



Department of Justice

African Nova Scotian Justice Action Plan:
Community Engagement



What we Heard

Developing an African Nova Scotian Justice Action Plan

Nova Scotia has committed to developing an African Nova Scotian Justice Action Plan (the plan) in collaboration with African Nova Scotians (ANS) and African Nova Scotian Affairs (ANSA). The main purpose of this document is to provide a summary of what was heard during round one of the community engagement sessions in relation to the plan. In addition, this document contains

- o a draft visual framework for the plan
- o a snapshot of the engagement strategy for developing the plan, while recognizing past contributions and work by the community
- o current initiatives at the Department of Justice (DOJ) acknowledging the need for targeted approaches
- o objectives for round two of community engagement in relation to the plan (this will be the final round)

Framework

We are committed to developing the plan guided by the principle that solutions should be developed by the community, for the community, and in recognition of the United Nations' Proclamation of the International Decade for People of African Descent, 2015 – 2024.

Goals

The plan contains four goals that help to address the overarching goal to combat systemic racism in the justice system:

1. Decrease overrepresentation of ANS in the justice system
2. Increase access to a fair and equitable justice system for ANS
3. Improve experiences for ANS when interacting with the justice system
4. Improve relationships between the justice system and ANS communities

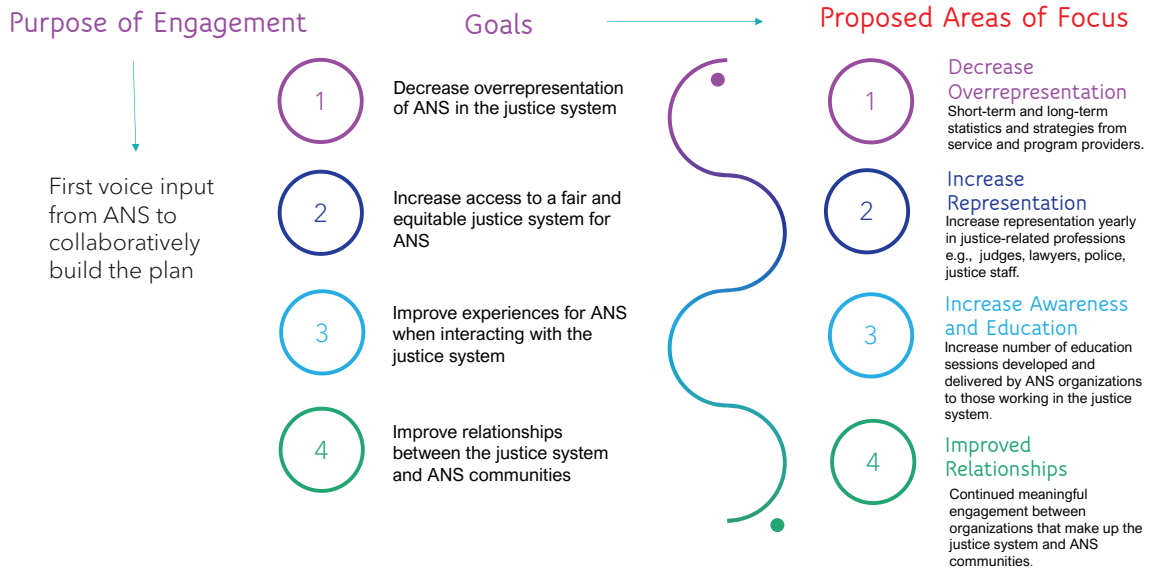
The plan will identify actions, timelines, and measurable outcomes that will be used to increase accountability.

In developing goals, DOJ spoke with community leaders, reviewed recommendations raised in previous reports, and invited feedback through our first round of provincial engagement. Below is a visual framework of the plan's development phase.

In round two, we remain open to the feedback to validate or guide the framework so it best represents a plan shaped by the community, for the community.

FRAMEWORK - DEVELOPMENT OF AN AFRICAN NOVA SCOTIAN JUSTICE ACTION PLAN

Guiding Principles: rooted in recognition of the United Nations' Proclamation of the Decade for People of African Descent, centred on solutions developed by the community, for the community.



