There [are] little checks on what takes place. There needs to be better training for officers who hold anti- Black sentiments.” (Community member in Alberta)

“We are animals in the eyes of the COs.” (Black male currently incarcerated in Ontario)

“[I was in a] segregation unit for two days without being able to shower or receive phone call because they believed I was suicidal.” (Black male currently incarcerated in Saskatchewan)

“They treat us like animals, cage us in a cell like we are animals and wonder why we fight when we finally get to go to the yard.” (Black male currently incarcerated in Ontario)

“I believe the excessive lockdowns during Covid -19 because of fear or short staff was

to drive inmates crazy. In the South there was primarily Black people. Most white people got bail.” (Black male currently incarcerated in Ontario)

“In immigration jail they get stripped of their rights, treated like animals, denied phone calls without knowing what’s gonna happen to them and not having anyone in their corner.” (Service provider in Ontario)

“I think that when you're an immigrant here and you go into incarceration, there's going to be a language barrier, there's going to be a cultural barrier, and there's not going to be anyone there that's going to try and help you with that, unless maybe you're lucky. So I think correctional officers are just going to do their job and show whatever biases they have including assumptions of who may be violent.” (Community partner in British Columbia)

“They are creating environments in prison that amplify maladaptive coping skills.” (Community partner in Nova Scotia)

“Further demonstrating the lack of institutional care, Black Muslim inmates complained that prison administrators failed to adhere to protocols deemed compulsory for Muslim men. For instance, several inmates shared that authorities had prevented them from gathering to observe the Friday prayer, an obligatory prayer for every adult male Muslim. Current prison protocol permits observance of the Friday on the condition that an imam be present to lead it. Without an imam, however, inmates stated that they were unable to observe the prayer. Several inmates perceived this protocol as unfair, contrasting it with inmates of other faiths, for example, Christians, who could attend the prison chapel without supervision. Again, Black Muslim inmates felt that stereotypes of the dangers of Black male gatherings had invited an undue level of scrutiny, which prevented them from practicing their faith, an asset that they heavily relied on to cope with imprisonment.” (Community partner in Nova Scotia).

Black people who are currently incarcerated discussed experiencing illegal searches and cancelled visits with family who travel great distances to see them. Prisoners at one Ontario prison even unanimously agreed that “Black families undergo more thorough searches than their white counterparts”. This finding makes sense considering the ubiquity of anti-Black racism within corrections. Systemic mistreatment is noted elsewhere, for example, the *Office of the Correctional Investigator Annual Report 2021-2022* investigated federal¹⁴ prisons and found that Black people “incur a disproportionate number of institutional charges, particularly those that could be considered discretionary on the part of correctional staff” (p.41). The OCI also found that Black people in custody experienced racist language, were ignored, marginalized, and isolated. Labels like “troublemaker”, “drug dealer”, and “womanizer” were frequently used. The Standing Senate Committee on Human

¹⁴ Data is limited and underreported regarding Black people in provincial and territorial custody (Sahbini & Paquin-Marseille, 2023).

Rights (2019) shared:

“The committee wishes to draw attention to the fact that it has heard personal stories of racism and discrimination from almost every Black individual with whom it has had contact during its fact-finding visits. This includes persons serving sentences and those administrating them. Discrimination was often based on multiple, intersecting identity factors like gender, race, language and ethnic origin. These experiences transcend the correctional environment and condition the way Black people in Canada experience the world. As one witness stated, “one aspect of anti-Black racism in the prison system is that it is not only applied to prisoners but also to Black communities, families and advocates.” (Standing Senate Committee on Human Rights, 2019, p. 45)

In addition to claims from community engagement participants, the excerpt above clearly demonstrates the pervasiveness of anti-Black racism and highlights the need for supports for Black individuals employed in corrections and training, regulations, and oversight which addresses the far reach of oppression experienced by individuals who are incarcerated, their loved ones, and service providers. As further indicated by the engagement sessions, when Black service providers enter correctional settings, they face barriers and discrimination:

“The prison doesn’t like letting in Black groups and if and when they do it its super watched and rushed.” (Black male currently incarcerated in Ontario)

Participants highlighted that they are often presumed to be part of a gang because they are Black. As a community partner in Ontario eloquently explains:

“There was a unanimous sentiment among inmates that Security Threat Group (STG) and Gang Affiliation labelling is an example of unjust, inherently racist, and a perpetuator of stereotypes against Black individuals from high-risk neighborhoods. In their collective grievances, inmates assert that these labels are often inaccurately assigned, posing significant threats to their safety. The consequences ripple across various aspects of their incarceration, including living conditions, access to programs and supports, incarceration experiences, employability, rate of pay, and parole considerations. Critically, the absence of a structured mechanism for label removal compounds the issue, resulting in a disconcerting cycle where individuals enter the criminal justice system without gang affiliations, only to emerge labeled as such, irrespective of their initial status.”

Other participants echoed these experiences and concerns with STG labelling:

“You know, they see Black people gathering together and they think it’s a gang, or we’re selling drugs.” (Black male currently incarcerated in Alberta)

“Because of the area you’re from, as a Black individual they label you as STG.” (Black

male currently incarcerated in Ontario)

“STG label was made for Black people.” (Black male currently incarcerated in Ontario)

“A white person from same neighborhood, same charge will not be STG labelled.”
(Black male currently incarcerated in Ontario)

“STG labeled is abused by CSC for decades and Black men in prison will not be able to get any trust jobs in the institution.” (Black male currently incarcerated in Ontario)

“STG is made to extend your sentence to control and incarcerate Black men.” (Black male currently incarcerated in Ontario)

“I was STG labelled and got run around for a long time because I was seen as a Black man drinking a beer in front of my family’s house in Jane and Finch” (Black male currently incarcerated in Ontario)

This perception of racial bias in the use of the STG labels was also highlighted in work by Owusu-Bempah and Jeffers (2022) and clear racial differences in the application of the label are evident in the available data. For example, the Office of the Correctional Investigator (2022) found that Black people in custody were significantly more likely than white counterparts to be gang-labelled. Specifically, “23.8% of Black and 21.9% of Indigenous individuals have a gang affiliation. By comparison, only 5.7% of white individuals and 12.7% of People of Colour have a gang affiliation.” (OCI, 2022, p.46). Furthermore, the OCI (2022) noted that despite there being objective labelling criteria, the tendency to over-classify Black people to gang labels is driven by confirmation bias that Black people are more likely to be in gangs (p. 56).

