

HANSARD

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STANDING COMMITTEE

ON

COMMUNITY SERVICES

Tuesday, March 2, 2021

Via Video Conference

Overrepresentation of Black and Indigenous People in the Justice System

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COMMUNITY SERVICES COMMITTEE

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[Keith Irving was replaced by Gordon Wilson.]
[Hon. Margaret Miller was replaced by Leo Glavine.]

In Attendance:

Kim Langille
Legislative Committee Clerk

Gordon Hebb
Chief Legislative Counsel

WITNESSES

Department of Justice

Candace Thomas
Deputy Minister

Elizabeth Fry Society of Mainland Nova Scotia

Emma Halpern
Executive Director

Mukisa Kakembo
Project Manager, Black Women's Legal Education and Empowerment Project

African Nova Scotian Decade for People of African Descent Coalition

Vanessa Fells
Coordinator

Robert Wright
Executive Director

Jah'Von Delaney
Chair, Justice Strategy Working Group



HALIFAX, TUESDAY, MARCH 2, 2021

STANDING COMMITTEE ON COMMUNITY SERVICES

10:00 A.M.

CHAIR

Rafah DiCostanzo

THE CHAIR: Good morning, everyone. I'm Rafah DiCostanzo, the MLA for Clayton Park West, and I'm the Vice-Chair, sitting as the Chair today. I welcome everyone, and I want to start by saying I'd like to take a moment to acknowledge, wherever you are in this virtual environment, that we are gathered in Mi'kma'ki, the traditional territory of the Mi'kmaw people.

I will start. This is the Standing Committee on Community Services, and I would like to remind the participants to keep your microphone on, please, and mute it, unless you are called by the Chair to speak, and please wait for me to call your name for the witnesses. This is for Hansard, because it has to be all documented. Please keep your microphones muted until you're called to speak. Wait until the Chair has recognized you, which I just said. I've got so many notes here, so I've got to make sure I do them all.

Indicate your wish to speak by just raising your hand like this, and if there are two or three people as witnesses, then I will go to the first person and they will forward it to the next person if they have more information to give.

Today we have with us, as a witness from the Department of Justice, Deputy Minister Candace Thomas. I welcome you, Candace. I have met Candace previous to my involvement in politics, and I'm very excited to have her as our deputy, to see her today and hear her.

Then we also have the Elizabeth Fry Society of Mainland Nova Scotia. With them, we have Emma Halpern, whom I met 10 or 15 years ago, as well. She helped me when I was the president of a non-profit organization. Welcome, Emma. We also have with Emma, Ms. Mukisa Kakembo. Welcome, Ms. Kakembo.

We also have the African Nova Scotian Decade of People of African Descent Coalition: Vanessa Fells, Robert Wright, and Jah'Von Delaney.

We will start with the introduction of the members. I can start, according to the list, with the Liberal members with Mr. Wilson.

[The committee members introduced themselves.]

THE CHAIR: I just want to start by clarifying how the meeting is going to proceed. We have choices, normally, as long as the members will agree.

We can do 20 minutes for each of the caucuses, starting with 20 minutes for the PCs followed by 20 minutes of questioning from the NDP, followed by 20 minutes for the Liberal Caucus. I find that makes it easier. The other option is that people can put their hand up and it could be distracting for the witnesses as they speak in this virtual world. They think that they may have a question.

We'll just do 20 minutes and if the answer hasn't finished, I may give an extra minute here and there and adjust my time. We can start with what we're used to doing in the Public Accounts Committee.

Is it agreed?

It is agreed.

Thank you so much. We will start with a presentation from the deputy minister. Ms. Thomas.

CANDACE THOMAS: Good morning to the committee members and the other special guests who have been invited to this committee meeting.

To the committee members: I really want to thank you for your public service and for inviting me to speak to you today on this important yet often overlooked topic of overrepresentation of Black and Indigenous peoples in the justice system. We know this is but one of the symptoms of the deeply rooted systemic and structural racism in Canadian society. It is my pleasure to be joined in this dialogue by representatives from two organizations and government partners who are on the front lines working every single day for social and racial justice for Nova Scotians.

I will take my few moments to briefly describe a few of the ways the Department of Justice addresses systemic racism and overrepresentation with the goal of moving towards a more equitable criminal justice system.

Restorative justice. The restorative justice approach was first introduced in 1999 with the Youth Criminal Justice Act. Restorative justice has been successful in Nova Scotia because the various stakeholders work together to achieve positive outcomes for victims and individuals who come into conflict with the law. This includes police, the judiciary, the Nova Scotia Public Prosecution Service, correctional services, the restorative justice agencies across the province, the Mi'kmaw Legal Support Network, and of course, the individuals who are affected by crime. Restorative justice though, can only help to reduce overrepresentation when this diversion option is chosen for Black and Indigenous populations.

With respect to the Wortley report, we continue our work to implement the department's recommendations made by Dr. Scot Wortley to help address systemic anti-Black racism in particular in policing and improve police community relations. In partnership with police, Black organizations including ANSDPAD, individual members from the Black community from across the province, and the Human Rights Commission, we have formed the Wortley Report Research Committee.

With support from an experienced academic researcher, the committee has a mandate to develop a research and evaluation plan and to make recommendations to guide the collection of race-based data on police stops and to determine next steps to advance implementation of that plan once developed.

Related to Wortley, the department provided \$100,000 in funding to enhance cultural competency and support bias-free training for front-line police officers, as well as police leadership.

The judiciary also has a role to play. Although an independent branch of government, they do play a critical role in reducing overrepresentation. For government's role in that, over the past several years, steps have been taken to increase the appointment of African Nova Scotian and Mi'kmaw judges to the Provincial and Family Courts.

In closing, Nova Scotia has a long, painful history of anti-Black and anti-Indigenous racism, only some of which is reported. We acknowledge at the Department of Justice that much remains to be done and we are actively working across government - we cannot work in silos - and with our stakeholders to continue to make advancements to reduce overrepresentation of Black and Indigenous people in the criminal justice system. Thank you. When appropriate, I'll be willing to take questions from the committee.

THE CHAIR: Next we have Ms. Emma Halpern. Do you have some opening remarks, Ms. Halpern? Please go ahead.

EMMA HALPERN: Thank you for this opportunity, and I appreciate the ability to be here with my phenomenal colleague ANSDPAD and the Department of Justice.

[10:15]

My name is Emma Halpern. I'm the executive director of the Elizabeth Fry Society of Mainland Nova Scotia, and I'm here today with my colleague Mukisa Kakembo, who is the manager of our Black Women's Legal Education and Empowerment Project and will be available to answer questions about the specific focus on an intersection that we have observed between intimate partner violence and the criminalization of black women.

We have a caseload of approximately 400 women and girls and gender-diverse individuals. We work very intensely on about 80 to 100 files a year and that may involve everything from advocacy at multiple levels of government, housing, programming and even legal services. Our focus is three-part: we do programming - personal development programming in particular, a range of housing, and advocacy within both the provincial and federal prisons and jails in this region.

We see a troubling trend over the last five years in our records where we have seen an increase in Indigenous and African Nova Scotian clients. In our most recent count, about 40 per cent of our clients are Indigenous or African Nova Scotian or self-identify as coming from both communities.

We've also seen a decrease in the average age of the young people we're working with who are engaged in the criminal justice system, and we've attributed that in part at least to what we're seeing as an aging out of the child protection system and directly into corrections, which is a troubling trend that we've observed.

We're also seeing an increase in clients from rural communities. One of the factors that has contributed to that is the lack of services in rural communities, particularly around mental health, addictions, LGBTQ supports, and also specific programs for African Nova Scotian and Indigenous women and girls and gender-diverse individuals.

Further, a significant issue in rural communities is transportation to the types of supports that would be required to ensure that our young people are not engaging in (Inaudible) system for survival, and a range of other issues.

Over the last few years in our work, we've seen some very concerning trends. We see high numbers of African Nova Scotian and Indigenous girls engaged in our programming around trafficking and exploitation. We see the criminalization of trauma and victimization, particularly for African Nova Scotian and Indigenous women and girls.

