

Canada's **BLACK JUSTICE** Strategy

Engaging with Black communities on Canada's Black Justice Strategy **Online survey complementing the community-led consultations**

What we heard report

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Introduction

Justice Canada is developing Canada's Black Justice Strategy (the Strategy or CBJs) to address anti-Black racism and systemic discrimination, which has led to the overrepresentation of Black people in the criminal justice system (CJS), including as victims of crime. The goal of the Strategy is to help ensure that all people in Canada have access to equal treatment before and under the law, as guaranteed by the *Canadian Charter of Rights and Freedoms*. As part of the development of the Strategy, Justice Canada undertook consultations with Black communities across Canada. A component of these consultations was an online survey developed to complement the community consultations, for those who were unable to attend the engagement sessions. This report summarizes the results of the online survey.

Methodology

On September 8, 2023, Justice Canada launched an online survey seeking input from Black communities and the organizations that support them on how to eliminate anti-Black racism and systemic discrimination that have led to the overrepresentation of Black people in the CJS. The survey was open for six weeks, closing on October 20, 2023. To be eligible to participate in the survey, respondents were asked to confirm that they were a Black person living in Canada and/or a representative from an organization that provides justice-related services and supports to Black communities in Canada.¹

The survey was promoted on Justice Canada's social media as well as through a media release. Subsequent outreach to Black communities and organizations was done to increase participation. Because the survey was not randomly distributed and respondents were self-selected, the results are not to be considered representative of the Black population in Canada. Rather, they offer insight from different community members into ways to eliminate anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the CJS.

The survey included a series of closed- and open-ended questions (see Annex A for survey questionnaire). Closed-ended questions asked respondents to rank recommendations from the CBJs [Framework](#) in terms of their potential to address the overrepresentation of Black people in the CJS. The ranking questions were analyzed using a weighted average calculation, where higher rankings were assigned a higher value in the calculation, to measure the overall preference for each choice. In the open-ended questions, respondents were invited to share additional recommendations on how to address the overrepresentation of Black people in the CJS. Responses to the open-ended questions were reviewed and categorized into themes, with a summary of the most common themes outlined along with illustrative quotes from respondents.

¹ Respondents were also asked to confirm they were not currently subject to an order under the *Youth Criminal Justice Act*.

Survey results

The survey received a total of 229 responses. Most respondents (91%) were individuals, while less than 9% responded on behalf of organizations (Table 1). These organizations were mainly non-governmental (74%, Table 2).

While 39% of respondents noted never having been involved with Canada's CJS, others noted having been involved in various ways (respondents were able to select more than one option), most notably through knowing someone as victim/accused (25%), as a family member of an accused/convicted person (17%) and by working in the CJS/working in a related field (21%, Table 3).

Table 1: Proportion of respondents responding as individuals versus organizations

	Percentage	Count
Individual	91.27%	209
Organization	8.73%	20
Total	100%	229
Percentages may not add to 100% due to rounding.		

Table 2: Sectors represented by organizational respondents

	Percentage	Count
Law	5.26%	1
Academia	5.26%	1
Non-governmental organization	73.68%	14
Other, please specify:	15.79%	3
Total	100%	19
Percentages may not add to 100% due to rounding.		

Table 3: Respondents' self-reported involvement with the criminal justice system

Choice	Percentage	Count
As the victim/survivor of a non-violent crime	7.98%	17
As the victim/survivor of a violent crime	7.51%	16
After being charged/convicted of a crime	10.33%	22
As a family member of a victim/survivor	10.33%	22
As a family member of an accused/convicted person	17.37%	37
Know someone as victim/accused	24.88%	53
By working in the criminal justice system/Working in a related field	20.66%	44
Volunteering in the criminal justice or related area	8.45%	18
Other, please specify:	6.10%	13
I have not been involved in the criminal justice system before	38.50%	82
I prefer not to respond	4.69%	10
Total	N/A	213

The social determinants of justice

Respondents were asked to reflect on actions to target social factors (social determinants of justice²) and to rank the top three factors that have the greatest potential to eliminate anti-Black racism and systemic discrimination that lead to the overrepresentation of Black people in the CJS. The three factors that received the highest average ranking score in order from highest to lowest are (Table 4):

1. Improving access to economic opportunities (1.6).
2. Addressing racial disparities in education (1.4).
3. Strengthening community-based support and social services (0.7).

Table 4: Weighted average analysis of survey responses ranking top three social factors that have the greatest potential to eliminate anti-Black racism and systemic discrimination that leads to the overrepresentation of Black people in the CJS

	Respondents: 221				
	Respondents who ranked this factor as 1	Respondents who ranked this factor as 2	Respondents who ranked this factor as 3	Total	Weighted average ranking score
Improving access to economic opportunities	71 (32%)	52 (24%)	36 (17%)	159 (25%)	1.6
Addressing racial disparities in education	67 (31%)	43 (20%)	28 (13%)	138 (21%)	1.4
Strengthening community-based support and social services	19 (9%)	27 (13%)	42 (20%)	88 (14%)	0.7
Increasing housing stability for Black people in Canada	19 (9%)	17 (8%)	39 (18%)	75 (12%)	0.6
Enhancing access to mental health services	10 (5%)	38 (18%)	20 (9%)	68 (11%)	0.6
Addressing the needs of Black immigrants and newcomers	16 (7%)	20 (9%)	27 (13%)	63 (10%)	0.5
Addressing systemic racism in child welfare services	17 (8%)	17 (8%)	22 (10%)	56 (9%)	0.5
Total	219 (100%)	214 (100%)	214 (100%)	N/A	N/A