Black people in custody who participated in the engagement sessions also noted they were held at security levels that did not match the offence they had been charged or sentenced with, and noted that maximum security was particularly difficult to endure:

“I was held in a maximum-security prison with people who had killed and done violent crime. I was held with them in the same maximum-security prison for more than two weeks before I could get bail.” (Black male formerly incarcerated in British Columbia)

“You are big and Black and shouted. They deem you as violent and put you in the maximum security.” (Black male currently incarcerated in Ontario)

“I found the max to be stressful and drove me mad.” (Black male currently incarcerated in Ontario)

Community engagement participants’ claims about inequities in security level classification are supported by governmental research. The Auditor General of Canada (2022) “found that Indigenous and Black offenders were placed at higher security levels on admission into

custody at twice the average rate of other offenders” (p.5). This is alarming because “offenders’ initial security placements affect their potentials for parole and the lengths of the sentences that they serve in custody” (Auditor General of Canada, 2022, p. 6). Similarly, the Office of the Correctional Investigator (2022) found that “Black people were overrepresented in maximum security, segregation (or solitary confinement), and use of force incidents” (p. 40). The same report also noted that Black people are “1.5 times more likely to be placed in maximum-security institutions where programming, employment, training, education upgrading, rehabilitative programming and social activities are limited” (OCI, 2022, p.41). Moreover, the OCI found that “Black individuals have the largest proportion incarcerated in maximum security and the smallest proportion incarcerated in minimum security, particularly when compared to those identifying as white” (OCI, 2022, p. 52). Black people are also more likely to be sent to structured integrated units (SIUs) than other groups. The rates of being housed in an SIU are 173, 137, and 95 per 1,000 prisoners for Black, Indigenous, and white people, respectively (OCI, 2022, p. 59). The Office of the Correctional Investigator also found that parole officers were of little help with requests to change security classifications:

Many Black persons reported that their Parole Officers (POs) could not give them a specific reason why they could not be reclassified or exactly what they needed to do to cascade to a lower level of security. Interviewees reported that POs “blamed others or processes,” claimed to be “looking into it” for months or “did not have any time to look into the issue” (OCI, 2022, p. 52).

Currently incarcerated Black individuals who participated in the engagement sessions also shared that rules within the same institution are inconsistently applied by correctional officers and staff. They also shared a large variation of regulations across different correctional institutions. This kind of inconsistency can lead to confusion, accidental rule violations, negative interactions with staff, and a persistent feeling of being unsettled among incarcerated people. As one prisoner in Ontario shared, “the regulations make it impossible to stay sane within the institution.”

Participants also spoke about inequities in who is subject to involuntary transfers. They stated that Black people are overrepresented in the involuntary transfer population. A service provider in Alberta highlighted the need to “consider their safety, and community connections when we are doing involuntary transfers.” But there is often a lack of consideration or care for these factors.

The OCI (2022) notes that in 2020-21, 14.6% of people involuntarily transferred were Black, despite representing 9.4% of the prison population (p. 53). This is concerning because involuntary transfer removes people from their informal ties, interrupts program completion, and can lengthen custodial time served.

In addition to inequities with involuntary transfer, respondents also shared that applications for transfer to facilities where they can be closer to their community, establish a plan for parole, and receive more visitors are frequently denied. Moreover, participants - especially

those currently incarcerated and their loved ones - shared that they have limited tools to seek justice and that filing grievances is difficult. Complaints go ignored, documents go missing, and in many cases filing a complaint led to worse treatment or cruel sanctions like involuntary transfers far from their loved ones, being sent to structured intervention units, receiving a disciplinary charge, etc. In their own words, Black men currently incarcerated in Ontario reported the following:

“We have witnessed with our own eyes what the guards do with our complaints/grievances. They crumple the paper and throw it out in the trash. Some guards make sure we see it to remind us of the power imbalance and our lack of rights.”

“Complaining topples support for your transfer request.”

“Complaints falls on deaf ears.”

“Complaining targets you.”

“Documentation goes missing.”

“Making a complaint is likely to get you shipped [to a different institution].”

The perception that complaints are ignored or may lead to additional punishment has led to a situation wherein many Black people in custody accept the discrimination and injustices they experience so that their prison experience does not become worse or lengthen the time they are required to serve. A community partner in Québec shares that many prisoners “have ‘learned to live with racist comments on a daily basis’, since they do not want to be in solitary confinement, or to be transferred to a detention center which will not be accessible to their family members.”

In addition to all of the inequities and barriers faced by Black people in custody, participants shared that Canadian prisons lack meaningful culturally sensitive rehabilitative programs that they can access and perceived that most of the programs currently offered are of poor quality:

“These people are isolated and have no support inside the system... Inmate also needs to have access to culturally responsive programming and services. There aren’t cultural programs and support for them. They also need to have access to training and educational opportunities to support their integration.” (Community member in Alberta)

“We need help! We need mental health counsellors, but they need to be from outside organizations as well as the institution because some of us will never trust the institutions.” (Black male currently incarcerated in Ontario)

“There is nothing for Black offenders at all in any of these prisons throughout Ontario.” (Black male currently incarcerated in Ontario)

“We need programs that understand the Black culture.” (Black male currently incarcerated in Ontario)

“We need people to run programs who understand us. Race but also coming from lived experience.” (Black male currently incarcerated in Ontario)

“Part of our correctional plan [states that we] must attend programs. Parole depends on this however the programs that are recognized at CSC are geared to the white population.” (Black male currently incarcerated in Ontario)

“Jewish inmates have their programming, Indigenous have their programming but Black inmates have nothing.” (Black male currently incarcerated in Ontario)

“CSC recognizes culturally sensitive programs should be a part of your correctional plan but don’t have any available.” (Black male currently incarcerated in Ontario)

“You can't get parole unless you demo some success inside (i.e., complete core mandatory programs, stay away from institutional misconduct/subculture activities) that's why any effects to create change here must have elements of institutional and release supports in mind. [There is a need for] dedicated funding for community stakeholders to provide institutional supports to complement/supplement core mandatory programming, this will contribute to rehabilitative efforts, build contacts with the community in prep for release and aid in curtailing some subculture activities.” (Community member, location unknown)

Importantly, a lack of culturally appropriate programming has also been highlighted by the OCI as a problem facing Black people in the federal correctional system. The OCI notes that the lack of program access can keep Black people incarcerated for longer periods of time in comparison to their counterparts:

Many Black men reported waiting sometimes years for correctional programming, often because they had long sentences. Correctional programming is prioritized for those with short sentences and those with upcoming parole eligibility dates. While this approach to correctional programming has some merit, it discriminates against those with long(er) sentences, potentially leaving them to linger in maximum-security environments longer than if they were able to participate in programming earlier. For example, Black persons are more likely than other groups to be serving an indeterminate (life) sentence (Black: 34.6%, white: 32%, Indigenous: 27.2%). Black persons serving a determinate sentence are, on average, serving a slightly longer sentence when compared to other groups (Black: 5.93 years, white: 5.67 years, Indigenous: 5.32 years (OCI, 2022, p. 53)

Alongside a lack of access to programming, there is a lack of employment opportunities for Black people. The high cost of living in custody makes it difficult for individuals who are incarcerated to save money and access needed products (Standing Senate Committee on Human Rights, 2021b). This problem impacts Black incarcerated individuals to a greater degree when compared with those who are white as the OCI found that Black people in federal corrections were underrepresented in correctional employment, less likely to have “jobs of trust”, and were less likely to be receiving the highest level of pay (OCI, 2022, p. 65).