When police arrive, for example, on scene when an issue has occurred, we see young women and girls being identified as part of the “problem” - being criminalized for small things rather than recognized for what is actually going on, which is their tremendous victimization and trauma.

We see a nexus between the child welfare system and corrections - what we’re calling the child welfare to corrections pipeline. More and more young people who have been in group homes and in care are ending up in our correctional facilities as they age out. As well, ultimately across the board, a lack of complete, safe, and appropriate programming and support.

As we move forward, we need to see a massive increase in mandatory training for police, medical professionals and social workers in anti-racist training. We need to see trauma-informed training across the board. We need to see a focus on culturally safe addiction programs, therapeutic programs, and housing supports that are really rooted in cultural programming and culturally specific identities.

Finally, we need to see a collaborative, integrative service delivery model for release and reintegration for those who do end up in the prison system or the jail system. What I mean by that is we need to start breaking down silos and seeing the Departments of Community Services, Health and Wellness, Infrastructure and Housing, and Justice working really closely together to meet the whole person from a human-centred approach and not a system-centred approach.

Those are my comments this morning. I look forward to your questions. Certainly, Mukisa is also here to answer questions when the time comes.

THE CHAIR: Thank you, very much, Ms. Halpern. That was wonderful.

Mr. Wright, please.

ROBERT WRIGHT: The African Nova Scotian Decade for People of African Descent Coalition is very pleased to be here today speaking to the committee about the overrepresentation of African Nova Scotians and Indigenous peoples in the criminal justice system.

I understand the mandate of this committee really is about the social welfare of Nova Scotians. We believe that the issues that we see in the criminal justice system are a direct result of the fact that systemic racism exists - in particular, anti-Black racism - and it is the primary reason for the health, wellness, and other disparities that affect African Nova Scotians. Today, the committee is looking into just how that manifests in the area of criminal justice.

This being Nova Scotia, we have lots of evidence that anti-Black racism has affected the social welfare of people of African descent. We are the province of the Black Learners Advisory Committee (BLAC) Report. We are the province of the Marshall Inquiry, which looks at racism in both systems of education and systems of justice.

We have the Office of the Correctional Investigator annual report in 2013. It looked at the experience of Black inmates in the federal penitentiary system. This really highlighted that Blacks who are incarcerated at the federal level have a very differential and negative experience.

We've also seen the Mental Health Commission of Canada study the service delivery to racialized Canadians. Here in Nova Scotia with our own mental health review, we have reviewed the mental health service and found that mental health service delivery to people of African descent is marginal at best.

We come to this issue of the overrepresentation of Blacks in the criminal justice system and their differential treatment by the system of justice from stem to stern, as the Marshall Report suggests. We acknowledge that it is caused by systemic racism. If systemic racism is the problem, anti-racism seems to be the cure.

I would guess on this point, I would suggest that our great disappointment is that it is our observation that the systems that are responsible for the welfare of African Nova Scotians as it relates to how we show up in the criminal justice system have actually had a disappointing record in demonstrating their commitment to anti-racism.

In fact, it seems at times that the systems that are responsible for our welfare double down on what are known to be racist practices and policies. I'll just give two or three examples of that to highlight some of the frustrations that we have experienced, certainly, as the ANSDPAD Coalition has been doing its work.

I'll speak to the Wortley report, for example. It was only after a couple of years of serious advocacy that the Wortley report was commissioned. African Nova Scotians and many others were talking about the deleterious effects of street checks and questioning the validity and legality of the practice, but government did not aggressively pursue our concerns.

We petitioned and lobbied the government, the police oversight committees, and the police themselves. Finally, the Human Rights Commission was cajoled into commissioning the Wortley report. The Wortley report came back and found terrible problems with the street checks issue. We then advocated for its moratorium and the province would not establish a moratorium until we refused to sit with them to discuss what we believed was an illegal and certainly deleterious practice of police that was dramatically and negatively affecting people of African descent.

After the Wortley report, the Wortley Report Action Planning Working Group was established to figure out what better could be done and how street checks could be changed, while at the same time, we were advocating for the eradication of street checks as a practice that was fundamentally illegal. It was not until, again, the Human Rights Commission commissioned an independent legal opinion on the question. The former Chief Justice MacDonald and Jennifer Taylor wrote a report that did suggest that street checks were illegal.

It was then that street checks were eradicated, but the very day that the opinion came out, the Department of Justice delivered a directive to police around what to do instead of street checks that we in the African Nova Scotian community still believe creates a practice of policing that is fundamentally illegal.

So here we are without having had a collaborative ability to work with government to figure out how best to address this issue. We have yet again a police practice that is supported by government - directed in fact, by government - that we believe is illegal and is doubling down on the racist practices of policing that we have just spent several years fighting back.

Members might know that I am the pioneer of a specialized pre-sentence report called the Impact of Race and Culture Assessment. It is a specialized report designed to give sentencing judges more information about the background of Black persons who are being adjudicated and sentenced. It is an attempt to address the systemic racism and sentencing that results in the overincarceration of people of African descent.

I am proud that Nova Scotia as a jurisdiction has welcomed this intervention and judges and lawyers are regularly ordering IRCAs - as we call them - to assist the system in better sentencing people of African descent.

It is a tremendous disappointment, however, very recently in a case called R.V. Anderson when the Chief Judge of the Provincial Court used an IRCA to recognize that the person who was in front of her would be best served by a community sentence. The Public Prosecution Service appealed her decision, suggesting that the judge erred by giving what some would perceive as a light sentence, while those of us who work on this issue on a daily basis would see it as an appropriate sentence under the circumstance designed to address the systemic racism that is affecting people of African descent as they are being adjudicated.

That the same provincial government that suggests it is working towards the well-being of people of African descent, but through their Public Prosecution Service would appeal a decision of a judge trying to apply these principles of anti-racism in criminal justice service delivery - it is a travesty. It's more evidence that government - rather than ramping up its anti-racist policies and practices to address what we know to be this problem of systemic racism - is doubling down on this practice of systemic racism.

ANSDPAD has been working tirelessly to bring these matters to the attention of government and to work collaboratively with government and policing agencies in an attempt to address the systemic racism that exists. We have advanced two major initiatives. We've actually called into existence an African Nova Scotian justice institute that is a comprehensive program to address systemic Black racism in the criminal justice system.

We have also advanced the proposal of an African Nova Scotian policing strategy - an African Nova Scotian-led initiative to look seriously at policing and come up with collaborative ways to address anti-Black racism in policing. That the government has not moved to come alongside us to support these initiatives is problematic to say the least.

Those would be my initial comments. We are happy on our team to answer any questions that you may have.

[10:30 a.m.]

THE CHAIR: I didn't know whether I should interrupt or not. It was supposed to be five minutes and a lot of this comes in the questions, but no problem. Thank you very much. We will start now with the questioning. Starting with the PC Party for 20 minutes. It's exactly 10:30 a.m., so 20 minutes, and starting with Mr. Craig. Am I correct? No? Mr. Comer. The floor is yours.

BRIAN COMER: Thank you all for your words and very informative introduction. I'll kind of get right to my point, I guess. I'll start with you, Robert. Just in regard to your comment saying the system doubles down on racist policies. From a provincial standpoint, in an organizational structure, where do you feel we're at today and where do we need to be in your mind as far as representation and sort of a game plan moving forward?

ROBERT WRIGHT: Madam Chair, I don't think that the most burning question is representation, but in actual policies and practices. We've identified two in our presentation today: the practice of street checks, which we believe is still an illegal practice that police engage in as a regular part of standard operating procedures; and we've also talked about the appeal of the Anderson case. These are examples of activities that we believe are in fact racist in their nature and certainly racist in their effect. Rather than think about representation, we would prefer to look at particular actions.

BRIAN COMER: Thank you very much, Robert. My second question would be for Emma. I know in your comments, you kind of refer to cultural sensitivity training for front-line workers such as police and health care workers and things along that line. What does that cultural sensitivity training look like? Who would be doing the training, and is it currently mandatory to the scope that you think would be necessary and an effective treatment?