Acknowledgments

DOJ developed an engagement plan collaboratively with the following key project partners:

- ANSA
- The Nova Scotia Association of Black Social Workers (ABSW)
- The African Nova Scotian Decade for People of African Descent Coalition (ANSDPAD)
- The African Nova Scotian Justice Institute (ANSJI)
- The Office of Equity and Anti-Racism Initiatives

A provincial engagement plan was developed to allow for a diverse range of perspectives, reflective of the uniqueness of the many ANS communities. These partners helped inform the planning for the in-person sessions as well as surveys that were used to hear the perspectives of ANS.

DOJ acknowledges the funding support received from the Government of Canada through the Department of Canadian Heritage's Anti-Racism Action Program. This funding will cover the cost of the provincewide engagement, this interim "What We Heard" report, and the production of a final report in both English and French languages.

Engagement

First voice engagement with ANS is central to this work and will directly shape the outcome of the plan based on the responses we receive. ANS communities want solutions to be developed "for us, by us."

This "What We Heard" report is based on responses to questions asked through online and paper surveys and also asked during in-person community engagement sessions throughout the round one engagement. DOJ is welcoming further engagement to validate the findings presented here through a second round of engagement sessions and surveys.

How and Who We Engaged

In-person

A total of 107 ANS attended the 16 in-person engagement sessions across the province during May and June 2021. These 16 locations were selected in partnership with ANSA and represent 25 historical ANS communities across 12 counties. Three of the 16 in-person sessions were dedicated to youth/teen voices. Participants were invited from those who identified as Black/ANS and/or from Black African ancestry.

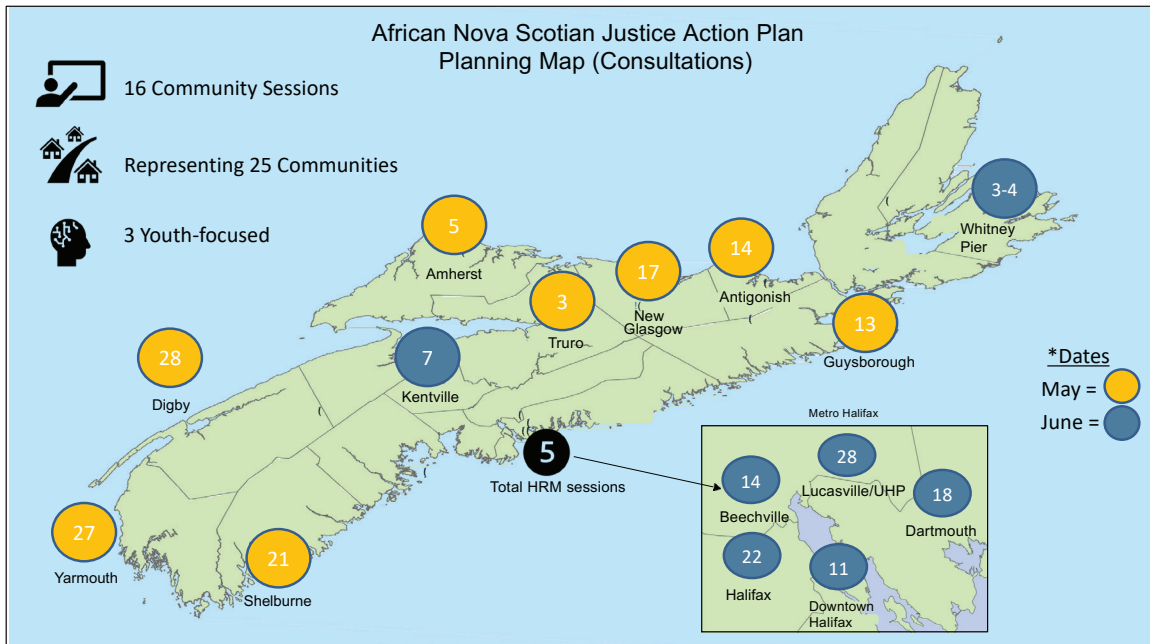
The in-person sessions were two hours in length. Catering was provided to participants by local Black-owned businesses.