Black individuals who were currently incarcerated and participated in the engagement sessions noted receiving poor medical care, mental health support, and limited access to necessary products:

“They found him dead in the morning. His intestines burst. He was denied care by the guards and medical staff. Was in excruciating pain for 3 days. The jail has never taken responsibility.” (Black male currently incarcerated in Ontario)

“There was no mental health supports but was quick to give [people] meds. That’s why people are addicted to drugs now in the pen.” (Black male currently incarcerated in Ontario)

“Afro-descendant women experience several microaggressions throughout their incarceration. Like incarcerated men, many reported not having access to products suitable for their skin or hair.” (Community partner working with Black women in custody in Québec, 26)

Participants mentioned that conscious and unconscious racial bias is carried forward into parole. They felt that the current system empowers parole officers to keep inmates from progressing towards release. Black individuals with experiences in correctional facilities shared examples of parole officers promising to support their release if they completed certain programming and after programs were completed, their parole office failed to follow through on their agreement. In their own words participants share:

“Parole officers need to be held accountable for promises they make to inmates; they are allowed to keep inmate from progressing through the institution regardless of how persevering they are, seemingly based on race.” (Community member in Saskatchewan)

“My PO is supporting a couple non-Black people for parole and they got the same charges as me. Me, I get no support and no motivation to apply, she directly told me you will get out on stat.” (Black male currently incarcerated in Ontario)

“My parole is June 2025. My stat is 2028. First conviction, First everything. my parole officer told me to apply for parole in 2026 because my STAT is too far.” (Black male currently incarcerated in Ontario)

“Parole officers prioritize attention to cases based on their own bias which can leave room for files to be neglected.” (Community member in Québec)

“Parole officers often make assumptions about Black offenders' situations and put these assumptions into reports submitted to the Parole Board, which are believed, upheld, and used against Black offenders.” (Community partner in Ontario)

Lastly, Black youth participants shared feeling unprepared to transition into adult facilities. Participants also highlighted that youth should not be held in jails:

“Black prisoners voiced that young offender detention centers set them up for failure as they did not prepare them for successful reintegration or adult jail. Once experiencing the adult system everything changed and they began to face undeniable, upfront racism and inequality.” (Community partner in Ontario)

“Provide rehabilitation centers for youth offenders instead of putting them in jail. Allow African Elders to provide cultural training to minimize the trauma and support the offenders to move forward in a good way.” (Community member, location unknown)

These calls are significant because Saghbini and Paquin-Marseille (2023) found that Black youth are disproportionately likely to be sentenced to custody as compared to white youth. The authors noted that the *Youth Criminal Justice Act* emphasis on youth rehabilitation has not been equally applied to Black youth. Taken with the experiences and perceptions of those consulted in the engagement sessions, it seems evident that there is a need to develop innovative approaches to address the overrepresentation of Black youth in the justice system.

In summation, Black community members, Black people who were currently or formerly incarcerated, and others who shared their lived experience and knowledge were of the consensus opinion that correctional facilities: tend to worsen trajectories for Black people, often fail in their rehabilitative purpose, and contribute substantially to anti-Black racism in the justice system. Alarming and differential correctional outcomes were shared by participants and further supported by government research. Importantly, findings in this section revealed that racial harm imposed by correctional staff does not just impact those in custody, it also impacts Black families, communities, and service providers. Participants of the consultation sessions highlighted a number of recommendations to facilitate racial equity for Black people in custodial institutions across Canadian provinces, territories, and at the federal level. These recommendations are shared in the section “Corrections Recommendations” below.

Re-entry and Reintegration

Black people released from correctional facilities, their loved ones, and service providers talked about several barriers and challenges faced when former prisoners attempt to reintegrate. Previously incarcerated people found that stigmatizing labels, having a criminal

record, and racial barriers were tough to overcome. These labels often stick, making it difficult for them to close their past, move forward, find work, and rebuild relationships. Others also mentioned the difficulties they faced while trying to process the trauma and experiences they encountered while incarcerated. This significantly reduced their confidence and mental well-being and often led to mental health challenges and stress. In addition to stigma faced when attempting to access social institutions, some participants indicated that they were stigmatized by people in their informal support system, including family, friends, romantic partners, and other loved ones. They highlighted that this contributed to a feeling of isolation. There was consensus that there is not adequate support to deal with this this range of reintegration barriers. Former prisoners shared that there was an absence of guidance upon release, a lack of tools to navigate outside prison, and that doors to opportunities were closed to them. They often traced reintegration difficulties to gaps in effective programs and resources offered within correctional institutions prior to release. Participants shared their frustrations with a lack of Black involvement in release decisions and a lack of relevant social context to understand Black people seeking parole. They highlighted observing inequities in parole outcomes which they argue are shaped by systemic racism and bias, rather than objective criteria:

“There needs to be greater community involvement in release decisions. The reason why Black people don't get parole is because they're perceived as more dangerous than even their crime. It's a direct result of racism. The community needs to be more involved in parole decisions. We can decide whether somebody should remain in prison or be released. Leave it up to the people that know the individual. Not poor parole boards that are riddled with racism.” (Community member, location unknown)

Community participants’ perceptions about racial bias in parole are supported by the Office of the Correctional Investigator (2022) which found that “Black people are released later in their sentence and less likely to be granted day or full parole” (p. 41). Participants noted that to address these biases, there is a need to:

“Ensure that the decision-makers are diverse and reflect equity-seeking groups. This is especially important at the leadership level. Develop zero-tolerance anti-racism and Anti- Black racism policies with clear and consistent consequences for violations.” (Community member, location unknown).

A theme that commonly emerged from the consultation sessions was that the high costs associated with criminal record expungement poses a barrier to reintegration success for Black people. Participants noted that criminal records were prohibitive for seeking a job, getting housing, and other opportunities, even for people who have been acquitted. The effects of criminal records do not just impact those who have served time in Canadian correctional facilities, but also their loved ones by reducing earning potentials, the ability to get home insurance, and other factors. In their own words:

“The expungement of criminal records (even if you are not guilty) costs hundreds of dollars and for this type of environment that we're living in, with the soaring cost of

housing and me being a single income household, how can I again, on top of everything else, afford to expunge a 20-plus-year-old record?” (Individual formerly incarcerated, British Columbia)

“The judge found me not guilty and I was completely acquitted of the crime. However, the charge remains on my record more than 20 years later, hindering my capacity and capability to apply for certain jobs or be promoted in certain areas. This is something that I find happens to many marginalized communities. I worked for an agency that worked with BIPOC women and domestic violence situations, so we saw a lot of that happening and hindering people's opportunities, future opportunities in terms of work.” (Community member British Columbia)

“I have a criminal record for life. I cannot be hired at certain well-paying jobs unless I get my record expunged which costs much more than I can afford as a single mother.” (Female individual formerly incarcerated, British Columbia)

“Number two, the difference is in punishment, right? When it comes to punishment, when it comes to what happens when you get arrested, you can't necessarily get a job, right? Because of this record that's hanging over your head. You get a record, now you can't even get car insurance. You can't give homeowners insurance. By all of these things that affect you, put you in a position where you can't necessarily access certain things.” (Community member, Québec)

“But there's things that people might not know about that doesn't just impact the individuals, but impacts their family, the community. So, when [anonymous] said about insurance and not being able to get insurance, if you have a record, or if you've been incarcerated, it doesn't just happen to that person. If you're living with somebody, that person cannot get insurance because they have somebody living with them that might have a record or, you know, had problems with the law. So that impacts on the greater community because so what? But now I have a house, I have my son or my partner that's living that has problem with the law, so I can't get house insurance. So if I have a fire, I'm not insured. So then there goes my property that I've worked for, because I can't get insured” (Community member, Québec)

Graffam et al. (2004) makes clear how important employment is for reintegration:

“Employment provides more than the income necessary to support adequate material conditions. It also provides structure and routine, while filling time. It provides opportunities to expand one's social network to include other productive members of society. In addition to all this, employment can contribute to enhanced self-esteem and other psychological health.” (p. 1)

To address the persistent negative impact of criminal records on Black people, participants called for legislative change to address issues stemming from criminal records, especially in the employment sector. This recommendation is imperative. Research has found that

having a criminal record is positively correlated with recidivism because it reduces the ability for people who were incarcerated to be hired (Denver, Siwach, & Bushway, 2017). Moreover, John Howard Society Ontario (2019) found that 60% of employers require criminal record checks and would not knowingly hire a person with a criminal record. These findings suggest the urgent need to re-consider if criminal records are helping people or hurting people and reframe our collective thoughts about them.