EMMA HALPERN: The second part of your question was whether it is mandatory to the extent that you required and the answer to that is absolutely not. I don't believe it's mandatory across the board in any of those areas, i.e., with police, social workers, or health care professionals. There's a tremendous amount of training out there; in fact, ANSDPAD, who's here with us, offer some phenomenal training in this area.

What we'd be looking for would be a range of training that would cover a number of things, so anti-racist training, trauma-informed training would be just two components of that, but certainly I think it's really important that individuals who are working in these areas actually hear from the stories and experiences of those who have had encounters with police and with health care professionals and social workers. That is certainly something that I think needs to be increased - is the involvement of those with lived experience in policy development, in training development. Certainly, we were open to that type of work.

In particular, as I find in my presentation, we have deep concerns about the way in which individuals in very important positions, particularly social workers, for example, don't recognize the signs of trauma and victimization, but rather identify that pre-criminal behaviour and criminalize or address in a highly punitive manner. Particularly because of the existence of systemic racism, this impacts African Nova Scotian and Indigenous women and girls at a far higher rate than their white counterparts. We really need training to be able to mitigate against that and address it early, before we're seeing individuals, for example, in need in the criminal justice system.

THE CHAIR: Mr. Craig.

STEVE CRAIG: Again, thank you all for being here today. Mr. Wright, you have indicated that ANSDPAD had done some serious advocacy. I want to acknowledge the serious advocacy you've done over many, many years and I thank you for that.

The question I have is to Ms. Thomas. It has to do with the Wortley Report Research Committee. The first question would be: how are members chosen and why?

CANDACE THOMAS: Thank you for that question, Mr. Craig. Madam Chair, the Wortley committee - that research committee - was led by community. Justice facilitated the bringing together of the parties to set up the committee. The African Nova Scotian community members of that committee were chosen by community.

The people at the Department of Justice reached out to ANSDPAD and others throughout the province - particular organizations - and asked who they would like to have represent them on the committee. That is how the committee was struck.

Of course, the Human Rights Commission played a pivotal role in bringing the report to life as well. We do know that the Wortley report flowed from the work of the Human Rights Commission as Mr. Wright has already said. Justices are at the table and, by

necessity, policing agencies are there as well. We have the president of the Nova Scotia Chiefs of Police Association, who is on the committee, as well as Halifax Regional Police representation.

There may be other representatives from policing agencies as well. I don't have the list in front of me. I can certainly come back to the committee, if you wish, and give you a full list of all the members of the committee.

STEVE CRAIG: Thank you, Ms. Thomas. That would be appreciated. Thank you for that answer.

In my experience, I've found that there've been many studies done over the years and many, many recommendations. Yet here we still find ourselves talking about so much work. With systemic racism, anti-Black racism, there's no question. Ms. Halpern talked about some of the issues around this. It's a big, huge, complicated issue that we all have to embrace and do something about.

I want to go back. We had the Kirk Johnson report. Kirk Johnson took the HRP to task. We did have the Donald Marshall Inquiry and from that, there are 82 recommendations.

My question, Ms. Thomas, is: is there an inventory or a checklist within the department that is looking through this and determining how each of those recommendations has been addressed and what the status is?

CANDACE THOMAS: I can say that we have asked for that information to be compiled. We are interested in looking at the various reports that have been done in the past so that we can actually look and see what kinds of successes we have had with respect to those recommendations and how much of this work is being done over and over and over again by way of report. That is part of the reason why we do have voices from the community saying they don't need any more studies.

Since my time at the Department of Justice, which hasn't been long - the last 11 months - I feel positive about the direction that we're going in. We are going to be looking at ways that we can actually work with community to act. We will be continuing to reach out to ANSDPAD on a couple of the items that Mr. Wright has mentioned already this morning, including the work around street checks and the concerns that ANSDPAD has relating to street checks as well.

STEVE CRAIG: In conclusion for this line of questioning, I thank you, Ms. Thomas. I do believe in an inventory to let the public know where we stand - we as the government, the Province of Nova Scotia - on recommendations, not only on the Wortley report, but of all previous reports to do exactly what you said. If we could make that public, that would be wonderful. We'll turn it over to my colleague, Mr. Comer.

THE CHAIR: Mr. Comer.

BRIAN COMER: My question is for Deputy Minister Thomas. In your opening remarks, you kind of referred to the Restorative Justice Program in the province as having been in existence since 1999. I'm just curious: what do you see is the biggest challenge in the Restorative Justice Program and what strides and improvements have been made? Where do you see it going in the coming months?

CANDACE THOMAS: Thank you for that question, Mr. Comer. I just want to have a look through my notes here to make sure that I don't miss anything that I actually addressed the question as posed.

Mr. Comer, if it is acceptable to you, I would actually like to take that one back and take it to my Restorative Initiatives Unit so that I can actually give you an appropriate and fulsome answer to that question. One of the concerns, as I mentioned in my remarks, though, would be that we need agencies to, of course, be making those referrals to Indigenous and Black peoples to actually divert them from the traditional criminal justice route.

I will have a look to see how frequently that is happening and if that use is actually working, as far as ensuring that we can reduce overrepresentation of those populations through the restorative justice system, which is what the intention is. We know that there is youth diversion and, very recently, there's an adult stream as well. I will come back to you with a more fulsome answer.

BRIAN COMER: That sounds great. My second question is for Mukisa in regard to our public school system, our post-secondary institutions. I'm just curious to your thoughts on what the curriculum is today and maybe if there were to be mandatory courses in our public school system that would give an accurate representation of the society in the province, what your thoughts would be around that.

MUKISA KAKEMBO: I am currently in the law school and they are working on implementing the Truth and Reconciliation Commission of Canada (TRC) recommendations for post-secondary education. We now have mandatory Aboriginal and Indigenous law in context in the first year. I definitely think that's very necessary. There has been pushback, but we have very strong professors who are in support of that programming, so I definitely think that is very much needed to expand the appreciation for the history of this province. I would absolutely welcome more around African Nova Scotian history to be mandatory in our schools as well.

BRIAN COMER: I will defer to my colleague, Mr. Craig.

STEVE CRAIG: My question is to Ms. Thomas. I would ask the other witnesses, if they would like to comment, to just raise their hand to indicate so.

I'm wondering about the adequate peer support programs that are in place to help inmates adjust not only to prison life, but to their transition back into society. I'm informed that there's 7th Step Society in Nova Scotia. They've been providing peer support in the last couple of years. The Community Justice Society, with the assistance of what was then CeaseFire Halifax, which was a federal initiative, an anti-gang violence initiative that was subsequently defunded by the feds and the province - provincially, they started a Building Bridges course in 2014 or thereabouts and it had a similar mandate.

Are those programs or similar programs still in existence to help those who are adjusting to prison life and the transition back into society?

CANDACE THOMAS: Mr. Craig, thank you for that question. Since my time within government - and at the Department of Justice in particular - what I am aware of is that there are actual supports within the public service complement in Correctional Services to help transition people who are coming into and as they are leaving the correctional facilities and custody. We do take a very holistic approach and trauma-informed approach to how we are managing the welfare of those who are entrusted in our care. That is exactly what happens when people are brought into custody.

The basic philosophy is rehabilitative. It is important that we do what we can to ensure that people are successful and that we reduce recidivism rates when people are actually released from custody. I know there are African Nova Scotian and there is also an Indigenous social worker within our correctional systems who are doing some of the work that you've asked about.

I can go back and find out if there are particular programs. I do know that we recently funded work with 902 Man Up on bail supervision. We do some of that work and fund the Elizabeth Fry Society of Mainland Nova Scotia and also the John Howard Society as well.

We do have culturally responsive programs and services that include the Red Road Peer Support Sharing Circle, respectful relationships for Indigenous individuals in Eskasoni; case management support for African Nova Scotian and Indigenous persons and families; the Future is Youth Project, which is through and in partnership with the Nova Scotia Community College and Correctional Services. There's also an availability for smudging and sweat lodges for people in custody and cultural gatherings as well, including drumming and traditional meals with respect to Indigenous populations. I also have information here that there is provision for actual cultural resources within the institutions themselves.

That's some of the information that I'm aware of that is happening within our correctional facilities to ensure that we are helping people as they come in and supporting them all the way through, and helping them to be successful and integrate back into society once they have served their sentences.