The session venues were also selected based on locations that have been accepted by community members as appropriate sites and have been used in the past. Over the two-hour session, the majority of the time was allocated to hear directly from participants, using guided questions that provided opportunities for community members to share their valued perspectives.

DOJ partnered with ABSW to provide an independent notetaker for each of the 16 sessions. Due to the risk of harm that could be experienced by participants sharing and hearing stories involving generational trauma and current lived experiences, ABSW also provided two registered social workers at each session to provide therapeutic interventions to those who requested assistance.

Representatives from the ANSJI attended all 16 sessions and presented the ANSJI's vision, the eight planned programs that will service ANS across the province, and timelines for when they anticipate being fully operational.

Below is a map indicating the locations and dates of the round one engagement sessions.



Survey

An online survey was developed to accommodate those who, for any reason, would not be willing and/or able to attend the in-person sessions. The survey was advertised by the province and shared by service providers who maintain a network of contacts with ANS communities. A QR code of the online survey was also included in the regional flyers that were distributed in advance of the sessions. The QR code and a paper version of the survey were offered to the in-person attendees at each session in the event they were not able to fully share their perspectives due to time constraints or comfort level in speaking openly in a group setting.

What We Heard

We appreciate the time and knowledge community members across the province offered through these in-person sessions and the survey. Our desire was to have specific questions to guide the discussions because we acknowledge how fatiguing it is for ANS to share their lived experiences, truths, and solutions on justice-related issues. These questions were meant to build off previous feedback from past reports and advance the noted goals of the plan.

The following nine guided questions were asked in both the survey and in-person engagement sessions. The responses were collected from the independent notes provided by ABSW and the survey results. Common themes from across the province capturing both rural and urban perspectives were identified.

1) What are the biggest issues faced by ANS when interacting with the justice system?

- **Representation is lacking at all levels.**
 - o Lack of ANS representation in the justice system (e.g., staff, lawyers, and judges). It's challenging to interact, trust, participate, and/or work in a system staffed by such a small number of ANS, yet overrepresented by a larger number of ANS in a negative way.
- **Lack of understanding of the justice system.**
 - o Many ANS have shared they don't understand how to navigate the system or how it fully works. There is shortage of education about the justice system delivered by ANS organizations, which causes ANS to feel untrusting toward advice or guidance they receive when delivered by non-ANS. Historically, lack of knowledge about their rights, or lack of awareness about the methods of seeking legal advocacy, has led to exploitation of ANS communities. Community would trust information sharing more from fellow community members who share their lived experience. This echoes the need for greater representation in the system.
- **Discrimination at all levels.**
 - o Discrimination from staff and stakeholders within the system at all levels of engagement, from police, service providers, even those identified to support victims of crime. ANS participants shared that their concerns were often minimized or given less attention than those they witnessed involving non-ANS community members. Both racialized staff and inmates have experienced discrimination within correctional facilities.

Fear and distrust of the overall system, and concerns about the treatment faced by ANS engaging or working within the system, was embedded within each of the above three themes.

2) When attempting to address systemic issues, where should the focus be?

- Examine policy failures and enhance policies.
 - o Enhance policies and procedures. All policies should be examined for their impact on ANS communities. If we want to change a system, we should scan to see which practices are causing harm and which ones are focused on harm reduction or working successfully. There should also be an Anti-Black Racism Policy at DOJ, or, if there currently is such a policy, it should apply to all those who participate in justice service delivery.
- Provide training on policies to enhance awareness and ensure informed practices.
 - o Training for all levels of staff and relevant stakeholders to enhance awareness about changes to policy, and the reasons why those changes needed to be made, is critical to successfully implement new policies in frontline practice. Beyond just being made aware, community wants to see that awareness used to create a level of empathy that will be reflected in decision-making and engagement practices with ANS communities.
- Increase awareness of generational trauma.
 - o There needs to be more awareness, acknowledgment, and acceptance of the history and trauma connected to that history for ANS. This needs to be recognized and considered by those who engage with ANS through their roles as justice system stakeholders.