Those consulted as part of the engagement sessions also asserted that there is a lack of reintegration supports and a lack of awareness of existing supports among those reintegrating and parole officers. They asserted that this increases the likelihood of reoffending and increases challenges faced by Black individuals after release. A Black male incarcerated in Ontario shared “I don’t know anyone who came from where I came from and changed their life.” Community members and participants in British Columbia, Nova Scotia, and elsewhere in Canada said:

“There is a lack of support such as employment, housing and basic needs. Thus, people become recidivists.”

“There is often not someone to guide them in the direction of education opportunities, expungement of records, getting them access to other supports in the community. I can imagine when that person comes out of incarceration or the facility, it's scary.”

There is the need for programs that incentivize the hiring of Black people who have been released from custody: “For example, the community in Kitchener/Waterloo where they developed housing [co-op] for people and they invested into their communities by purchasing bonds, and they could work and earn a living in their housing community.”

Participants stressed that the lack of reintegration supports extends to mental health and substance abuse treatment. Community members in British Columbia and Alberta shared:

“Regarding reintegration, I think that in our community we're lacking the support services to have people reintegrated back to the communities including support places to go to if they are struggling with addictions and substance use.”

“Sometimes it feels people are left out of the system and set up to fail. There isn’t much support available to people. They are shunned from society. They need mental health support and access to skills training programs [...]. Mental health is still a taboo in the community and funding needs to go to community programs that offer culturally relevant and responsive mental health services.”

They also cited the absence of housing opportunities which led to some people being released into homelessness. Reintegration research shows that a lack of housing is one of the most significant predictors for reoffending and unsuccessful reintegration (Baldry et al., 2002; Lewis, et al., 2003). As such, participants called for increasing housing options for

Black people leaving custodial settings. Participants also stressed that reintegration initiatives are often not geared towards family repair. A community member in Nova Scotia shared:

“What does the process of family reintegration entail? How harmful is it for children to witness their loved ones imprisoned? What does it involve for individuals to reconnect with their children? Even when considering halfway houses, it is vital for the Black community to embrace and support families. It is our responsibility to ensure that family integration is easily accessible, and we should arrange family celebrations as part of this effort. An incarcerated individual expressed missing the presence of a pastor who could spiritually nourish them. It is not uncommon for people to convert to Islam in order to have access to better quality meals. These circumstances raise important questions: Do we truly have a need for prisons? What is the purpose of prisons when it comes to the Black community?”

Participants discussed how conditions of parole and probation can be challenging to avoid breaking because they are contradictory or do not make sense. A community member in Québec said:

“The system is set up to keep you committing crime...Conditions that are being imposed on them that don't make sense. There is the lack of things that actually break recidivism, like job training.”

Similarly, in their report on Black youth and the justice system in Canada, Owusu-Bempah and Jeffers (2022) note that:

“Stakeholders, Black youth, and their families reported that Black youth often obtain contradictory probation/release conditions that set them up to fail. For example, a youth in Calgary noted that one of their conditions was to attend anger management. However, the sessions were scheduled during school hours forcing them to skip class in order to take the training or risk receiving a breach of conditions and going to jail. Yet, skipping school was also interpreted as contradictory to rehabilitation. Similarly, a youth in Toronto, who also had to attend anger management twice a week noted that because he was innocent, this training was a waste of his time. He added that because the training was not in the city where he lived, he had to travel 5 hours by bus to attend, which meant he might accidentally breach his conditions by missing curfew. He eventually had to move to be nearer to the program. Other contradictions in release conditions required youth to have no contact with criminal associates. This was difficult for youth because, as previously stated, many Black youth who end up in the CJS come from neighbourhoods with high levels of crime or have family members who have themselves come into contact with the CJS” (p.31).

Overall, participants felt that inequity in parole decisions, racial barriers, a lack of diverse culturally sensitive programming, supports, and resources, and criminal records made the re-entry process incredibly difficult and hampered the chance for successful reintegration

for Black people in Canada. They advocated for a diverse set of interventions to increase the success of Black people seeking to reintegrate which can be viewed in the section “Community Re-entry and Reintegration Recommendations”.

Additional Priority Areas

Below is a brief summary of 4 additional themes in which those consulted in the engagement sessions commonly raised concerns: Victims/ Survivors, Data Collection, Funding, and Ongoing Consultation/ Shifts in Ideological and Organizational Practices.

Victims/Survivors

Participants reported experiences of double victimization. The first stage involves being a victim of a civilian offender, the second stage involves being ignored or abused by the police or the legal process. Nevertheless, there are barely any unique post-incident supports (physical, emotional and mental) tailored to Black people to respond to either form of victimization. Community members spoke about experiencing community harm and the need for stronger support mechanisms for victims of crime. Community members in Ontario shared:

“Speaking from the heart of our community, we've all experienced victimization and witnessed crimes.”

“As a collective, we've endured the loss of too many young souls, and we're still processing that pain, which often goes unrecognized.”

“Our mothers are traumatized too, yet they're often scared to ask for help.”

“Even with our school systems, students who have lost loved ones, they receive little support.”

As a participant who completed the survey stated, there is a need to “hold those in power responsible to implement, follow up, and break the cycle of these issues.” Those consulted developed several recommendations to address these issues which are outlined in the section “Additional Recommendations”, under “Fund, identify, create and maintain supports for Black victims and survivors”.

Data collection

The engagement sessions revealed that Black people in Canada have complicated feelings about race-based data collection. Approaches to data collection and data use have historically marginalized Black communities, perpetuated anti-Black sentiments across Canadian society, and led to policy changes that increased harm their communities experienced. Participants argued that there is a need for deeper engagement with Black communities to understand their perspectives in order to develop culturally responsive

approaches to data collection and use with and for Black communities. At the same time, participants felt “data fatigue”, “research fatigue”, or “over-consulted”. They stressed that this feeling has arisen through recounting their emotionally-taxing, painful, and traumatic episodes in the justice system for governmental initiatives which do not seem to amount to any meaningful difference in their lives or communities. They often do not receive updates on progress, they do not feel consulted after sharing their stories. They feel excluded. That being said, there was consensus that without data, the inequities they know exist through lived experience are not seen as real or legitimate by those without lived experience. As a community member in Alberta succinctly stated:

“A problem you cannot measure is a problem you cannot solve.”