More than half of respondents (62%) noted other social factors, not mentioned in the ranking question, that contribute to anti-Black racism and systemic discrimination that lead to the overrepresentation of Black people in the CJS. Among those who provided a qualitative response to this question, responses generally fell into two overarching themes (individual responses could be categorized under multiple themes). Note that some responses in these themes pertain more to

² The CBJS Framework defines this concept as follows: “The social factors that contribute to Black experiences with the CJS can be described as the “determinants of justice” (Institute for Research in Public Policy, 2020). The social determinants of justice include income, employment, stable housing, education, and health (ibid). Where data are available, research demonstrates that Black people in Canada fare poorly across these dimensions, with lower than-average incomes, higher rates of unemployment, decreased access to secure and stable housing, poorer educational outcomes in Canadian schools, and poorer health and mental health outcomes (Do, 2020; Dion, 2001; Teixeira, 2008; James and Turner, 2017; Robson et al., 2014; Public Health Agency of Canada, 2020). Anti-Black racism and systemic discrimination are often cited as a driver of these negative outcomes (Dryden and Nnorom, 2021; James and Turner, 2017; DasGupta et al, 2020; Public Health Agency, 2020).” https://www.justice.gc.ca/eng/cj-jp/cbjs-scnj/framework-cadre/pdf/Framework_for_Canadas_Black_Justice_Strategy.pdf

specific factors within the CJS rather than social determinants of justice; these were summarized here regardless to conserve participants' voices.

Theme 1: Systemic racism and institutional bias within the CJS, particularly among policing organizations

- Under this theme, responses generally focused on the deeply rooted White supremacy and colonial history in Canada, and the systemic racism that Black people continue to experience as a primary factor contributing to the overrepresentation of Black people in the CJS. As one respondent described, “Anti-Black racism is embedded in institutions, policies, processes, and the everyday systems that Black individual’s maneuver. It is also embedded in people's psyche and together these contribute to the overrepresentation of Black individuals in the criminal justice system.”
- Respondents spoke specifically about racism and bias within the CJS, as well as the lack of Black people working within the CJS, particularly in decision-making positions. As one commenter described, “[it is important to]... educate those enforcing the laws to recognize their own biases to reduce unfair treatment. Create opportunities for Black folks to be around decision-making tables on justice matters to reduce institutional biases and support fair decision-making processes.”
- This issue was specifically emphasized for policing: “Racism in policing is real and has material effects on Black people particularly. 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.” Responses also touched on the problematic practices such as over-policing of Black neighbourhoods, racial profiling, and carding.

Theme 2: Funding and supports for Black-led organizations and those who service Black communities

- Comments under this theme touched on the need for more funding and support for Black-led or Black-focused organizations and causes that work to assist Black communities with upstream factors to prevent CJS involvement, such as equitable access to health, education, family support, financial and tax breaks. Respondents also noted the need for more education, cultural awareness and sensitivity among all Canadians on the Black experience.

Policing

Respondents were asked to rank the top three recommendations that they think have the greatest potential to eliminate anti-Black bias and systemic discrimination in policing. The three factors that received the highest average ranking score in order from highest to lowest are (Table 5):

1. Implementing clear standards and consequences for racist behaviour by police officers (1.5).
2. Reallocating police funding to invest in community-based violence prevention programs, such as youth mentoring and restorative justice initiatives (1.1).
3. Integrating anti-racism and cultural competency training into the police curriculum (1.0).

Table 5 – Weighted average analysis of survey responses ranking top three changes to policing that could eliminate anti-Black bias and systemic discrimination

Respondents: 221					
	Respondents who ranked this factor as 1	Respondents who ranked this factor as 2	Respondents who ranked this factor as 3	Total	Weighted average ranking score
Implementing clear standards and consequences for racist behaviour by police officers	74 (34%)	43 (20%)	32 (15%)	149 (23%)	1.5
Reallocating police funding to invest in community-based violence prevention programs, such as youth mentoring and restorative justice initiatives	40 (18%)	40 (19%)	53 (25%)	133 (21%)	1.1
Integrating anti-racism and cultural competency training into the police curriculum	38 (17%)	31 (15%)	35 (16%)	104 (16%)	1.0
Increasing diversity in police forces	24 (11%)	30 (14%)	38 (18%)	92 (14%)	0.8
Developing and expanding crisis intervention teams that include mental health professionals to respond to mental health-related calls to police	14 (6%)	44 (21%)	28 (13%)	86 (13%)	0.7
Establishing neighborhood policing teams that build relationships with residents and local organizations	28 (13%)	24 (11%)	27 (13%)	79 (12%)	0.7
Total	218 (100%)	212 (100%)	213 (100%)	643 (100%)	

Almost 40% of respondents noted other recommendations to eliminate anti-Black bias and systemic discrimination in policing. Among those who provided a qualitative response to this question, responses generally fell into three overarching themes (individual responses could be categorized under multiple themes). Note that some qualitative responses overlapped with recommendations listed in the ranking question; these were summarized here regardless to conserve participants’ voices.