[10:45 a.m.]

THE CHAIR: Mr. Craig, you have a minute and a half maximum.

STEVE CRAIG: I may only be able to ask the question and perhaps get an answer in the second half.

The recidivism rate is impacted by many ex-offenders who cannot find jobs once they're released, and they rely heavily on social assistance because they're afraid of failing any jobs they might find. There are considerable numbers of ex-offenders who suffer from low self-esteem, post-traumatic stress, and confidence issues while incarcerated. With that, there is a strong pull to engage in criminal activities again that perhaps some people would find were easier than facing the realities of life back in what we consider mainstream, which is not a fair comment, I suspect.

I'm going to address this to Ms. Halpern. What work is the Elizabeth Fry Society doing with employers who might want to or be approached to hire those who have been incarcerated and help build their confidence and self-esteem in having a paying job? I'll leave it at that.

THE CHAIR: Ms. Halpern, because you have just one minute, I'd like to ask the NDP if Ms. Halpern can continue if the time passes, or do you want me to interrupt at 10:50 a.m.? Ms. Roberts.

LISA ROBERTS: Maybe you could interrupt at 10:51 a.m.

THE CHAIR: Thank you so much. Ms. Halpern, go ahead.

EMMA HALPERN: There are a ton of possible answers as it relates to the reintegration process. It is an area of great concern of ours in that there isn't a tremendous amount of support for reintegration. We still, unfortunately, do see many people who are released with a bus ticket.

In fact, we had a client recently who was released to go and sit at a 24/7 Subway restaurant until she was again arrested two days later. She had nowhere to go, no employment, no access to income assistance. You cannot access income assistance while you are incarcerated. You have to have an address and you have to be on the outside. If you've been inside for a matter of just a number of weeks, you can actually be cut off your income assistance and then be stuck without housing, without employment, without income assistance, with nothing.

I think that's an important point to this. We do offer employment programming, but of course the very difficult record suspension and pardoning process is extremely cumbersome and gets in the way. I recognize that's a federal program, but it's one that I

would love to see more advocacy coming from our province to make changes to that program, which we see them in 20-year-old shoplifting charges who are unable to proceed in their careers because they cannot get past a fee that they have had to pay from a shoplifting charge from 20 years ago. This is a huge barrier and one that really needs to be addressed if we want to see economic prosperity for all, particularly those who have never had any interaction with the criminal justice system.

THE CHAIR: Thank you. Who is starting for the NDP? Ms. Roberts.

LISA ROBERTS: I'm really grateful for all of the witnesses being here today. I'm going to start with a couple of quick questions to the deputy minister, further to her opening remarks. Certainly, if this gets added to some of the questions that you're going to take away and then bring back to the committee, I'll certainly be accepting of that.

I did wonder - on restorative justice, as the scope of restorative justice has increased, has there been increased funding or training supports put in place to ensure the success of an expanded program?

CANDACE THOMAS: I will want to make sure that I speak factually on that, so let me take that away and come back to the committee, please.

LISA ROBERTS: Also, in relation to some of your opening remarks, you referred to \$100,000 that is supporting training further to the Wortley report and recommendations to enhance cultural competency and support bias-free training for front-line officers and police leadership. I hope you can share with us how many front-line officers will complete that training and what per cent of the total number of officers that represents. I would also be interested in knowing who is delivering that training and to what extent it is being evaluated for efficacy.

CANDACE THOMAS: Thank you for that question as well. What I can say about that is that we provided the funding to policing agencies. We are not delivering the training, so I can't speak to who or how many officers have received the training. We can certainly make that inquiry and find out what level of uptake there has been for their training and what training was actually delivered. That would differ across the various municipal and RCMP agencies. I don't believe that it was that everyone had to do the same training. Each agency would have had some uptake and determined best or whatever - it would probably be combined with other training that they were already delivering. I will find out what types of services and training that funding was used for.

LISA ROBERTS: I wonder if I could invite Mr. Wright from ANSDPAD to comment on any concerns or questions he would have related to the training of police officers in leadership in response to the Wortley report.

ROBERT WRIGHT: I am familiar that the Halifax Regional Police has been undertaking a one-week voluntary training program called Journey to Change, which has as its effort increased engagement and understanding of the African Nova Scotian community. I know the program; I participated in some of the training there.

I think that the HRP has some confidence in that program. I think that the challenge is that it's a voluntary training program. Members are invited to participate, not mandated to participate. I'm not necessarily saying that I'm thinking at this stage it should be mandatory, but it is an effort. I know that they're also going to implement the same kind of material in their cadet training program.

I'm not familiar with other kinds of training programs that are occurring around the province. I would say that the training has to not be just about understanding the history and background of people of African descent and Indigenous peoples. The training has to be a critical training that will acknowledge the historical role that police have in enforcing society's racist policies against Black and Indigenous peoples.

The training must also give some tools to police to practise differently. That's not just an issue that needs to affect the mindset of police and their training and tactics. It also has to occur at higher levels of a police administration and even in terms of, I guess, what I would say are our municipal and our provincial directions in terms of how we are advancing the very idea of public safety.

Unfortunately, often police are put in a circumstance where they are asked to police and enforce in a way that enforces the racist policies and the racist sentiments of their municipality or the jurisdiction in which they're deployed. Unless we change that, the police's job will be extremely difficult in terms of effecting change in racism. If a woman is discharged from prison to sit at a Subway and later a police officer comes and arrests her for loitering, we can hardly blame the police for that.

LISA ROBERTS: Thank you very much for that. I have another question for the deputy minister. I recognize that this is likely before you assumed your leadership in the department, but in April 2019, the department published a key indicator report that explains that Indigenous people are overrepresented in admissions to remand. While they make up six per cent of the population of Nova Scotia, they accounted for eight per cent of admissions to remand at the time that the information was collected.

The report also showed that Indigenous women are overrepresented in remand to a yet greater extent - 15 per cent of admissions. African Nova Scotians make up about two per cent of the Nova Scotian population, but represent 11 per cent and 10 per cent of remand and sentence custody. I understand that Indigenous and Black people are also overrepresented in close confinement.

[11:00 a.m.]

Statistics are important for showing us what we already know and accept to be true: there is a long legacy of racism in this province, and systemic and structural racism are real factors in the justice system. It's not that we need stats to show us that this is the case. We're not asking to prove something that we already know is true. However, statistics can also be useful for showing when we're making progress.

My question is: is your department committed to providing more regular reporting of this sort of information so that we can see if there is change over time?

CANDACE THOMAS: Yes.

LISA ROBERTS: Thank you very much. I appreciate that answer and look forward to more details.

Is all data collected by your department disaggregated by race and analyzed to identify and address other areas where there is evidence of systemic racism?

CANDACE THOMAS: The Department of Justice doesn't maintain the policing data. I'll start by saying that. Of course, we know we have the Wortley committee that will be setting out a plan and developing that work as to how, in fact, race-based data will be collected with respect to policing.

In our courts and in corrections, we can provide - and we do collect - disaggregated data. In my quick "yes" that I said earlier, as we have information and data available, we would be able to share.

LISA ROBERTS: Our caucus filed a freedom of information request for documents and correspondence related to enforcement of the Health Protection Act and Emergency Management Act in the context of COVID-19. The information that we received included an email from April 15th stating that the Minister of Justice was concerned about police targeting marginalized communities based on some anecdotal information that he had received.

In response, the department began tracking the number of summary offence tickets issued in communities including north end Dartmouth, north end Halifax, Preston, Cherry Brook, Millbrook, and Eskasoni. At that time within HRM, tickets issued in Cherry Brook and Preston, north Dartmouth, and north Halifax made up 22 per cent of all summary offences.

My question for the deputy minister is: what, if any, steps were taken to address concerns that police may have been targeting racialized communities in their enforcement

of the Public Health order, aside from keeping track of locations in which tickets were issued?

CANDACE THOMAS: I am familiar with us asking police agencies for that data. Again, we did not collect the data directly on those summary offence tickets. I can follow up on that question with you as well.