Participants highlighted several areas in which to improve the data collection process for Black people. First, as noted above they were deeply frustrated and disappointed that data collected is not used to generate long-lasting policy and practical changes. Alongside research fatigue, there is community anger about a lack of change that they can see and feel in their communities. Community members in Québec said:

“We need, as -- said, policies and decisions that will outlast time.”

“I'm telling you that reports and data like this [appear] over and over and over. Why do you think it's gonna make a difference this time? Because we've done this.”

“And also, we need to implement all of the recommendations from the correctional officers as a report¹⁵. There was a report that strongly talks about the plight of Blacks in the federal prisons. It has maybe more than 30 recommendations targeted to Blacks. These recommendations need to be implemented.”

“How are we implementing these recommendations? Who implements them and who keeps people in check? Because since 2020, they waved at us a bunch of money, a bunch of recommendations, a bunch of strategies, but we see barely anything changing in our communities. And we talk about this, we saw 2020 as a huge wave of mobilization and it's dying down from, it's sad to say, but it is that dying down. The energy and the plans, working in an institution, the action plans are on four years. And after four years, we don't know if it's going to get renewed. We're going to need another drama to have that type of attention.”

“And we've been over-consulted. We're at the end of the international decade of people of African descent. It's ending next year, and it's now that the federal level is pushing us within 30-day bracket to come up with recommendations. They are afraid to put them in place because it will cost them their place in government. But we need recommendations that would outlast this government so that they're not stripped from us when the conservatives will take power, because they will. Right?”

¹⁵ This is a reference to the Office of the Correctional Investigators (2022) report.

Participants were also frustrated that findings from data collected is not shared in a timely manner, feedback opportunities are rare, and implementation seems to consistently be delayed. A community member in Québec said:

“One of my favorite concepts is policy coherence when it comes to Black Canadians. I feel like on one hand, last year, there were announcements of funding for different Black organizations. And then I know, right now, there's a huge debate on bail reform, and how it might disproportionately impact Black Canadians. And there aren't even proper consultations on things that are implemented, right away. There's not proper consultations, but then for things that take a long time, actually consultations in general, I feel oftentimes the government will drag things out for no reason and will delay implementing things that are very much needed.”

Participants also stressed that there is often a lack of transparency in how data will be used:

“Data collection is a tricky one, because we're not trusting of where that information is gonna go, or what it's going to be used for. I mean, even though you said, Okay, this, we're doing this research, and we collect this information. People are reluctant to answer those questions and stuff like that. And I do understand that. However, you know, if we don't have the data, you know, to the government and whatnot, the issues or concerns don't exist.”

Participants were also frustrated by a lack of funding for Black-led research on data that is collected:

“There should be kind of a compensation mechanism to give us a voice through a mechanism where there's seed money put by government, so we can have, like a group and be able to, like research, policy and advocacy.” (Community member in Québec)

In addition to funding for data collection, participants advocated that there needs to be sustained funding for community partnerships and policy initiatives designed to address the problems revealed by data collected. The set of recommendations put forth by those consulted across engagement sessions can be found in the section “Additional Recommendations”, under “Data collection”.

Funding

Community partner participants highlighted the lack of *sustained* funding for their initiatives. They also cited barriers to carrying out their work:

“I do agree with the fact that there are, you know, a lot of Black organizations that receive minimal funding. And there are certain mandates, and there has to be an accountability piece there. But also, understanding that, unfortunately, when you are receiving federal, provincial or municipal grants, you almost have your hands tied, in

a sense of, I want to make the statement, but now you're accountable for like, you know, you're playing this game with these individuals that are funding you. And I think it becomes - it's a disadvantage, so maybe perhaps we need to look at [that] where funding these organizing organizations is concerned, looking to see outside of government support. So you kind of free yourself from those bondages because that's what, in my experience, that's what has happened.” (Community member in Québec)

This excerpt illustrates the importance of developing new models for funding structures. Governments should support community organizations working to fix societal issues in a way that allows them to remain independent. Governments must also be open and accepting of critique. Participants highlighted that sustained funding is essential for ensuring supports that people can count on and that last. The recommendations for sustained funding can be found in the section “Additional Recommendations”, under “Sustain funding, commitment, resources, and supports”.

Ongoing consultation and shift governmental organizational and ideological principles

Participants noted a wide scale need to recognize the impacts of racism and discrimination in institutions on Black people. Community members and partners in British Columbia and elsewhere in Canada asserted:

“There needs to be a recognition that the current institutions were built on racism and colonial ideology. These systems are based on racism and discrimination, they are doing what they were created to do.”

“Anti-Black racism is embedded in institutions, policies, processes and the everyday systems that Black individuals maneuver. It is also embedded in people's psyche and together these contribute to the overrepresentation of Black individuals in the criminal justice system.”

“The Justice system needs to recognize the historical and current injustices faced by Black people and the impacts it has on our communities. The starting point is acceptance of the truth of the foundations of all of these institutions. Only then can we truly engage in meaningful reform and transformation.”

Participants also highlighted the need for Black people to be included in decision-making processes and positions:

“Create opportunities for Black folks to be around decision-making tables on justice matters to reduce institutional biases and support fair decision-making processes.”
(Community member, location unknown)

Overall participants felt that acknowledgement of the existence of systemic racism across *all* governmental bodies was a meaningful first step to addressing the social determinants

of justice and systemic racism throughout justice systems. They also felt that increasing the representation of Black people throughout decision-making roles and process would help ensure that policies and practices are grounded in lived experience and cultural, academic, and policy-based knowledge. As a community partner in Ontario stated there should be “nothing for us, without us.” The recommendations for ongoing consultation and ideological/organizational shifts are in the section “Additional Recommendations”, under “Ongoing consultation with the Black community” and “Shift governmental organizational and ideological principles” below.

Recommendations

Social Determinants of Justice Recommendations

Recommendations Summary Table: Social Determinants of Justice Recommendations

<p>Strengthening community-based support and social services</p>	<p>Strengthening community-based support and social services can help prevent and intervene in involvement in crime and the justice system. Programs for Black children, youth, and adults to address mental and physical health, facilitate economic educational and recreational opportunities, focus on crime-prevention and intervention, and provide spaces for Black people to gather to tackle community issues, foster community, and educate non-Black people about Black culture.</p> <p>Funding for these supports and services must be sustainable, adequate, and reduce barriers to participation. An emphasis is on supports and services which are Black led. Supports and services must be accessible.</p>
<p>Improving access to economic opportunities</p>	<p>Improving access to economic opportunities entails increasing employment equity for Black Canadians by amending policy, removing biases and discrimination from recruitment, hiring, and promotion, creating targeted pathways for Black people across labour sectors, investing in Black businesses, addressing deskilling and credential barriers, and supporting employment mentorship programs.</p>
<p>Addressing racial disparities in education</p>	<p>Addressing racial disparities in education involves increasing representation across all school and board staff, mandatory anti-racism training, stopping the arbitrary and discriminatory aspects of streaming, revitalizing curriculum to incorporate Black culture and anti-racism, increasing support staff, reducing the usage of punitive measures, stopping the practice of calling the police to schools to handle behavioural issues, hiring Black school liaisons, dedicated</p>