Theme 1: Improve human resource (HR) and training practices of police

- For this theme, respondents indicated that police staffing and training practices need to be changed to address issues with systemic racism and bias. Suggestions for improvement include increasing the number of Black officers and promoting these officers within the ranks (including to leadership positions).
- Some also suggested competency testing on racial bias, personality tests, and psychological testing at recruitment or entry into policing colleges to screen out those who have systemic biases or aggressive tendencies.
- A few highlighted the importance of de-escalation skills for police, as one noted, “prioritize and expand de-escalation training. Teach officers techniques to defuse potentially volatile situations without resorting to violence.”

Theme 2: Improve police culture and approach, for example, less punitive, more prevention- and community-focused, more use of restorative justice and alternatives to the CJS

- Responses under this theme centred around the need for a fundamental shift in policing, with many recommending the use of de-escalation, a less punitive approach with more alternatives to the CJS, and more prevention- and community-focused policing. For example, one commenter urged, “...Invest in restorative justice initiatives and integrate restorative justice principles into police training, so officers are equipped with a mindset of repair and reconciliation. Re-imagining of the role of police in the community, shifting from a primarily punitive approach to one of protection, service, and partnership with the community.” Another respondent suggested to redirect funding from policing to social causes “to things that actually keep us all safer like housing and employment and mental health programs.”

Theme 3: Enhance accountability and oversight of policing organizations

- Comments under this theme highlight the need for greater accountability and repercussions for racist and discriminatory policing practices. As one commenter noted, “Systems are in place to deal with internal police racism. It is the generally mono-cultural police leadership in Canada, which often 'overlook'[sic] violators or if they can't hide it, provide non-existent sanctions to offenders. 'Slap on the wrist'.” Suggestions to enhance accountability and oversight included:
 - 1) mandatory use of body cameras
 - 2) the creation of policing oversight bodies that are comprised of independent community members who have no connection to policing
 - 3) the collection and dissemination of race-based data to help improve police accountability (for example, on police carding, use of force, outcomes of Black people in contact with police)

Criminal court system

Respondents were asked to rank the top three recommendations that they think have the greatest potential to eliminate anti-Black racism and systemic discrimination in the criminal court system. The three factors that received the highest average ranking score in order from highest to lowest are (Table 6):

1. Amend the *Criminal Code* so a judge would be required at sentencing to consider how anti-Black racism and systemic discrimination has contributed to a Black person coming before the court (1.4).
2. Implement restorative justice programs and alternatives to incarceration (1.1).
3. Increase funding for legal aid to ensure equitable access to quality legal representation for Black people (0.8).

Table 6 - Weighted average analysis of survey question ranking top three recommendations that have the greatest potential to eliminate anti-Black racism and systemic discrimination in the criminal court system

Respondents: 216					
	Respondents who ranked this factor as 1	Respondents who ranked this factor as 2	Respondents who ranked this factor as 3	Total	Weighted average ranking score
Amend the Criminal Code so a judge would be required at sentencing to consider how anti-Black racism and systemic discrimination has contributed to a Black person coming before the court	80 (37%)	24 (12%)	20 (10%)	124 (20%)	1.4
Implement restorative justice programs and alternatives to incarceration	38 (18%)	44 (21%)	30 (15%)	112 (18%)	1.1
Increase funding for legal aid to ensure equitable access to quality legal representation for Black people	26 (12%)	27 (13%)	37 (18%)	90 (14%)	0.8
Provide mandatory anti-racism and cultural sensitivity training for judges, lawyers, and court staff, with a focus on understanding the unique experiences and challenges faced by Black individuals	18 (8%)	29 (14%)	39 (19%)	86 (14%)	0.7
Implement strategies to increase the representation of Black lawyers, judges, and court staff	21 (10%)	27 (13%)	34 (17%)	82 (13%)	0.7
Expand the use of and funding for Impact of Race and Culture Assessments for Black individuals to help judges better understand the impact of anti-Black racism and systemic discrimination on the accused's life when making sentencing decisions	15 (7%)	39 (19%)	23 (11%)	77 (12%)	0.7
Expand the application of the Youth Criminal Justice Act to youth aged 12 to 24 (currently 12 to 17)	6 (3%)	11 (5%)	14 (7%)	31 (5%)	0.3
Repeal all mandatory minimum sentences for all weapons offences	9 (4%)	4 (2%)	2 (1%)	15 (2%)	0.2
Increase the availability of conditional sentence orders (sometimes known as “house arrest”)	1 (0%)	3 (1%)	4 (2%)	8 (1%)	0.1
Total	214 (100%)	208 (100%)	203 (100%)	625 (100%)	

Almost one-quarter (23%) of respondents noted other recommendations to eliminate anti-Black racism and systemic discrimination in the criminal court system. Among those who provided a qualitative response to this question, responses generally fell into three overarching themes (individual responses could be categorized under multiple themes). Note that some qualitative responses sometimes overlapped with recommendations listed in the ranking question; these were summarized here regardless to conserve participants’ voices.

Theme 1: Improve HR and training practices and enhance accountability in the criminal court system

- This theme centres around the professionals who work in the criminal court system and broader CJS, with respondents advocating for increased representation of Black people who are committed to change. As one respondent noted: “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 albeit black presence is important.”

- Respondents also advocated for ongoing cultural sensitivity and anti-bias training, along with performance monitoring metrics for CJS professionals’ conduct and repercussions for those who engage in anti-Black racism and systemic discrimination.