3) What messages would you like us to bring back to our policing stakeholders?

- Believe us: Data confirms our truths.
 - o The Wortley Report recommendations helped validate what community members have been saying on the practice of disproportional policing, but they were not believed until the data not their voices—confirmed this. Community feels that the Wortley Report findings (which confirmed ANS were five to six times more likely to be street checked) and the independent legal opinion of

Justice MacDonald and Research Lawyer J. Taylor were required before they were believed. The Toronto Police Service's review of a year's worth of their data showed that, again, community voices have not been heard in spite of offering their voices over the years in calls for action. This same pattern of not being believed was expressed when ANS are victims of crime.

- Meaningfully engage with community at all times.
 - o Police engagement should happen more often, and not just after a tragedy takes place in the community. When police engagement is happening, it shouldn't appear to be merely a pathway to building connections with possible informants to collect leads on files. Police should take part in events that are important to the community, but only after they reach out to community leaders to make sure their method of engagement is being done respectfully. Be visible. ANS officers should engage more with youth and offer support for ways to join the force, but only if the examples of policing in the community are ones that a youth would wish to aspire to.

- Enhance staffing, recruitment, and training practices.
 - o More ANS should be hired as police officers, and those individuals should remain in the communities with which they have connections. Whitney Pier is an example of this being done well. More broadly, when a recruit is going through the vetting process, polygraph testing, and or other methods to explore the true character of the individual, the process should include questions based on racialized biases, memberships with (far right) extremist groups, and other questions developed by community that can mitigate further risk of harm to the community before this person is placed in a position of authority. Once the person is hired, the community would like to see more training on unconscious bias for all levels of police, and not just a "sit and click" type of training. Believing in intersectionality, training should not be just about ANS history, or a one-day competency course. When training is provided on mental health, connections should be drawn to race and culture. For training on addictions and trauma, draw the intersection with race and culture. Training should be in-depth and developed by community, and, ideally, offered by community members who are experts in the fields that the training is being offered on.

4) Can you provide any examples of positive experiences with the justice system that we can learn from?

- Community policing when done well.
 - o When community policing is done right, it is seen as a great resource to the community and a positive example to youth. Community members who grew up in Whitney Pier and Yarmouth and became police officers understand the appropriate approaches and or practices to implement when they respond to calls or show support to victims. If community feels that these officers have their best interests in mind, they are welcomed as both an ANS member and a police officer. The RCMP's relocation efforts every three to five years has resulted in either the loss of an officer who was doing great work, or the arrival of an officer who knew nothing about the community, and this sets back the relationship.
- Victim Services' relational approaches.
 - o DOJ's Victim Services was mentioned in a number of regions as a service provider that delivered a positive experience. Community members felt believed, supported, and assisted navigating the justice system. More representation in these roles is, therefore, recommended by participants.
- Impact of Race and Culture Assessments.*
 - o The success of Impact of Race and Culture Assessments (IRCA) is a giant step forward for making the connection between historical trauma and the limited opportunities for ANS communities. This connection should not be ignored in sentencing decisions. Community feels their voices are being heard, and although this is at the sentencing stage, which is much later than a typical prevention intervention, it is seen as a means to address the overrepresentation of Black offenders in correctional facilities.

*This is a specific assessment which originated in Nova Scotia but is now being used across Canada as justice stakeholders and the judiciary become educated about the importance of cultural assessments in sentencing decisions. IRCAs are used in criminal court matters before a sentence is imposed on someone of Black/African ancestry. DOJ continues to support the assessment-writing process by providing funding to cover the expenses related to preparation of IRCAs for the courts.

5) We are interested in hearing about all areas of the justice system, including Family Law. What should our focus be with respect to Family Law?