	<p>funding for post-secondary education for Black youth, and Afrocentric cohort options.</p>
<p>Addressing systemic racism in child welfare</p>	<p>Addressing systemic racism in child welfare involves efforts to reduce family separation that offer supports in the home and community before considering child removal. Child welfare staff must also go through mandatory culturally sensitive anti-racism training that collaborates with Black-led organizations.</p>
<p>Increase access and funding for culturally- responsive and culturally-informed mental health programs and resources</p>	<p>Addressing mental health issues experienced by Black individuals in Canada requires increasing the amount of Black mental health specialists and therapists, designing and maintaining more mental health programs by and for Black people, supporting collaboration between organizations and mental health professionals to address trauma, grief, stigma, coping mechanisms, life counselling, alternative conflict resolution, and emotional and mental well-being in the Black community, in schools, and within Black families.</p> <p>Funding for these supports and services must be sustainable, adequate, and reduce barriers to participation. Supports should be Black-led and services must be accessible.</p>
<p>Addressing the needs of Black immigrants and newcomers</p>	<p>Addressing the needs of Black immigrants and newcomers involves ensuring that credentials and educational certifications received outside of Canada are recognized within the country, offering transitional services, developing and funding settlement, and integration services to connect newcomers with housing, school and work opportunities, provide information about Canadian laws, provide legal services, and translate key documents. Recommendations also include easing work requirements for asylum seekers and reinstating status for individuals who have lost their status due to incarceration.</p>
<p>Address inequities in housing stability and homelessness</p>	<p>To address inequities in housing and homelessness facing the Black community which shape the likelihood to become involved in the justice system, changes should be made to increase the amount of</p>

	affordable housing, efforts should be made to ensure affordable housing is dispersed throughout neighbourhoods rather than in isolated developments, and quality of living standards should be maintained in affordable housing units and neighbourhoods
Governmental recognition of racism as a social determinant of justice requires data collection: Three interconnected additional recommendations	Social institutions should recognize their legacies of anti-Black racism and colonialism and work alongside Black, Indigenous, and visible minority groups to co-create institutions that are equitable, just, and fair; Discrimination is a social determinant of justice that should be addressed through cultivating awareness, understanding, and sensitivity to Black culture and people among social actors across the other social determinants of justice to reduce biases and discriminatory behaviour; Data should be collected across social services/programs, the labour market, education, housing, child welfare, mental health, and immigration to ensure transparency and accountability.

Policing Recommendations

Participants outlined the need for significant changes in policing Black communities. They noted experiencing discrimination, racial profiling, police brutality and a strong lack of trust of police officers and policing bodies. One of the most prevalent themes was that police culture is poor and needs to be addressed in order for interventions to be effective. They also shared a lack of faith and timeliness in the complaints process. They highlighted that there are not clear limits regarding police powers, that oversight bodies were weak and ineffective, and that the mistrust between Black communities and the police contributed to the over-incarceration of Black people and reduces the willingness of community members from interacting with the police. They noted feeling that they could not rely on police when they were victims of crime or witnesses to crime. Participants shared that some of the tasks currently performed by police officers should be re-tasked to other professionals with expertise in the designated tasks (e.g., mental health professionals, community organizations) and that the police should rely more heavily on restorative justice initiatives. To address these issues in policing Black communities, participants recommended efforts be made in the following areas:

Recommendations Summary Table: Policing

Improve training and hiring practices	Police officers should undergo mandatory cultural, mental health, and de-escalation training prior to being hired and regularly once employed. They should also be trained on interacting with victims of crime. Hiring processes should identify and screen out individuals who are likely to engage in discriminatory or aggressive practices. Training should allow police officers to adequately interact with people experiencing trauma, loss, and grief.
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<p>Establish neighborhood policing teams that build relationships with residents and local organizations</p>	<p>Teams of police officers that collaborate with Black community members and Black community organizations to serve the individuals through alternatives to the justice system, address community problems, build trust with the community, increase reliance on restorative justice approaches, and respond to feedback from the community.</p>
<p>Implement clear standards, policies, practices, and consequences for police misconduct</p>	<p>Police officers should be subject to clear and strict standards, practices, and consequences for misconduct. Consequences should be shared with the public for transparency and the public should be able to review and recommend changes to police standards. There should be a database for policing bodies that identifies police misconduct to prohibit terminated officers from seeking employment in policing elsewhere. Clear mechanisms should be developed for filing complaints. Mentorship programs should be implemented to foster accountability. The use of body cameras should be standardized for all police officers and footage should be available to oversight bodies.</p>
<p>Improve the efficacy of oversight bodies and complaint mechanisms</p>	<p>All police departments should be subject to an oversight body. Oversight bodies should be composed of civilians with no prior experience in policing. They should handle civilian complaints, review and amend departmental policies, and maintain the complaints system.</p>
<p>Increase diversity in police forces/services</p>	<p>Increase representation of Black employees across all levels of policing bodies through incentives and increase supports for Black policing employees to facilitate retention, community, support, and professional development.</p>
<p>Reallocate police funding to invest in community-based violence prevention programs</p>	<p>Reallocate part of the police budget to invest in violence prevention programs like youth mentoring, anti-gang initiatives, and restorative justice initiatives.</p>
<p>Reallocate police funding to invest in mental health crisis intervention</p>	<p>Reallocate part of police budgets to invest in mental health crisis intervention so that professionals respond to mental health-related calls to police, perform wellness checks, and attend police interactions in which an individual is in acute mental distress.</p>

Data collection	Collect and publicize racially disaggregated data regarding outcomes in policing and the complaints process to facilitate equitable policing practices.
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Courts, Legal Process, and Legislative Recommendations

Participants noted feeling discriminated in their interactions with predominantly white lawyers, Crown prosecutors, judges, and courtroom staff. Defendants were talked down to. Family, friends, and other loved ones of Black defendants and Black victims/survivors shared that they felt humiliated throughout the legal process and were often made to feel like criminals. The engagement sessions revealed that participants also felt that their lawyer did the bare minimum to advocate for them, and even encouraged them to plead guilty when available evidence could demonstrate their innocence. There was consensus that legal actors lacked understanding about Black cultures, systemic racism, discrimination and how these factors shaped how they ended up in the justice system. Thus, experiences with the legal system not only tended to ignore anti-Black racism but also reproduced racial oppression through treatment of Black individuals and harsher legal outcomes for Black individuals as compared to white individuals. They cited lived experience where a white person received probation for committing the same offence as a Black person, when the criminal backgrounds of both individuals were the same. They also shared that when paired with the fact that Black communities are over-policed, mandatory sentencing guidelines have a severe impact on Black communities and contribute substantially to the overrepresentation of Black individuals in Canadian jails and prisons. The high cost of effective legal services was also highlighted as a key barrier to receiving justice in the legal system. Recommendations are made in the following areas to address these realities:

Recommendations Summary Table: Courts, Legal Process, and Legislation

Institute cultural competency training	Ensure that legal system personnel including defense attorneys, crown prosecutors, judges, policy makers, court- appointed mental health specialists, and courtroom staff receive regular mandatory training to develop cultural humility and cultural competency training to address issues of bias and discrimination.
Increase the accessibility and affordability of participating in the legal system	Fund and develop Black community-based legal clinics dedicated to providing equitable legal services and knowledge of the rights in the justice system; Increase funding to legal aid, and ensure Black people have the option to receive culturally sensitive legal supports. These are key to ensure Black individuals can equitably participate in the legal system.