Theme 2: Increase criminal court supports and services and access to justice for Black communities

- A few respondents highlighted the need for increased funding for programs that support access to justice for Black people going through the criminal court system, such as legal aid, pro bono, or navigator programs.

Theme 3: Increase use of restorative justice, rehabilitation, and alternatives to incarceration

- Responses under this theme centred on the need to consider alternatives to incarceration. As one respondent suggested, “provide [sic] 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.”
- Similarly, some respondents highlighted options like restorative justice programs as an alternative for less serious crimes, “I think the recommendations will largely depend on the crime. The less serious the crime (teenager stealing headphones from a store), the more the focus should be on options like restorative justice and alternatives to incarceration...”

Correctional system

Respondents were asked to rank the top three recommendations that they think have the greatest potential to eliminate anti-Black racism and systemic discrimination in the correctional system. The three factors that received the highest average ranking score in order from highest to lowest are (Table 7):

1. Prioritize equitable access to education, vocational training, and other programming for Black people in custody to support successful reintegration into the community and establish partnerships with community organizations that can offer these specialized services and support to Black people in custody (1.8).
2. Regularly review disciplinary practices to identify and address any racial disparities or bias in the treatment of Black people in custody (1.1).
3. Review and revise use-of-force policies and training to ensure that correctional staff interactions with Black people in custody are free from racial bias, and provide ongoing training for correctional staff on de-escalation techniques and alternative methods to the use of force (1.1).

Table 7 – Weighted average analysis of survey question ranking top three recommendations that have the greatest potential to eliminate anti-Black racism and systemic discrimination in the correctional system

Respondents: 212					
	Respondents who ranked this factor as 1	Respondents who ranked this factor as 2	Respondents who ranked this factor as 3	Total	Weighted average ranking score
Prioritize equitable access to education, vocational training, and other programming for Black people in custody to support successful reintegration into the community and establish partnerships with community organizations that can offer these specialized services and support to Black people in custody	96 (46%)	35 (17%)	24 (12%)	155 (25%)	1.8
Regularly review disciplinary practices to identify and address any racial disparities or bias in the treatment of Black people in custody	28 (13%)	57 (28%)	42 (21%)	127 (21%)	1.1
Review and revise use-of-force policies and training to ensure that correctional staff interactions with Black people in custody are free from racial bias, and provide ongoing training for correctional staff on de-escalation techniques and alternative methods to the use of force	29 (14%)	45 (22%)	51 (26%)	125 (20%)	1.1
Review/revise security classification and gang labelling policies/procedures and provide training for staff to recognize and mitigate the impact of racial and unconscious bias i Security classification - At admission and periodically during incarceration, offenders are assigned a security classification of minimum, medium or maximum according to established guidelines. ii Gang labelling - Correctional institutions have processes in place for the identification and management of offenders affiliated with security threat groups (STG). STGs are any formal or informal ongoing inmate/offender group, gang, organization or association consisting of three or more members.	42 (20%)	18 (9%)	29 (15%)	89 (15%)	0.9
Ensure that decisions regarding the use of segregation for Black people in custody are free from racial bias and develop alternatives to segregation i Segregation - any type of custody where an inmate is highly restricted in movement and has limited meaningful social interaction with others for 22 hours or more a day (excluding circumstances of unscheduled lockdown), which can occur anywhere in an institution. Note that federal	8 (4%)	33 (16%)	24 (12%)	65 (11%)	0.5

correctional institutions have adopted Structured Intervention Units to replace segregation.						
Ensure that involuntary transfer decisions are based on objective criteria and not influenced by racial bias	6 (3%)	15 (7%)	30 (15%)	51 (8%)	0.4	
Total	209 (100%)	203 (100%)	200 (100%)	612 (100%)		

One-fifth (20%) of respondents noted other recommendations to eliminate anti-Black racism and systemic discrimination in the correctional system. Among those who provided a qualitative response to this question, responses generally fell into two overarching themes (individual responses could be categorized under multiple themes). Note that some qualitative responses sometimes overlapped with recommendations listed in the ranking question; these were summarized here regardless to conserve participants’ voices.

Theme 1: Improve HR and training practices, and enhance accountability in corrections

- The comments for this theme mirror the comments for similar themes under the policing and courts sections, with respondents highlighting the need for increased representation of Black people among correctional staff (including in leadership positions), as well as increased anti-racism and cultural competency training. Respondents thought that changes to hiring practices were needed to ensure that staff have the right skills and abilities (for example, trauma-informed, culturally sensitive), requiring a higher level of education was also suggested.
- Respondents also touched on the need for higher accountability within corrections, namely through a zero-tolerance approach to violators of anti-bias and anti-racism policies and independent oversight bodies.

Theme 2: Improve access to culturally responsive programs, services and supports for Black people reintegrating into the community

- Under this theme, comments highlighted the importance of providing Black people with culturally responsive programming, services and supports both in custody and upon release. This included education, skills training, mental health and rehabilitation services, and reintegration and employment support upon release into the community.
- Respondents also noted the importance of maintaining ties with family and supports, either by being in custody close to their home community, or by not separating family members who are incarcerated. A few also called for an end to solitary confinement in custody, described as a form of torture.