LISA ROBERTS: I wonder if any other witnesses would want to comment on any concerns they had about police enforcement of the Public Health orders. If so, just raise your hand or else I'll move on to another question.

THE CHAIR: I see Mr. Delaney. Go ahead, Mr. Delaney.

JAH'VON DELANEY: Just to address that issue quickly. One thing that I would encourage is to look at the enforcement of police in these areas. The number of police officers that are patrolling a certain area can have an effect on the offences that are charged, especially with summary offence tickets.

I would just kind of encourage - I'm not sure who - maybe the deputy minister or the government to look into the number of police that are being sent into a specific area as opposed to another specific area. Thank you.

LISA ROBERTS: I'd like to turn to Ms. Halpern. The story of a woman being released from incarceration to a Subway - it's a powerful story. It's also not one that is entirely unfamiliar to me. I'm hearing a lot about the intersecting challenges of justice and housing, particularly now because we are in a housing crisis.

I'd like to ask particularly about housing and wraparound supports during COVID-19. Our office received another freedom of information request that detailed correspondence between the deputy ministers of the Department of Justice, the Department of Housing, the Office of Aboriginal Affairs, and African Nova Scotian Affairs about a request from the Coverdale Courtwork Society, the Elizabeth Fry Society, and the John Howard Society to house people released from custody during the pandemic.

The response from the Department of Housing appeared to be to refuse to contribute their portion of funding, arguing that adequate support was already available. Maybe I could ask Ms. Halpern first to respond to that, and then maybe the deputy minister would want to say something.

EMMA HALPERN: In the first wave of the pandemic, three organizations that work with criminalized individuals came together to offer very unique and important housing supports specific to the release of individuals from provincial custody. As I'm sure many in this committee would be aware, in the first few weeks of the pandemic, we had unprecedented release of individuals on remand, really because of the leadership of the

Chief Justice of the Provincial Court, who identified that it was an imperative to release anyone who could otherwise be released. In fact, we ended up reducing our jail population - I don't have the number in front of me but by 50 per cent or even greater than that.

As a result of that, unfortunately what came to light was that we are using our provincial remand as a homeless shelter. Many people are in provincial remand because they have nowhere else to go. We certainly have seen that for many years, working with women and other diverse individuals who would be releasable but for having an address and a safe address. We also see many women living in very unsafe conditions with users and in violent circumstances because they have nowhere else to go.

What happened was we offered a service out of a hotel collaboratively and were able to house more than 50 individuals who otherwise would have been in remand and incarcerated. We were able to reintegrate them through a very comprehensive wraparound service where we were able to find them housing, safe housing, more permanent housing, employment opportunities. In fact, we were able to find people work even while there was a pandemic. We were able to get people to programming, addiction services, mental health services, and provide our outreach support.

There are other shelters available. Shelters are not an appropriate place for long-term housing. It was very disappointing for us to not receive long-term funding for this initiative. We did not receive further funding after the first wave of the pandemic. As such, we have seen a massive increase again in the remanded population in our provincial jails.

I believe that the messaging that we have received is that there is other housing available - i.e. shelters - for individuals who are homeless. However, what we find is that the folks who are working in shelters are not necessarily equipped to understand the complexities of criminalization and someone who is out on conditions, and the multiple needs that someone may have as they exit from a period of incarceration. If you exit and you exit to a shelter, that does not mean that you have someone to help you get back on to income assistance or into employment or to help you to access addiction treatment or cultural supports.

We are seeing people on ankle bracelets - ankle monitoring being released to shelters, so turning our shelters into little mini-prisons where people are having to monitor folks on ankle bracelets in the shelters. This is a huge problem and I raised it in my opening comments. Not only do we need housing that is specific for this particular population - so jail housing and reintegrative housing - but we need culturally supportive housing particular to these particular communities, so African Nova Scotian and Indigenous women and girls in particular. I emphasize women and girls because I've seen some of the housing proposals in areas that it's mixed gender and it doesn't help for the violence that women and girls are uniquely at risk of experiencing.

We would be advocating for a real need for support through that particular population, particularly when you go back to the numbers. We're talking about 40, 45 per cent of our population who are criminalized are African Nova Scotian and Indigenous women and girls.

THE CHAIR: I believe we have less than a minute left. Maybe a couple of comments, Ms. Roberts, rather than a question, so we can move on to the Liberal Party.

LISA ROBERTS: Maybe just a quick question to the deputy minister, because there was a proposal to share the cost of this innovative remand housing proposal across several departments. Can she comment on whether she was disappointed or surprised that Housing's response was that other housing was available?

THE CHAIR: Thank you, Ms. Roberts. The time has ended. However, to the Liberal Party, if you would like me to let Ms. Thomas continue, I'm happy to let her.

Mr. Jessome.

HON. BEN JESSOME: I have no problem with that. She can finish.

CANDACE THOMAS: Thank you very much for the time to give a very quick response. What I can say to that, Ms. Roberts, is that government does remain very committed to supporting vulnerable populations and supports community-based and collaborative solutions to address these critical social issues working across government.

On December 23, 2020, government announced a total investment of \$360,000 to the Elizabeth Fry Society of Mainland Nova Scotia's Holly House for the next two years. This means that more women in conflict with the law will have access to supports to help them to break the cycle of poverty and criminality. This funding will also allow Holly House to continue delivering support around the clock to women and to support an increase in the facility's capacity.

I can say that I had an opportunity just recently in the last couple of months to visit Holly House and spend some time with Ms. Halpern and her team, and can attest to the incredible work that's happening there. It is what we should be doing, and government is really pleased and happy to support and continue to fund work that's being done at Holly House, and we're also working with the John Howard Society currently to look at supports that we can put in place for men.

The other component relevant to this support, I think, is the housing commission that the Department of Municipal Affairs - it was Municipal Affairs and Housing at the time - has stood up to address this very serious issue of affordable housing in a very comprehensive way.

THE CHAIR: Mr. Jessome.

BEN JESSOME: I'll pose my first question to the deputy, if I may. Related to the research committee to respond to the Wortley report, how embedded, how important - can you comment on the timeline that would be established within the mandate or not for that working group?

CANDACE THOMAS: I can't speak to specific timelines. I can say that one of the witnesses that we have here today, Ms. Fells, is actually a member of the Wortley research committee. I don't want to put her on the spot, but she may have some information with respect to the timing.

[11:15 a.m.]

I do know that the researcher - so the academic - has very recently been named and brought into the work of that committee, and that would have probably just been in December or January.

BEN JESSOME: I don't wish to suggest that a rushed approach is appropriate, but I think an efficient response is, in 2021, definitely something that we need to strive for, particularly given some of the comments that Mr. Wright made in his opening remarks.

Ms. Fells, maybe you can chime in here, if that's okay with you. I will put you on the spot briefly.

VANESSA FELLS: I am on the committee. We did bring in a researcher. I think they were decided on in December and they were brought in in January and we started to work on what the definition of a police stop is. I will also say that the work is - I would like it to go faster, but at the same time, we're having a community group that only meets once a month. We are doing the best that we can.

The last thing that I will say is that I know that there is a concern, at least from the community members that are part of the group, about what will happen to the report once it's done. We would like to see the recommendations mandated so that the Department of Justice will have to start collecting this data, because if not, then it has the potential to become another report that sits on the shelf. That is a fear that has been communicated to those with the Department of Justice who were there, and we are still trying to work out exactly what that will look like.

BEN JESSOME: Thank you for those comments, Ms. Fells. I appreciate that. Let's move back to our deputy minister, if I may. Keeping in mind, and this is the approach that I always like to try and take, is you can't necessarily be responsible for the past, but it's incumbent on all of us to deal with our present and future. So in saying that, Deputy, you started only several months ago at this point. When you were brought on as one of the

departmental leaders, what did you observe to be one or two areas of focus that you really wanted to sink your teeth into, and how have your plans gone with respect to addressing those things?