<p>Invest in dedicated programs to increase the number of Black defense attorneys, fudges, Crown prosecutors, legal clerks, legal aid administrators, and lawmakers</p>	<p>Dedicated scholarships for Black individuals entering and studying law programs and equal employment initiatives to increase representation in the legal system and legislation/policy making can assist in improving equity in the justice system and legal outcomes.</p>
<p>Add “Black offenders” to Section 718.2(e) of the <i>Criminal Code</i> regarding sentencing principles:</p>	<p>Amend the <i>Criminal Code</i> so judges are required to consider how anti-Black racism and systemic discrimination has contributed to a Black person coming before the court to be sentenced in recognition of the overrepresentation of Black people in the justice system.</p>
<p>Allocate funding and resources to standardize the use of Impact of Race and Cultural Assessments (IRCAs)</p>	<p>Standardize the use of IRCAs through legislation. Fund the recruitment and training of assessors. Dedicate funding to legal aid and defense attorneys to cover associated costs of</p>

	conducting IRCAs and create an awareness campaign about IRCAs. Assessors must be Black. These steps will help ensure that the legal process is not blind to the impacts of racism.
Allocate funding and resources to expand and implement restorative justice programs as alternatives to incarceration	Shift towards restorative justice by identifying, designing, and promoting alternatives to incarceration which must be considered at sentencing. This shift can help eliminate stigmatizing labels, address root causes of crime, and repair individual and community harms while encouraging accountability and reintegration for defendants.
Review existing laws, applications of law, and policies to identify and reduce discriminatory practices or outcomes	Conduct a comprehensive review of existing laws, practices, and policies to identify and reduce discriminatory practices, trends in sentencing outcomes, and other legal outcomes across racial groups. Already identified areas for legislative change are mandatory minimums, pre-Crown charge screening for offences, employment policies regarding criminal records, and youth in transition (18-24). Changes should be co-developed with Black people and developed with an anti-racist framework. These changes can significantly reduce the incarceration rate of Black people in Canada and length of incarceration. They can also increase custodial diversions, increase the success of reintegration, and ensure youth in the criminal justice system receive the best and most meaningful outcomes possible.
Diversify the jury pool	Modify the jury selection process to ensure the diversity of jurors is representative of the population, this is one measure to help combat anti-Black racism in the legal process.
Increase language interpreter availability	Increase interpreter availability for diverse languages to enhance due process comprehension.
Enforce accountability measures for legal actors for overt discrimination or making racist remarks	Establish clear accountability standards and sanctions for legal actors for discriminatory or racist remarks, establish a clear and timely complaint process, and enforce legal actors who violate standards accordingly.
Implement fair policies for newcomers and immigrants	Implementing fair policies for newcomers and immigrants can reduce the punitiveness of the justice system, especially on those who arrived in Canada prior to the age of 18.

Corrections Recommendations

Black individuals incarcerated in Canada shared experiencing discriminatory treatment and a low quality of care. This discrimination plays out in interactions with correctional officers (CO), use-of-force incidents, involuntary transfers, likelihood to be sent to structured intervention units, security classifications, gang classifications, and many other ways. They stressed that current program offerings do not equip them for the reintegration process or create opportunities for them in the job market after release and increased their likelihood of reoffending to make money. The lack of culturally meaningful programming and mental health and wellness supports was also noted to be insufficient. Discriminatory treatment and a lack of support in custody can significantly shape the experience and meaning of prison for individuals and can have long-lasting effects that lead to poorer outcomes. In general, the rehabilitative goal of Canadian prisons and jails is not being adequately met, and significant changes should be introduced to improve the success and well-being of prisoners once released. The recommendations laid out below would assist in ensuring Canadian prisons are rehabilitative for Black people:

Recommendations Summary Table: Corrections

<p>Prioritize access to educational, employment, and other programming/training for Black people in custody</p>	<p>Funding and providing educational, employment, and other training programs and accredited credentials are integral for rehabilitation and reintegration. Partnerships should be made with educational institutions, employers, and Black-led organizations to provide a clear pathway and opportunities for reintegration. Contracts and logistics should be streamlined with community partners and institutional staff should be held accountable for any unnecessary or discriminatory barriers experienced by partners.</p>
<p>Regularly review and revise disciplinary practices to identify and address racial disparities or bias in the treatment of Black people in custody</p>	<p>Reviewing and revising practices in correctional settings can assist in ensuring fair and equitable treatment of all people in custody, including Black people. There should be clear sanctions for violating rules and they must be enforced.</p>
<p>Improve the efficacy of oversight bodies and complaint mechanisms</p>	<p>An independent review board for correctional facilities with the power to mandate institutional change and meaningfully resolve grievances made against correctional staff can assist in the equity and fairness of custodial facilities and improve the quality of custody for Black people.</p>

Review and revise security classification procedures and gang labelling procedures to ensure they are free from racial bias	Reviewing and revising security classification, gang labelling, and other procedures that categorize people in custody can help ensure equity across racial groups. Changing policies so that punishments and sanctions are not applied based on having a classification that suggests more support is needed would be fruitful. Developing fair, transparent, and reasonable policies for removing or changing a classification is integral to justice.
Improve cultural training and hiring adjustments for correctional officers and other staff in correctional facilities	Improving training for correctional staff about Black history/culture and systemic oppression and modifying hiring processes can help to reduce the impact of unconscious bias and discriminatory treatment against Black people in custody.
Review and revise use-of-force policies and de-escalation training for correctional staff	Revising use-of-force to further limit instances in which its used and the parameters of using force, in addition to de-escalation training, can ensure the safety, dignity, and humanity of Black people in custody is maintained.

Increase access and funding to culturally meaningful mental health and substance abuse treatment	Developing and improving mental health and substance abuse treatment to address the unique experiences of Black people in custody at all levels of security classification through diverse and holistic methods can improve the experience of incarceration and reintegration.
Increase diversity in correctional staffing	Ensuring diversity in representation of correctional staff can foster inclusiveness, community, and understanding in the correction system while assisting in the rehabilitative goal of custodial facilities.
Ensure involuntary transfers are bias-free	Ensuring involuntary transfers are free from racial bias can mitigate harms caused by transfers including loss of community and family ties.
Limit the use of structured intervention units (and all other forms of segregation)	Limiting the use of structured intervention units can assist in maintaining the mental well-being of Black people in custody and ensuring that all individuals in custody are treated humanely.
Fund visitor programs and other connections to community	Funding and improving visitation and community connections can prevent family breakdown and increase the strength of informal ties Black people in custody have to community, which can lower recidivism.