- Develop Family Law policies unique to ANS.
 - o Indigenous communities have unique legislation, such as the Act respecting First Nations, Inuit and Métis children, youth and families, which mandates how elements of family law are enforced for Indigenous children and families. The intent for Indigenous people to have such an act is to make sure cultural values and connections are prioritized and maintained. This is something ANS residents should have.
- Increase representation amongst service providers.
 - o The lack of representation of ANS at all levels of family court is seen as an issue. In addition, in the opinion of community members, the definition of "family" used to define and assess families does not match an Afrocentric definition. ANS families parent differently, often due to the lived experiences the parents have carried with them. The service providers who are attempting to work with these families, or completing assessments for Family Court, don't always understand or value this uniqueness.
- Utilize the IRCA model in Family Court.
 - o Family Court matters should utilize something similar to the IRCAs used in criminal court. Although the parenting capacity assessments can speak to background and culture, the delivery of IRCAs, done by community members trained in generational trauma approaches for ANS community members, would be a valuable tool for Family Court and related stakeholders.

6) How can we attract more ANS to positions in the justice system? (Such as police, sheriffs, correctional officers, lawyers, etc.)

- Develop mentorship and youth engagement opportunities.
 - o For professions within the justice system, such as police, lawyers, and correctional officers, increased attraction could be achieved by having mentorship opportunities for junior high- and high school aged youth. A mentor could then guide them through the later recruitment process. Previous programs have been successful, such as Black Parliament, a program that allowed Black youth to engage in roles of authority in government by participating in a mock parliamentary process. Although successful according to many, it was phased out due to lack of funding.

- Develop workplace resources/supports to improve experiences.
 - o Community members who have worked at DOJ in the past don't always have glowing examples of their time employed, and these stories are circulated around the community. Staff who had been relegated to entry-level positions over their entire career, or have been subject to discrimination in the workplace, are seen as examples of what potential applicants will face if they join the department. Having specific ANS supports in place, and advertising those supports in job postings and the interview process, may ease some of these concerns.
- Improve the recruitment process.
 - o It was suggested that the recruitment process for ANS include resume writing, interview skills, and wording in job postings so ANS community members see themselves represented. Volunteer and work experiences should be seen as assets, as volunteering in the community takes many leadership roles not given enough credit. The importance of traditional educational credentials over their community leadership, engagement, or advocacy roles is seen as disgraceful to many. The example of how medical recruitment for nurses and doctors is being done, or the support refugees are receiving with resume writing and navigating the process, is lacking for ANS communities. Participants expressed that when government sees targeted recruitment as a true priority, for example in the health care field, their efforts are clear.

7) What can we do to attract more ANS to work in government jobs? Are there specific barriers?

- Acknowledge and address trust and isolation concerns.
 - o The same points raised for attracting applicants to DOJ were echoed for broader government positions: Start with youth mentorship; have a safe, diverse and inclusive workplace; and be creative with recruitment. It was mentioned at multiple sessions that not all departments have the same level of ANS staffing as Justice, Community Services, and Education and Early Childhood Development have had historically. When looking at departments that have not been historically staffed with fellow community members, many shared concerns with being the "first" or alone in their representation. The comfort in knowing that other family members have been connected to a department in the past helps address trust issues. Knowing what to expect, even if it is not ideal treatment, it is better than the unknown. Youth mentorship opportunities would assist in this area as it would allow community members to test the work environment first to assess if trusting relationships can be developed.

8) What can we do to reach more candidates from ANS communities to let them know about government jobs? What is the best way to reach them?

- Come to the community.
 - o Many job postings are not seen, or community is not aware until after the posting has closed. Instead of putting the burden on community to seek out the positions, enhance recruitment by seeking out the community. Engage with community through job fairs or information sessions that allow for a two-way conversation about the position, the workplace culture, and supports for ANS staff.
- Use relevant forms of social media.
 - o Community members do not follow the traditional social media accounts that the Public Service Commission seems to think have an impact on community. An example is that ANSA has far fewer community members following their account than some community members that have their own platforms on Instagram, YouTube, or TikTok. The provincial government's jobs page, Indeed, and Career Beacon are not the primary places community members go looking for jobs.
- Develop mentorship opportunities at the high school level.
 - o Mentorship is a means for both engaging with and coming to community, and also as a way to share direct opportunities with potential recruits.