CANDACE THOMAS: You're keeping me on my toes this morning. There are so many. When I think about the portfolio and the responsibilities within the Department of Justice, everything is important, so I'll start by saying that. Two things that come to mind that I look forward to making progress on hopefully in the coming months, in this year, are the African Nova Scotian Justice Action Plan and an Indigenous Peoples Justice Action Plan as well. Really being able to make some inroads on that work is critically important. Working with all of the other agencies, as I mentioned, on this critical issue that we're talking about today: overrepresentation of African Nova Scotians and Indigenous peoples in our criminal justice system in particular.

But it is not something that the Department of Justice can do alone. It does require all of us to do our part, and when you think about the continuum, corrections and the Department of Justice are at the end of that, so the overrepresentation, a lot of it happens at the front end, where we are not the decision makers, which is why we have to collaborate and really come together with some solutions that can reduce some of the problems that we're seeing.

I believe that a new office that we have just seen announced under Premier Rankin of the Office of Equity and Anti-Racism Initiatives - when we think about what Mr. Wright said at the beginning, if systemic racism is the problem, then anti-racism is the cure. Once that office is up and running with its full mandate, I see there being another very powerful place where government will have probably even more timely and certainly holistic impacts, which is what we heard Ms. Halpern speak to, Mr. Wright speak to and what I spoke to in my opening remarks.

It cannot be piecemeal. It cannot be siloed. We will all work together and make some great progress, but I think the government itself - having that overarching positioning now for equity and anti-racism - is going to be, I'd say, a game-changer.

THE CHAIR: One more question, Mr. Jessome.

BEN JESSOME: I'm glad to hear you express a level of confidence and optimism in this newly-stood-up entity of government. I think that collectively, as leaders and as people throughout society, we all need to get a little bit of a chip on our shoulder to deal with this in a very direct way. I hope that everybody can take up that cause and try to add value - initially, even as minimally as just trying to be a half-decent person on a day-to-day basis. All the way to the top, I hope and believe that this newly-stood-up department will add value to this cause. I hope that in a couple of years, we'll see the fruits of that labour.

Lastly, before I hand the baton to my colleague - I believe Mr. Wilson is going to jump in following me - Ms. Kakembo, can I ask you to comment a little bit about generally the work that you're doing and then beyond that, perhaps any of the outreach activity that may correspond or correlate with the work that you're doing in specific communities or generally across the province?

MUKISA KAKEMBO: This semester, I've been working on the Black Women's Legal Education and Empowerment Project. The goal of that project was to identify the gaps in the legal system for Black women facing intimate partner violence, and basically the barriers to getting the support that they need.

I guess I'll start off by saying Nova Scotia has the lowest formal reporting rates of gender-based violence in Canada. In Black communities, there's a low reporting rate. Basically, we reached out to the Nova Scotia Association of Black Social Workers and different workers in the justice system. We talked about the fact that there's a mistrust of police and the justice system, and Black women are really reluctant to report domestic violence for fear that their partners are going to be treated more harshly than a white person would be treated for the same offence due to systemic racism. That is one of the barriers.

Another gap that was identified under this project was the lack of communication between the family and the criminal court systems. The lack of communication, for example, can lead to Family Court not taking into account charges or convictions against the accused and when considering the best interests of the child. Specifically in the case of child custody matters, it's important for the courts to have a full picture of everything that's going on.

Another issue that was identified was the lack of support for navigating these legal systems. As I mentioned, victims are often engaged in multiple court systems and also seeking resources throughout this journey. One of the problems was that there is no central point of contact and they're just asked to do this work themselves. Also, victims in rural areas report that Victim Services is not accessible and not culturally appropriate.

Basically, moving forward, I would say that there is a need for funding for community-based organizations to provide services such as legal system navigation, court support, housing assistance and definitely cultural supports specific to African Nova Scotian and Indigenous communities.

THE CHAIR: We move on now to Mr. Gordon Wilson.

HON. GORDON WILSON: Welcome to everybody. I was definitely going to put Ms. Fells on the hot chair for a minute - thank you for warming her up, Mr. Jessome.

Just a quick preamble. We've mentioned a lot of reports. One that always stuck with me was the Winbush report. I'm a Digby boy, grew up here, and I sit here and listen,

and my concern is the same as I think I'm hearing from others: another report. It should not sit on a table and it should be worked on.

I remember what happened to Nathaniel Fells in the summer of 2008, when he was accosted by police from HRM that were just here partying, I guess. It's been a longstanding issue that we've seen in the community, but what I saw that happened back then that I really would like to have your comments on - and it goes to some of even what I've heard from Ms. Halpern, I think from all of you - we need senior people to stand up. We had a change in the guard with our policing in this area at that point in time, and I'm not going to say that things are perfect by any means, but I think there was a definite change in policing that happened in the Digby area.

Subsequent to that, the conversation I think has been different. We still have a ways to go, but Vanessa, you remember that probably as well as I do - probably even a lot better. When that change happened in our lead that we had in policing here, and where we are today, can you tell me that there were lessons that were learned, that there's hope that there are things that have happened in our community that through these conversations we can keep pushing back and have happen right across our province?

VANESSA FELLS: I could definitely say that I remember that. You're getting a little personal when you talk about Mr. Fells - I would definitely say first cousin, so I know very much all about it. In terms of the changing of the guard in policing and creating hope, I do see it. I want to believe it. It becomes hard, especially with street checks - it became hard to have that hope. I know that was mostly an HRM thing, but it also, what I'll say is that it reminds communities about the negative relationship that they've had with police.

When you hear about specifically young black men who have these negative experiences, it becomes almost generational. You remember your trauma. You remember your parents' trauma because they told you. You remember your grandparents' trauma because they told you.

An example I'll use is sundown laws. I remember my grandfather telling me about sundown laws, and it's a way to segregate the Black community from the rest of the community. That happened, and then we want to have a better relationship with police so we work on it, but then something like street checks happens where young Black men are being stopped - it almost said, why are you in this neighbourhood? To me, that's another reincarnation of the sundown law.

While I do have hope and I see that there is hope and there are people who really want to see change, I think what I would implore the committee and especially the Department of Justice is more action is needed collaboratively and on a ground level. We all need to come together to look at how policing is done - as ANSDPAD suggested, having a provincial policing strategy.

We can all have hope, but if there is no action behind that hope, 20 years from now we're still going to talk about something happening and there's a little bit of change. We need to see a much bigger sway in that change, and it needs to happen much quicker than it's actually happening.

[11:30 a.m.]

THE CHAIR: Mr. Wilson, you have less than a minute left, so maybe just a few remarks would be wonderful.

GORDON WILSON: I think one of the biggest benefits of this - and again, I thank the members for bringing this forward as a topic - is the need that we have to educate, to push back, the recognition that needs to continue to go out. Yes, there are these systemic racism things. I don't think it's as simple as the comments that anti-racism is the cure. I wish it was.

For me, really the message that we have here - I watched the documentary, *13TH*. I would suggest for anybody that's out there, please take the time to sit and watch that. We need to continue to do the things that we do like the recognition of environmental racism also - Boat Harbour, the recognition of what we did - and the Nova Scotia Home for Colored Children, all of that. I appreciate it. Keep your voices going strong.

THE CHAIR: Now we have 11:31 a.m. I can go for another round of five minutes each, starting with the PC Party. Then we will have between one minute and a minute and a half with final remarks for each of our witnesses. Is everybody in agreement with that? That will take us to almost 11:50 a.m. Then the witnesses will leave and the committee will have its business before 12:00 noon. I'm just laying out the rules for how we can use our time as efficiently as possible.

We are now going back to the PC Party for five minutes. It's 11:32 a.m. Mr. Craig.

STEVE CRAIG: Thank you again. Really interesting listening to those questions and answers. One thing that struck me with Mr. Wilson. That is the various police commissions and police advisory boards. We have a provincial police force. We also have a provincial police force that goes into some municipal units to do the policing. They are governed through the Act by advisory boards.

In the case of HRM, and I believe CBRM and a couple of other municipalities, Truro, they have police commissions. The Act dictates how they are to perform and what they're to do. However, in my experience, I think that the amount of support and direction out of the Department of Justice - when you look at it from a provincial level - is either inconsistent or not adequate in some particular cases. It was talked about - street checks - earlier by Mr. Wright and so on.

What plans are there in the provincial Department of Justice to re-examine the role and the impact of police commissions and police advisory boards in this province?