Reduce prolonged lockdowns	Reducing prolonged lockdowns to reduce the adverse effects associated with prolonged isolation while maintaining institutional security.
Ensure religious rights and freedoms are observed	Acknowledging the rehabilitative power of Black-led spiritual groups and respecting religious traditions, practices, objects, and diet are important for ensuring equity.
Improve medical care for Black people in custody	Increasing the representation of Black medical staff, training and accountability for medical personnel, and timely medical assessments can improve the quality of life and well-being of Black people in custody, lower the Black death rate in prisons, and keep prisons healthy and safe. Notifying their family and loved ones when they are ill preserves the personhood of Black people in custody.
Improve food quality and special diet accommodations	Improve food quality by minimizing barriers to having diet restrictions adhered to, following hygiene protocols, offering more diverse foods in canteen, and ensuring the overall quality of all diets to preserve the health, freedoms, and dignity of Black people in custody.
Other key changes to improve inmate experience	Maintaining a singular set of standards across institutions can ensure consistency and accountability. The other recommendations laid out in this section will improve health, well-being, and safety of prisons.
Develop programs for youth in transition (18-24)	Collaborate with community organizations to provide targeted programming in correctional facilities for Young People in Transition, specifically those aged 18-24. Tailoring initiatives to meet the unique needs of this demographic enhances their readiness for adult facilities and chances of successful rehabilitation and reintegration.

Community Re-entry and Reintegration Recommendations

Participants shared that the re-entry process does not adequately support successful reintegration because of barriers to accessing the labour market, and a of lack of culturally meaningful, mental health, and housing supports. The findings from the engagements also revealed inequities and racial bias in the parole process, interactions with parole/probation officers, and interactions with the parole board. Criminal records increase the likelihood of reoffending by limiting opportunities. The recommendations posed below would meaningfully address these issues:

Recommendations Summary Table: Community Re-entry and Reintegration

Prioritize access to educational, employment, and other programming/training for Black people in custody	Identify, create, and fund economic and education opportunities for Black youth and adults exiting the justice system to empower them, support their attainment of economic self-sufficiency, successful reintegration into society, and reduce recidivism rates.
Ensure reintegration programs are culturally responsive	The significance of ongoing, holistic, culturally appropriate programs, environments, and resources from organizations is crucial for successful reintegration and reducing reoffending.
Provide secure, safe, and stable housing for Black individuals upon release	Providing access to safe housing options for recently released individuals promotes social and economic stability.
Increase access to mental health and substance abuse treatment	Promoting mental health during reintegration can increase the successfulness of the process, assist in individual, familial, and community health, and reduce the likelihood of reoffending and reduce stigma.
Review and revise criteria for temporary absences and parole decisions	Implementing temporary absences and parole guidelines that consider culture can assist in ensuring that Black people in custody are paroled earlier and at rates similar to white people in custody. Some participants specifically advocated for using the IRCAs at the parole stage.
Increase diversity across governmental release and reintegration actors	Increasing diversity across reintegration actors can assist in increasing equity in the parole process and the reintegration process, increase cultural knowledge among decision-makers, and help reduce the prison population in a meaningful way.
Improve and mandate training and supports for parole officers, probation officers, parole board members and other governmental release and reintegration personnel	Cultural competency and anti-bias training and other kinds of training for all governmental reintegration personnel is important to mitigate unconscious biases in decision-making and increase culturally meaningful support for Black people
	in the reintegration stage. Caseloads for parole/probation officers should be manageable.
Enforcing accountability measures for governmental release and reintegration actors	Enforcing accountability measures can reduce inequities in rates of parole for Black people in custody and improve their likelihood of successful reintegration.

Eliminate the costs and barriers associated with expunging criminal records and enhance supports for criminal record suspensions and pardons	Eliminating barriers and costs to criminal record expungement, suspension, and pardons can ensure justice is fair and that consequences of committing a criminal offence do not last after the individual has served their time or has been found innocent. This can increase opportunities during reintegration.
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Additional Recommendations

The following are recommendations that continually showed up across the site reports as important recommendations to improve outcomes for Black communities and individuals in the justice system. They either have importance for all five pillars or do not fit squarely with any of the five pillars.

Recommendations Summary Table: Additional Recommendations

Fund, identify, create, and maintain supports for Black victims and survivors of crime	Supporting victims and survivors of crime can increase fairness in the justice system, restore faith and trust in the justice system, and assist in the racial harm experienced by members of the Black community.
Data collection	Collecting, analyzing, disseminating, and using data across the justice system is essential to address systemic racism and discrimination in the justice system and improve outcomes for Black individuals and Black communities.
Sustain funding, commitment, resources, and supports	Sustainable, long-term funding, commitment, supports, and resources should be maintained for the initiatives implemented as part of the CBJs to meaningfully improve the impact of the justice system on Black communities and individuals and to mitigate the impact of the social determinants of justice.
Ongoing consultation and inclusion with the Black community	Ongoing consultation is important for ensuring that Black people are represented in the future of justice initiatives that will directly impact Black individuals and Black communities.
Shift governmental organizational and ideological principles	Promoting cultural diversity across governmental actors and Black cultural knowledge across Canadians are significant steps in addressing racial harm. A comprehensive process to meaningfully identify, acknowledge, and address racial harm should be conducted.

Conclusion

The community engagement sessions, consultations, and online survey to discuss Canada's Black Justice Strategy were collaborative and meaningful. These sessions demonstrate consensus that the imperative for extensive and focused reforms aimed at addressing the fundamental sources of anti-Black racism and racial inequalities. Systemic racism and oppression shapes both the disproportionate **presence** of Black individuals within the criminal justice system as **subjects** and the disproportionate **absence** of Black individuals within the justice system **working** in enforcement, the legal system, corrections, community re-entry and reintegration, and the social determinants of justice. As a country, we are currently in a situation where the lives of Black community members are deeply impacted by practices, policies, and decisions made and enacted, in large part, without involvement of or understanding about Black people. Consequently, there is consensus that any successful Strategy must confront these deep-seated structural issues that sustain and perpetuate injustice.

A consistent theme that surfaced during the interaction sessions underscored the significance of fostering trust between the Black community and the justice system. To achieve this, participants stressed the necessity for heightened cultural competency and sensitivity among law enforcement officers, prosecutors, lawyers, judges, correctional staff, reintegration actors, and those employed in the sectors correlated to the social determinants of justice. They also emphasized the need for increased accountability, oversight, and transparency across social actors and institutions working in all areas of the 5 pillars of the CBJIS. Participants communicated the importance of cultivating respectful institutional cultures, advancing diversity within the justice system, and incorporating unbiased practices.

The sessions consistently emphasized the significance of empowering and endorsing community-led initiatives. Participants highlighted the need for active engagement of Black organizations and community groups in the conception, execution, and assessment of initiatives focused on diminishing racial disparities and enhancing the overall experience of the Black community within and outside of the justice system. This participatory approach would ensure that solutions are not only tailored to the distinct needs of the community but are also sustainable in the long run.

Yet another critical aspect that surfaced during the community engagement sessions was the imperative for data collection, research, and evaluation to guide evidence-based decision-making and track progress. Participants emphasized the significance of systematically gathering and reviewing data pertaining to racial disparities in the justice system, along with assessing the impact of implemented reforms. This data-driven approach serves not only to pinpoint areas needing attention but also facilitates continuous monitoring and accountability. That said, participants across the country made clear that **data collected must be used to repair racial harms and increase equity and justice for Black people in Canada**. Participants recognized that punitive measures often worsen existing inequalities and contribute to cycles of reoffending. Given this, community engagement participants have urgently called for a rehaul of the system through the

recommendations proposed here to **build and maintain a truly rehabilitative justice system.**

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