Community reintegration

Respondents were asked to rank the top three recommendations that they think have the greatest potential to contribute to the successful community reintegration of Black people. Four factors received the highest average ranking score, with the last two receiving identical scores. The factors are, in order from highest to lowest (Table 8):

1. Develop and implement culturally appropriate reintegration programs tailored to the specific needs and experiences of Black people, in partnership with community-based

organizations that have expertise in addressing the unique challenges faced by Black individuals during reintegration (1.6).

2. Prioritize access to education and vocational training programs for Black people, both within correctional institutions and upon release, to increase their employability and facilitate successful reintegration. Vocational training: refers to education and skills-based training programs that prepare people for a specific job, trade or craft (1.4).
3. Ensure that decisions regarding temporary absences and parole are based on objective criteria and not influenced by racial bias (0.9).
4. Ensure access to mental health services tailored to the specific needs and experiences of Black individuals, both during incarceration and upon release (0.9).

Table 8 – Weighted average analysis of survey question ranking top three recommendations that have the greatest potential to contribute to the successful community reintegration of Black people

Respondents: 212								
	Respondents who ranked this factor as 1		Respondents who ranked this factor as 2		Respondents who ranked this factor as 3		Total	Weighted average ranking score
Develop and implement culturally appropriate reintegration programs tailored to the specific needs and experiences of Black people, in partnership with community-based organizations that have expertise in addressing the unique challenges faced by Black individuals during reintegration	63	(30%)	58	(28%)	24	(12%)	145 (23%)	1.6
Prioritize access to education and vocational training programs for Black people, both within correctional institutions and upon release, to increase their employability and facilitate successful reintegration i Vocational training - Refers to education and skills-based training programs that prepare people for a specific job, trade or craft.	50	(24%)	54	(26%)	34	(17%)	138 (22%)	1.4
Ensure access to mental health services tailored to the specific needs and experiences of Black individuals, both during incarceration and upon release	9	(4%)	48	(23%)	47	(23%)	104 (17%)	0.9
Ensure that decisions regarding temporary absences and parole are based on objective criteria and not influenced by racial bias	47	(22%)	8	(4%)	26	(13%)	81 (13%)	0.9
Collaborate with community-based organizations and housing providers to secure safe and stable housing options for Black individuals upon release	23	(11%)	30	(15%)	43	(21%)	96 (15%)	0.8
Introduce automatic record suspensions/pardons	19	(9%)	8	(4%)	30	(15%)	57 (9%)	0.5
Total	211	(100%)	206	(100%)	204	(100%)	621 (100%)	

Fourteen percent (14%) of respondents noted other recommendations to contribute to the successful community reintegration of Black people in custody. Among those who provided a qualitative response to this question, responses generally fell into three overarching themes (individual responses could be categorized under multiple themes). Note that responses sometimes overlapped with recommendations listed in the ranking question; these were summarized here regardless to conserve participants' voices.

Theme 1: Implement anti-Black racism and anti-bias policies and training for those who make release decisions

- Under this theme, respondents highlighted the importance of ensuring that anti-Black racism and anti-bias policies are properly implemented and that those involved in release decision-making have adequate anti-Black racism and anti-bias skills and training. As one respondent noted: "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."
- Some respondents advocated for greater community involvement in release decisions: "The reason why Black people don't get parole is because somehow 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."

Theme 2: Increase availability of funding for pre- and post-release reintegration supports

- For this theme, comments centred on the need to provide continuous supports for Black inmates both pre- and post-release, such as housing, substance abuse programs, and mental health services (for example, for unrecognized trauma). As one commenter suggested, "you can't get Parole unless you demo some success inside (for example, 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 compliment and 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."

Theme 3: Increase employment initiatives and hiring incentives; facilitate criminal record pardons for Black people

- Under this theme, respondents highlighted 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."
- Respondents also noted the need to facilitate criminal record pardons, especially for non-violent crimes.

Victims and survivors of crime

Research has shown that Black people are overrepresented as victims of homicide and a higher proportion of Black people report experiencing physical or sexual abuse by an adult before the age of 15.³ Black people also report experiencing “under-policing” (for example, receiving inadequate response from law enforcement when they report victimization or potential victimization). Given these realities, respondents were asked if they had any recommendations to help ensure that Black victims, survivors of crime, or witnesses, receive adequate support in the CJS. Over one-half (51%) of respondents provided recommendations. Among those who provided a qualitative response to this question, responses generally fell into three overarching themes (individual responses could be categorized under multiple themes):

Theme 1: Increase accessibility and affordability of culturally responsive and Black-led or operated victim programs and services (for example, navigators, mental health, compensation funds)

- Many respondents thought that it would be beneficial to fund/create victim programs and services tailored for and staffed by members of the Black community. Specifically, “trauma-informed care that recognizes the particular forms of trauma associated with racial violence and discrimination.” Commenters stressed that these programs and services should be affordable and accessible to the Black communities who need them.

Theme 2: Ensure CJS professionals are better equipped to respond to the unique needs of Black victims and communities, and face greater accountability

- For this theme, comments centred on the importance of ensuring equitable treatment of Black victims and communities by police and the CJS more broadly. This could include increasing Black representation among first responders and police, as well as efforts toward community outreach and relationship-building by police. Some respondents also highlighted the need for training for those working in the CJS on the unique needs and circumstances of Black victims: “Provide training to police officers, paramedics, and other first responders on the unique needs and challenges faced by Black victims. This includes understanding the historical and systemic issues that may cause mistrust or fear of authorities.”
- Respondents also highlighted the need for accountability and recourse for inadequate CJS responses (for example, under-policing), as one commenter noted, “Hold those in power, with power, responsible to implement, follow up, and break the cycle of these issues.”
- A few respondents spoke to the importance of protecting victims and witnesses who report crimes, as well as establishing anonymous tip lines for those who wish to report crimes occurring in their communities without fear of reprisal.