CANDACE THOMAS: That too would be part of looking at policing services and delivery in the province. Of course, as you know, operationally the Department of Justice is not responsible for that level of policing - hence, the advisory boards and commissions.

What I could say is that we have a brand new minister who has been on the ground here for one week. We'll definitely be briefing him. I suspect that looking at policing in this province, how it is delivered to the extent that is under the purview of the Department of Justice is something that we will be speaking to Minister Delorey on in the early days of his mandate here as the new minister of this department.

STEVE CRAIG: I was Chair of the Halifax Regional Municipality's Board of Police Commissioners. Under my watch, we led to the most diverse board ever. The white members were in the minority. We had three African Nova Scotians and we had one Indigenous member, and then three Caucasians.

What I found through the Province was that although you've indicated that you can have direction and the Province is not into operational matters, it is, though, the Province that provides the support to the members of the board and consistency throughout the province in how they carry out business. That is something that I found lacking in my experience when I went to the Department of Justice looking for support for commissioners and for direction and so on. My comment would be please take a look at that, and certainly if there's anything I can do to assist, please give me a call.

I want to move on, though . . .

THE CHAIR: Ms. Thomas.

CANDACE THOMAS: Madam Chair, I should just comment because I may have misunderstood the question that Mr. Craig posed of me earlier, and with respect to agencies, boards, and commissions, so I do apologize. Of course, as far as making sure that there's diversity on those agencies, boards, and commissions, that definitely is something that we're very mindful of and we have policies around, as well developing and delivering and ensuring that there's equity, diversity, and inclusion training for those agencies, boards, and commissions, so my apologies for misunderstanding your question.

THE CHAIR: Mr. Craig, maybe just a two-second remark, because your time is up. It's just past 11:36 a.m. and we were supposed to end at 11:37 for the PC Caucus.

STEVE CRAIG: My parting comment would be I want to thank all the witnesses for this very informative session, and to my colleagues, too, for listening and asking very intelligent and probing questions. I thank you all.

THE CHAIR: The time is up for the PC Caucus. We move to the NDP Caucus. Ms. Coombes.

KENDRA COOMBES: This is to ANSDPAD. Your organization has put together two important and comprehensive proposals developed in consultation with community that could be important first steps in addressing systemic racism in the justice system. Can you talk about the African Nova Scotian Justice Institute and the African Nova Scotian Policing Strategy, and what impact would these have?

THE CHAIR: The question goes to whom, sorry?

KENDRA COOMBES: It was to ANSDPAD.

THE CHAIR: Ms. Halpern.

KENDRA COOMBES: No, to ANSDPAD.

THE CHAIR: Mr. Wright. If you could put your hand up, it would be much easier for me. Thank you.

ROBERT WRIGHT: ANSDPAD has proposed and in fact have called into existence an African Nova Scotian Justice Institute, I guess, for brevity, I would say similar to an organization like the Mi'kmaq Legal Support Network that would house in one location a range of programs and services that would be addressing issues related to justice in the African Nova Scotian community.

We have proposed such a model. We have funded such a model. We have submitted our proposal to the provincial government and have yet to have any significant feedback on their ability to support that program.

It would include things like a counsel's office to support with issues related to African Nova Scotians and legal interventions; an African Nova Scotian alternative justice program; certainly the forensic assessment and treatment unit is already active coordinating impact of race and culture assessments; and there will be several other programs that we would run under the umbrella of that institute.

It is conceived, it was researched, a detailed proposal was submitted.

THE CHAIR: I would like to make a comment. I apologize. I normally go by the first name from that organization, and on my list I have Ms. Fells as the first name, so that's why I made that mistake. Ms. Coombes, go ahead.

KENDRA COOMBES: This is to the department. Has your leadership asked for these proposals to be implemented?

CANDACE THOMAS: That is one of the items, when Mr. Jessome asked me what are a couple of those priorities that I would like to see happen and make some progress on within the department - that's what I named. I named the African Nova Scotian Justice Plan and the Indigenous Justice Action Plan. Those are two priorities that we want to see movement on soon. We will be re-engaging - let's put it that way - with ANSDPAD in the coming days on the issue of the African Nova Scotian Justice Plan.

We have been engaged continuously all the way through because we are initially working through the Wortley report and the Wortley work and getting that committee stood up, which has just recently happened last Fall. It is certainly something that is of high importance to this department.

KENDRA COOMBES: This is to the department. Following the release of the street checks report, former Minister of Justice Mark Furey issued a directive regarding a moratorium on the street checks. The directive provides an exemption to the moratorium for police inquiries into suspicious activity. There are many people who are concerned about the use of these exceptions and the vague definition given for the suspicion qualifier.

I have one other question. I understand the Human Rights Commission has been engaged to look into revisiting the use of this term. Can you provide an update on this work? That's to the department as well as ANSDPAD, if they wish to also speak.

THE CHAIR: We have less than a minute so I would like the Liberal Caucus to allow me to go beyond the time. We will move it on to Ms. Thomas to answer.

CANDACE THOMAS: Of course, I can't speak to the Human Rights Commission and what they have undertaken to do, but I can say that we are speaking with ANSDPAD about this particular issue right now, so I don't know that it would be appropriate for us to say what those discussions look like currently, but I will allow Ms. Fells to speak to it as well. I think she'll say what I just said.

VANESSA FELLS: We are currently trying to look at that. It does cause ANSDPAD great concern because we see this definition of suspicious activity within the directive is creating a grey area for allowing street checks to continue. We have raised this with the Human Rights Commission, as well as the Department of Justice and we are currently trying to work through that to figure something out in the near future.

THE CHAIR: Thank you. Both of you did it in perfect time. We'll move on to the Liberal Caucus. We have Leo Glavine, who put his hand up.

LEO GLAVINE: My question will go to Robert Wright of ANSDPAD. First of all, I'm a huge believer and supporter in the Decade for Persons of African Descent - coming out of the Department of Communities, Culture and Heritage most recently. While the justice lens is all about today's committee meeting, as an educator, I believe both in the formal and informal importance of societal change through education.

Robert, I'm just wondering if you could articulate a few of the areas that we will need to change in the public education system and in some of our supportive organizations to bring about the change that we will need for the next generation. As I see how my grandchildren need to look at the place of our Indigenous and Black citizens as they go about their life in Nova Scotia side by side, we know that change must still be a big part of that future.

[11:45 a.m.]

ROBERT WRIGHT: That's a very big question, Mr. Glavine. I would say that if we're going to address racism in our society, then of course we need to make even more significant investments in education - certainly the student support worker programs, curriculum issues that support greater visibility of people of African descent within the curriculum is critical.

I would say even more important, though, are other issues like health and mental health programs to support Black families to ensure that Black children have optimal health such that they can participate in education. We need to have income supports and an economy that allows people to live with sufficiency, because we know poverty undermines health and education.

I think in terms of health and education and the need for culturally specific programming in these areas. In terms of justice, again, culturally specific interventions to support and promote engagement and to address the specific issues of racism that people experience as they interact with these organizations. Those would be some of the investments I'd see.

THE CHAIR: Mr. Glavine, you only have a minute and a half approximately.

LEO GLAVINE: I just would like one further comment, Robert. In terms of the development of leadership in your communities across Nova Scotia, how do you see that emerging as, again, part of change agents in Nova Scotia?

ROBERT WRIGHT: I would say that education is a key. I know that the Council on African Canadian Education has partnered with the Department of Labour and Advanced Education to implement advanced education for African Nova Scotians, so there have been four cohorts of master's degrees in education where Black persons have been

able to achieve master's degrees in education, in leadership, and in counselling. I'd say that we need to see such cohorts in other areas of graduate study.

We need to provide even more supports to access programs like transition year programs and the Indigenous, Black, and Mi'kmaw programs and other such programs at universities. But again, we can't expect people of African descent to achieve higher education if they are still grossly overrepresented in the dropout statistics in public school education, so we need even more beefed-up programs and supports for families and children getting through the public school system.

THE CHAIR: The time is up for the Liberal Caucus. I just would like to say just one thing, to thank the members that are here, and you have about one minute each to do your final remarks, starting with Deputy Minister Candace Thomas.