9) What should be government's focus while developing and delivering educational training on ANS culture?

- Include robust content and cover more than enslavement.
 - o When speaking about the lived experience, speak about the history of African people before enslavement, and highlight Black excellence rather than just speaking about a community that is "struggling." Address historical barriers that have been put in place to cause ANS communities to not succeed, rather than just talk about their "limited" success. Community is concerned that some training, although well intended, may cause further assumptions or stereotypes about their communities.

- Training should be created and delivered by ANS.
 - o The content should only be developed and delivered, if possible, by members of the community. Subject matter experts who are external to government would be the best option, as many of them have a better sense of what community really thinks of government services, rather than those who are internal and tasked with delivering the content. Training seminars would benefit from sessions that are co-led by ANS community members and non-community allies.

- Increase accountability for all staff.
 - o Mandatory training needs to be more than just a forced task. This type of training needs to be tied into career advancements, assessed and measured, and have a level of accountability that sends a strong message. Training should not only be for new staff or taken once and then no longer a requirement beyond the initial learning commitment. ANS culture should be woven into all aspects of training content, and certain “top-level” positions should have a greater requirement to show advanced understandings of Anti-Black racism, allyship, Afrocentric theory, systemic racism and unconscious bias, white privilege, and microaggressions, for example, throughout the time individuals hold positions of authority.

Acknowledging What We Heard

DOJ is incredibly honoured by the willingness of ANS across the province to engage with us and share their experiences, and to collaboratively partner in the development of an African Nova Scotian Justice Plan. The feedback collected throughout round one of the engagement sessions is being accepted as truth, and is supported by findings from previous reports, such as the [Final Report on Consultations with the African Nova Scotian Community \(2001\)](#), which highlighted similar themes of

- overrepresentation of ANS in the justice system
- policy review and development supported by race-based data
- underrepresentation of ANS in key positions
- lack of recruitment and retention of ANS
- lack of knowledge around rights and the justice system processes

The following are some examples of current initiatives underway at DOJ to address these concerns:

Supporting the development of the ANSJI

In July 2021, DOJ partnered with the ANSDPAD to establish the ANSJI by providing \$4.8 million in funding for the first three years.

ANSJI's mandate aligns with the goals of many of our current initiatives, and with the collaborative approach to developing an African Nova Scotian Justice Plan. It reads:

"To address issues of systemic racism in the criminal justice system that negatively impact African Nova Scotians while ensuring fair, legal and constitutional treatment of all African Nova Scotian community members."

The ANSJI has defined their strategy of supporting their mandate by implementing eight areas of programs and services:

1. Human Rights Monitoring and Policing Accountability Program
2. Community Justice Legal Defense Program
3. African Nova Scotian Court Support Program
4. African Nova Scotian Alternative Justice and Victim Services Program
5. African Nova Scotian Bail Alternative, Incarceration Support and Reintegration Program
6. Data Collection and Police Accountability Unit
7. Cultural Assessment and Treatment Services Unit
8. Public Legal Education and Youth Development Program

Many of the key positions have been staffed, allowing for the initial development of certain programs. The institute's support to ANS has already been acknowledged by many.

The establishment and operation of the ANSJI will be a key component of the African Nova Scotian Justice Plan.

Advancing the recommendations in the Wortley Report

DOJ has been working to implement the recommendations from Dr. Scott Wortley's *Halifax, Nova Scotia: Street Checks Report* (the Wortley Report). The report makes 53 recommendations that fall under the categories of a street check ban, the regulation of street checks, data collection on police stops, and improving police – community relations. The Wortley Report shows that every year between 2006 and 2017, Black Nova Scotians were five to six times more likely to appear in street

check statistics than their representation in the general population would predict. Street checks have been permanently banned in Nova Scotia, therefore 24 of the 53 recommendations that relate to regulating street checks are no longer relevant. DOJ is leading the work on 12 of the remaining 29 recommendations. A significant step was achieved when the *Minister's Directive - Street Checks Ban*, came into effect December 1, 2021, allowing the province to strengthen the ban on street checks by providing clearer direction to police and ensuring no Nova Scotian is unlawfully subjected to the practice.