³ Black homicide victims: Statistics Canada. Table 35-10-0206-01 Number, percentage and rate of homicide victims, by racialized identity group, gender and region, <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510020601>. Black people report experiencing physical or sexual abuse by an adult before the age of 15: Statistics Canada, Survey of Safety in Public and Private Spaces, Special request.

Theme 3: Improve education and awareness about the legal system and victim's programs and services

- Respondents emphasized the need for greater education and awareness about the programs and services available to Black victims so that they are empowered to seek help.
- Respondents further suggested the need to educate Black communities about the justice system more broadly and how legal processes work. This includes education on what behaviors constitute crimes.

Further recommendations

Just over a third of respondents (36%) noted additional recommendations to eliminate anti-Black racism and systemic discrimination that lead to the overrepresentation of Black people in Canada's CJS. Responses generally fell into one main theme, with a few less common comments that are described below (individual responses could be categorized under multiple themes):

Theme 1: Address upstream factors and increase education and awareness of Black culture and history

- The theme mentioned most often for this question was about the importance of addressing upstream factors that lead to overrepresentation in the CJS. For example, some talked about the importance of early interventions targeting at-risk families and communities, investing in education, health care, childcare, providing economic and employment opportunities, and mentorship. Some suggested that further research is needed to better understand and address the root causes of crime (for example, studying areas with high crime rates). Other respondents talked about the need for education and awareness about Black culture and history among the public, "For example, we can work to ensure the curriculum includes fruitful examples of the contributions of racialized individuals, proper identification of micro-aggressions, and methods to protect the self and others..."

Other:

- Other responses largely reiterated points that have been covered under other questions, specifically such as the importance of targeting and eliminating anti-Black racism, as well as increasing the representation of Black people working in the CJS, particularly in positions of authority.
- A few respondents recommended that Canada should have a truth and reconciliation process with Black Canadians modeled after the process with Indigenous communities, such a process should include reparations.
- Another comment that came up repeatedly was the importance of collecting race-based data to be able to monitor and track progress on dealing with overrepresentation, systemic bias and discrimination.

Conclusion

Overall, the survey showed some consensus among respondents around several factors that contribute to the overrepresentation of Black people in the CJS. It also confirmed that several recommendations provided in the CBJIS Framework have the potential to address the issue of overrepresentation. Among key factors that need to be addressed were the influence of systemic racism and institutional bias and discrimination, which many highlighted as a significant challenge as it underpins all areas of society and is a key factor in the overrepresentation issue. Another key theme was the need for improved human resources and training practices across the CJS from policing to courts and corrections. This would include hiring more Black people, and promoting Black people to positions of power, as well as shifting competencies for hiring, increasing accountability and oversight, and increasing cultural sensitivity training. Finally, many respondents agreed that to combat systemic discrimination and Black overrepresentation in the CJS, Black communities need improved access to economic opportunities, as well as strengthened and culturally appropriate community-supports and social services.

Annex A

Engaging with Black communities on Canada's Black Justice Strategy Online survey complementing the regional community consultations

Your Voice Matters

The Department of Justice Canada is working in collaboration with an external Steering Group of Black experts and leaders and in consultation with Black communities across Canada to develop Canada's Black Justice Strategy ("the Strategy"). The Strategy will address anti-Black racism and systemic discrimination, which has led to the overrepresentation of Black people in the criminal justice system. The goal of the Strategy is to help ensure that all people in Canada have access to equal treatment and equal protection before and under the law.

Guided by a [Framework](#) developed by the [Steering Group](#) for Canada's Black Justice Strategy, 12 Black-led community-based organizations from across Canada are currently leading targeted consultation and engagement activities. The goal of these activities is to validate the information and recommendations included in the Framework, identify missing information and recommendations, and highlight gaps in policies, legislation, data, services, initiatives, programs and community supports.

Community engagements are happening across the country, and we encourage you to learn more about the engagement activities happening near you. For people who are unable to participate in community consultations and engagements, and for organizations that provide justice-related services and supports to Black communities in Canada, Justice Canada has also launched this online survey. This survey, which is also guided by the Framework, is available for input until September 29, 2023. The views you share will inform the Steering Group's Final Strategy Report, which will present recommendations focused on addressing anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in Canada's criminal justice system, including the overrepresentation of Black people as victims of crime.

Background

In December 2021, the Minister of Justice and Attorney General of Canada was mandated by the Prime Minister to develop Canada's Black Justice Strategy with the support of the Minister of Housing, Diversity and Inclusion and in consultation and cooperation with Black communities, provinces and territories. The [Framework](#), a document prepared by the external Steering Group for Canada's Black Justice Strategy, has been developed to guide consultations and engagements with Black communities. The community consultations and engagements will seek to validate the information and recommendations included in the Framework, identify missing information and recommendations, and highlight gaps in policies, legislation, data, services, initiatives, programs and community supports.