CANDACE THOMAS: Thank you very much to all of you for this dialogue. It is critically important that we have these conversations, and it will take us to a better place in finding solutions to these. These are huge social problems that we all have to deal with.

I will end as I started by saying and acknowledging that this province, Nova Scotia, has a long and extremely painful history of anti-Black and anti-Indigenous racism. Some of it manifests itself in overrepresentation of Black people and Indigenous peoples in our criminal justice system.

We must all work together in order to find solutions and to improve the lives and well-being of those marginalized, vulnerable populations who are overpoliced and overincarcerated - again, holistically across government, but with our partners and with agencies like ANSDPAD and Elizabeth Fry who are on the ground doing that work every day.

Also, making sure that we stay in touch and in connection with each other, regardless of political party, as we're all interested in this issue that we see here today, that we can make some progress and reduce those numbers of overrepresentation that we experience today in those populations. Thank you so much.

THE CHAIR: Mr. Wright, final remarks please, within a minute if possible.

ROBERT WRIGHT: I would just say that, as I've said elsewhere in public, I have worked with many people in government, in policing, and in correctional centres, and I am confident in the goodwill of the individuals in those places. What I am less confident in is our collective and corporate ability to change the things that must be changed and to exert the legitimate authority that government has to mandate that change.

We have talked about very specific policies that must be changed. We have identified and advocated for the identification of such things to be identified as even illegal,

and government has yet to demonstrate the proper use of their authority to eliminate those things that we have identified as illegal and problematic.

This is about our collective ability to apply our proper authority. That is what I call anti-racism.

THE CHAIR: Last but not least, we have Ms. Halpern. Your final remarks.

EMMA HALPERN: Thank you for this opportunity, and I do look forward to future discussions and collaboration to address the overrepresentation of Indigenous and African Nova Scotians in our justice system. I really have two final comments that have really been raised today.

First is, we've talked a lot about education and policy change, and the thing I would add to that is accountability. We do a lot of education; we don't see a lot of change. We need accountability mechanisms among our social workers, our health care professionals, our policing, to ensure that this education is taken seriously and internalized.

Finally, this is the Standing Committee on Community Services. I really wanted to recognize the fact that our justice, our policing, and carceral state has a very long reach. It goes beyond what our Department of Justice - in fact, into our Department of Community Services. We have African Nova Scotian and Indigenous young people, who have horror stories of being picked up by police while they were in care, moved from one house to another, brought into secure treatment, and that is their first encounter with the criminal justice system - as vulnerable children, traumatized children.

That is, for them, a pathway that continues into corrections. Keep that in mind. We need to think about a way in which policing and carceral systems have infiltrated so many of our state systems and to address that at its root. Thank you.

THE CHAIR: Thank you, everyone. I know as a chair I'm not supposed to ask questions, so I had a couple I couldn't, but I would like to make one remark.

My riding is the most multicultural, and I have so many amazing, wonderful new immigrants from Africa, from Nigeria, from Rwanda. They are amazing, and they are coming with entrepreneurial education. My heart goes out to them if they have to go through what the African Nova Scotians have gone through in our province and our country.

I ask if you can always look at the new immigrants and hope we do not repeat our history, and help them and include them in that. Just a little favour for me, because I really have tried to make sure that they're always included. The newcomers from Africa, they have to be looked at with the same lens.

I thank you. Please take your time to leave so that the committee can do its business. Thank you again. This has been an amazing thing, and it was very hard for me to keep my mouth shut.

Committee business - we have correspondence. We have the Department of Community Services information request from the February 2nd meeting. Any discussion? If not, lift your hand if you're okay to move on. Thank you.

Department of Municipal Affairs - we also received a response to correspondence from the December 8th meeting. Is everybody happy and received it? Thank you.

The next meeting is April . . .

KENDRA COOMBES: Madam Chair, I have a motion with regard to the April 6th meeting. With it being so far away, I would like to move that the members be polled about an in-person or virtual meeting before the next meeting.

THE CHAIR: Any discussion? Ms. Roberts.

LISA ROBERTS: Yes. I would just like to speak briefly in support of the motion. Obviously, the epidemiology in Nova Scotia is changeable. Thanks to the efforts of so many Nova Scotians going out and getting tested, things are again today looking good.

We'll see where we are on April 6th, but certainly if there isn't a compelling public health reason why we should not meet in public, we would really welcome the resumption of in-person committee meetings.

THE CHAIR: I saw your hand up, Mr. Wilson.

GORDON WILSON: I missed the meetings for a while, but I don't miss them now. It's like déjà vu. I believe this is the same motion that was brought up last week by the NDP.

Again, I think we all want to get together. There's no question about it. I think this week, we're humbled a little bit. I don't know if anybody has a crystal ball on what's going to be happening down the road, but I certainly don't. We're in a very fragile position. I have people here who, on a regular basis, are asking me if I've travelled. I certainly don't feel like it.

I know the comments are going to be, well, everybody else goes to work. We're working here today. I know myself, I'm working very hard in my community every day. Actually, I'm quite pleased at how efficient some of these virtual meetings go. I definitely cannot say that I could - at this point in time, without any better insight into what public health is going to be, I say no.

THE CHAIR: Thank you, Mr. Wilson.

Ms. Coombes.

KENDRA COOMBES: We all don't have a crystal ball. That is why we are asking to be polled prior to the meeting. We are not asking for virtual or in-person immediately. We are asking that prior to the meeting, we be polled to see where we are with regard to epidemiology and public health.

Therefore, there shouldn't be a problem with this. Just a few days ago, we were talking about kids being crammed into classrooms. Us being back to work in person shouldn't really be a problem if the epidemiology and public health are with us.

THE CHAIR: Thank you, Ms. Coombes. Before I let Mr. Craig speak, we only have two minutes left. Before we can continue this, would you like to extend it by five minutes?

KENDRA COOMBES: Motion to extend by five minutes.

THE CHAIR: Then we will end it because I have another appointment after that.

Is it agreed?

It is agreed.

Mr. Craig.

STEVE CRAIG: This is different from the last motion of last week, which said that we would meet in person, or at least look at it.

We do not know how quickly things will change, but we do know things change quickly. That being the case, I would appreciate the courtesy of being polled before the next meeting to determine whether we can do it in person or not.

The House goes back into sitting on March 9th. The next scheduled meeting for this committee is in April. I see no reason why we would not be in a better position to make our thoughts known at that time as we get closer to the April date. I would vote in favour of this.

THE CHAIR: Thank you, Mr. Craig.

Is there any further discussion?

I would like to also comment. Unfortunately, for me it will be very difficult. I have a 94-year-old who's coming out of hospital and my sister-in-law who's just had a heart attack. I will not attend in-person at the moment until they're all vaccinated - my in-laws and everybody else have received a vaccine. Until that is done, I personally will not approve of it personally.

If you would like to do the poll, I'm not sure what else we can do except take a vote for the poll.

KENDRA COOMBES: I think we should have a vote, Madam Chair. Could we have a recorded vote?

[12:00 p.m.]

THE CHAIR: Sure. Would you like to repeat the motion, please?

KENDRA COOMBES: The motion is that members be polled about an in-person or virtual meeting before the next meeting date of April 6th.

THE CHAIR: Would all in favour please raise your hand.

KENDRA COOMBES: I've asked for a recorded vote, Madam Chair.

THE CHAIR: Kim, help me out. You do the recorded vote, am I correct?

KIM LANGILLE: Typically, the Chair does it and just sort of goes through the membership list, but I can call the names, if that's easier for you.

THE CHAIR: I have the list - no problem.

YEAS

Steve Craig
Brian Comer
Lisa Roberts
Kendra Coombes

NAYS

Gordon Wilson
Hon. Ben Jessome
Bill Horne
Leo Glavine
Rafah DiCostanzo

THE CHAIR: The motion is defeated.

Our next meeting is April 6, 2021 from 10:00 a.m. until noon. I thank everyone. This was an amazing discussion and presentation by our witnesses. We can all learn a big lesson from what was said today.

[The committee adjourned at 12:02 p.m.]