The Wortley Report Research Committee (WRRC) was formed as the result of recommendation 3.1 in the Wortley Report to develop recommendations to guide the collection of race-based data on police stops in Nova Scotia. The Minister of Justice endorsed the WRRC's report, *Final Report and Recommendations on the Collection of Race-Based Data in Nova Scotia*, which calls for the collection of race-based data for police stops by all police agencies in the province.

DOJ is committed to reviewing/improving race-based data collection across programs to best support ANS residents.

Advancing DOJ's Four-year Equity and Diversity Action Plan

DOJ is implementing actionable steps under its four-year Equity and Diversity Action Plan. Under this plan, there has been a focus on increasing recruitment efforts for staff from diverse groups, resulting in the creation of designated positions at both union and management levels. There have also been information sessions with community members hosted by DOJ during which participants can gain background on the department, the division and positions, and ask questions or raise concerns.

Through the Black Youth Development and Mentorship Program (BYDMP), DOJ continues to be honoured with the opportunity to have highly skilled summer students from grade 12 or first year post-secondary studies join a number of our divisions. In the summer of 2022, six students participated and nearly all of last year's BYDMP students returned for a second term with DOJ. In 2022, DOJ partnered with community-based service providers to facilitate separate healing sessions for ANS and Indigenous staff from across the department. These offsite sessions allowed those voices to be elevated within government. Participants shared their experiences and made recommendations about required resources for staff and how best to improve staffing retention.

What's Next

Community has asked that these engagement sessions result in more than just government listening, but in signs of action. The valuable guidance and insight that has been provided by ANS communities in round one is already being used to support initiatives at DOJ and the initiatives of other justice system stakeholders.

After round one of the engagement, DOJ presented the feedback to the Criminal Justice Transformation Group (CJTG). The CJTG is made up of those who lead various components of the criminal justice system. CJTG's mandate is to work collaboratively with each other and stakeholders to bring about positive change in the criminal justice system, using a human-centred approach.

The CJTG is chaired by the Deputy Minister of Justice and made up of high-level decision makers from organizations directly connected to the criminal justice system and others that represent service providers to community members at risk, including

- Department of Justice
- Judiciary
- Nova Scotia Chiefs of Police Association
- Nova Scotia RCMP
- Halifax Regional Police
- Nova Scotia Legal Aid
- Nova Scotia Public Prosecution Service
- Public Prosecution Service of Canada
- Criminal Lawyers Association
- Department of Community Services
- Office of Mental Health and Addictions
- Department of Municipal Affairs and Housing

The CJTG welcomed the round one feedback as critical and timely information. DOJ will continue to share the feedback at this table, as all of the CJTG members collectively examine how to best support equitable access to justice for ANS.

Round Two

Although DOJ is grateful for the feedback that was shared in round one, we acknowledge that many may not have been able to attend or were reluctant to attend so soon after the pandemic restrictions had been lifted. Being mindful of this reality and the need to validate what was heard in round one, DOJ will conduct a second round of 16 sessions across Nova Scotia.

Round two will again involve the important support from ABSW in providing independent notetakers and therapeutic intervention at each session. We do not want to make any assumptions about what was heard in round one and will use round two to clarify and validate what we heard. This will guide the continuation of this collaborative work in developing the African Nova Scotian Justice Plan.

The survey will also be active during round two. We invite those who identify as Black/ANS or of African descent to complete it by clicking on the link below or scanning the QR code with their mobile phone's camera. The survey is anonymous, and individuals do not need to attend an in-person session to complete it. Survey [LINK](#)



DOJ will work to remove systemic barriers that are limiting the equitable and fair access to justice that ANS should expect to receive when involved in any form of interaction with the broader justice system in this province.

This work can only be done right if it is done collaboratively with the ANS community. We look forward to the community's continued guidance throughout round two.

Contact us:

We welcome your feedback to this report and remain committed to ongoing opportunities to have ANS voices, guiding and elevated throughout this process.

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