This national consultation process is an important opportunity to build upon the work of Black communities, grassroots and other organizations that has resulted in the recommendations included in the Framework. For decades, Black communities and the organizations that support them, advocates, academics, and many others have called for solutions to address anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in Canada's criminal justice system. It is imperative that the Strategy is developed with the voices of Black communities across the country. Your experiences and ideas about the changes that are needed to achieve substantive equality for all people in Canada are essential to making the Strategy a success.

Please note that the questions that follow and the recommendations they include are based on the Framework prepared by the external Steering Group and do not necessarily reflect the views or opinions of the Department of Justice Canada.

Eligible participants

Participation in the survey is limited to:

- 1) Black individuals living in Canada; and,
- 2) Representatives of organizations that provide justice-related services and supports to Black communities in Canada.

If you do not meet these criteria we ask that you please do not complete the survey.

Participants from all age groups—including youth—are encouraged to complete the survey. But, if you are a young person currently involved in matters under the *Youth Criminal Justice Act*, you cannot participate in this survey, to protect your privacy.

Privacy statement

The Department of Justice is conducting this survey in accordance with the [Department of Justice Act](#) and is subject to the [Privacy Act](#), and is committed to ensuring your privacy and the protection of your personal information. Although participation in this survey is voluntary, your participation is encouraged. Please be aware that your individual responses, or responses provided on behalf of an organization are being collected as part of a public survey and may not be confidential. Information collected in this survey will be reported in an aggregate format, but individual (non-identifying) illustrative quotes may be used in a *What We Heard* report. Information from the survey will be used to inform Canada's Black Justice Strategy. It could also be used by the Department for research purposes to inform further policy development.

This survey does not request any personal identifying information (for example, name, age, address, phone number) nor does it collect it in the background (for example, IP address). Participants are asked not to volunteer any identifying information in their responses. Note that organizations that voluntarily provide their organization's name could be identified in

the report. That said, any personal information you provide in your survey responses will be protected and managed in accordance with the [Privacy Act](#). The information you choose to provide will be managed in accordance [Outreach Activities PSU 938](#). The [Privacy Act](#) gives you the right of access to your personal information, if you choose to do so, please contact the Department's Access to Information and Privacy (ATIP) office at ATIP-AIP@justice.gc.ca.

Any questions, comments, concerns or complaints you may have regarding Justice Canada's handling of your personal information may be directed to our ATIP by emailing ATIP-AIP@justice.gc.ca. If you are not satisfied with Justice Canada's response to your privacy concern, you have the right to file a complaint with the Privacy Commissioner of Canada regarding the institution's handling of your personal information.

Your participation in this survey will help inform Canada's Black Justice Strategy. Respondents can request a PDF copy of the survey for accessibility purposes by contacting us at: rsd.drs@justice.gc.ca.

Thank you for your participation.

Consultation questions

1. Are you responding to this survey as an individual or on behalf of an organization?
Select one response only.

Individual (if checked go to q. 2)

Organization (if checked go to q.1a), q.1b)

1a). To which sector(s) does your organization belong? Select all that apply.

Law

Academia

Non-governmental organization

Other, please specify _____

1b). If you wish to provide the name of the organization, and agree to the use of that name in association with your comments in this survey, please do so here:

2. Have you ever been involved with Canada's criminal justice system? (Select all that apply)

As the victim/survivor of a non-violent crime

As the victim/survivor of a violent crime

After being charged/convicted of a crime

As a family member of a victim/survivor

As a family member of an accused/convicted person

Know someone as victim/accused

By working in the criminal justice system/Working in a related field

Volunteering in the criminal justice or related area

Other (please specify)

Not applicable (for example, I am responding on behalf of an organization)

I have not been involved in the criminal justice system before

I prefer not to respond

The social determinants of justice

3. The following actions have been identified to target social factors that, if addressed, can contribute to eliminating anti-Black racism and systemic discrimination that leads to the overrepresentation of Black people in the criminal justice system.

Please identify the top three factors that have the greatest potential to eliminate anti-Black racism and systemic discrimination that leads to the overrepresentation of Black people in the criminal justice system:

1. Addressing racial disparities in education.
2. Improving access to economic opportunities.
3. Enhancing access to mental health services.
4. Strengthening community-based support and social services.
5. Addressing systemic racism in child welfare services.
6. Addressing the needs of Black immigrants and newcomers.
7. Increasing housing stability for Black people in Canada.

3a) Do you think there are any other social factors, not mentioned above, that contribute to anti-Black racism and systemic discrimination that leads to the overrepresentation of Black people in the criminal justice system?

Participants are asked not to provide any identifying information in their response.

Yes, please explain:

No

Don't know

Policing

4. Studies have shown that Black people are overrepresented in police stop and search practices (for example, carding) and experience negative interactions with police. Evidence also suggests that Black people are more likely to be victims of violence by police.

The following recommendations have been made for changes to policing that could eliminate anti-Black bias and systemic discrimination. Please identify the top three recommendations that have the greatest potential to eliminate anti-Black bias and systemic discrimination in policing:

1. Increasing diversity in police forces.
2. Integrating anti-racism and cultural competency training into the police curriculum.
3. Establishing neighborhood policing teams that build relationships with residents and local organizations.
4. Implementing clear standards and consequences for racist behavior by police officers.
5. Developing and expanding crisis intervention teams that include mental health professionals to respond to mental health-related calls to police.
6. Reallocating police funding to invest in community-based violence prevention programs, such as youth mentoring and restorative justice initiatives.

4a) Do you have any other recommendations for eliminating anti-Black bias and systemic discrimination in policing?

Participants are asked not to provide any identifying information in their response.

Yes, please explain:

No

Don't know

Criminal court system

5. Black people often have negative experiences in the criminal court system. Studies show that Black people are more likely than others to be denied bail and receive harsher sentences. In addition, Black justice professionals who work in the court system may experience anti-Black racism and systemic discrimination while doing their jobs.

The following recommendations have been made to eliminate anti-Black racism and systemic discrimination throughout the court process. Please identify the top three recommendations that have the greatest potential to eliminate anti-Black racism and systemic discrimination in the criminal court system.

1. Repeal all mandatory minimum sentences for all weapons offences.
2. Amend the *Criminal Code* so a judge would be required at sentencing to consider how anti-Black racism and systemic discrimination has contributed to a Black person coming before the court.
3. Expand the use of and funding for [Impact of Race and Culture Assessments](#) for Black individuals to help judges better understand the impact of anti-Black racism and systemic discrimination on the accused's life when making sentencing decisions.
4. Expand the application of the [Youth Criminal Justice Act](#) to youth aged 12 to 24 (currently 12 to 17).
5. Increase the availability of conditional sentence orders (sometimes known as "house arrest").
6. Implement restorative justice programs and alternatives to incarceration.
7. Provide mandatory anti-racism and cultural sensitivity training for judges, lawyers, and court staff, with a focus on understanding the unique experiences and challenges faced by Black individuals.
8. Implement strategies to increase the representation of Black lawyers, judges, and court staff.
9. Increase funding for legal aid to ensure equitable access to quality legal representation for Black people.

5a) Do you have any other recommendations that may contribute to eliminating anti-Black racism and systemic discrimination in the criminal court system?

Participants are asked not to provide any identifying information in their response.

Yes, please explain:

No

Don't know

Correctional system

6. Studies show that Black people are overrepresented in the federal and provincial correctional systems and that this problem is worsening.

The following recommendations have been made to ensure that the correctional system is free of anti-Black racism and systemic discrimination. Please identify the top three recommendations that have the greatest potential to eliminate anti-Black racism and systemic discrimination in the correctional system:

1. Review/revise security classification and gang labelling policies/procedures and provide training for staff to recognize and mitigate the impact of racial and unconscious bias.
2. Prioritize equitable access to education, vocational training, and other programming for Black people in custody to support successful reintegration into the community, and establish partnerships with community organizations that can offer these specialized services and support to Black people in custody.
3. Regularly review disciplinary practices to identify and address any racial disparities or bias in the treatment of Black people in custody.
4. Ensure that involuntary transfer decisions are based on objective criteria and not influenced by racial bias.
5. Ensure that decisions regarding the use of segregation for Black people in custody are free from racial bias and develop alternatives to segregation.
6. Review and revise use-of-force policies and training to ensure that correctional staff interactions with Black people in custody are free from racial bias, and provide ongoing training for correctional staff on de-escalation techniques and alternative methods to the use of force.

6a) Do you have any other recommendations to eliminate anti-Black racism and systemic discrimination in the correctional system?

Participants are asked not to provide any identifying information in their response.

Yes, please explain:

No

Don't know

Community reintegration

7. Studies show that Black people in custody are less likely to be granted parole than the general custody population, and when released from custody, they face barriers to reintegrating into society.

The following recommendations have been made to eliminate anti-Black racism and systemic discrimination in reintegration decisions (for example, granting parole) and to improve the supports available to Black people being released into the community. Please identify the top three recommendations that have the greatest potential to contribute to the successful community reintegration of Black people:

1. Ensure that decisions regarding temporary absences and parole are based on objective criteria and not influenced by racial bias.
2. Develop and implement culturally appropriate reintegration programs tailored to the specific needs and experiences of Black people, in partnership with community-based organizations that have expertise in addressing the unique challenges faced by Black individuals during reintegration.
3. Prioritize access to education and vocational training programs for Black people, both within correctional institutions and upon release, to increase their employability and facilitate successful reintegration.
4. Ensure access to mental health services tailored to the specific needs and experiences of Black individuals, both during incarceration and upon release.
5. Collaborate with community-based organizations and housing providers to secure safe and stable housing options for Black individuals upon release.
6. The introduction of automatic record suspensions/pardons.

7a) Do you have any other recommendations that could contribute to the successful community reintegration of Black people?

Participants are asked not to provide any identifying information in their response.

Yes, please explain:

No

Don't know

Victims and survivors of crime

8. Research has shown that Black people are overrepresented as victims of homicide and a higher proportion of Black people report experiencing physical or sexual abuse by an adult before the age of 15. Black people also report experiencing “under-policing” (for example, receiving inadequate response from law enforcement when they report victimization or potential victimization).

Do you have any recommendations to help ensure that Black victims/survivors of crime, or witnesses, receive adequate supports?

Yes, please explain:

No

Don't know

Further recommendations

9. Do you have other recommendations to eliminate anti-Black racism and systemic discrimination that lead to the overrepresentation of Black people in Canada's criminal justice system?

Participants are asked not to provide any identifying information in their response.

Yes, please explain:

No

Don't know