

*In Reply Please Quote Our File Number:*

**FEB 28 2020**

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Dear Ms. Fells:

I am writing to follow-up to your letter of February 24, 2020, which we received on February 26, 2020. It is my hope that putting pen to paper will demonstrate our full commitment to work together on justice and policing issues.

The Department of Justice (DOJ) is committed to addressing systemic racism and discrimination throughout the justice system. This letter does not fully outline the work within DOJ across all divisions to ensure better responses to African Nova Scotians and access to justice. It does attempt to convey acknowledgement of the importance of the issues and our commitment to better understanding and continued action. As the Minister said last year, the status quo is not an option. We are committed to action, accountability, and an approach of collaboration and communication.

We acknowledge the negative impact systemic racism has had on African Nova Scotians who are over-represented in the criminal justice system. Through the Count Us in Action Plan, the Department of Justice has committed to develop an African Nova Scotian Justice Plan in collaboration with African Nova Scotians and the Office of African Nova Scotian Affairs (ANSA). We acknowledge that much work remains to be done.

Since the release of the Wortley Report, the Department of Justice has taken the following actions:

- The Minister of Justice issued a directive on March 28, 2019, prohibiting the use of street checks as part of a quota system or as a performance management tool. The directive requires that officers at all levels and particularly, front-line officers, adhere to their applicable Codes of Ethics and relevant policies, and review the Canadian Charter of Rights and Freedoms, human rights legislation and the Wortley Report.
- On April 17, 2019 the Minister issued a directive which placed a moratorium on street checks of vehicle passengers and pedestrians.
- The Minister of Justice permanently banned Street Checks effective October 18, 2019.
- Amendments were made to the *Police Act* Regulations in January 2020 to extend the timeframe for filing a complaint against a municipal police officer from six months to one year, in order to

bring the timeframe for filing a complaint in line with that of the RCMP. The amendments are effective as of January 15, 2021.

- We provided police with additional funding to support training for law enforcement. We have supported police agencies to enhance their cultural competency through training modules related to ethics and accountability and racially biased policing. In addition, a group of frontline police officers from across the province attended specialized training, in fall 2019, on the neuroscience of decision-making (bias and prejudice) with internationally recognized expert Kimberly Papillion, and senior police leadership attended a full day training. DOJ sponsored this training and worked extensively with Ms. Papillion to plan the sessions. In addition to police leadership and front-line officers, my senior team, staff from across all divisions, and I attended. We also opened up the training to crown prosecutors, defence lawyers, and Nova Scotia Legal Aid. For more information on Kimberly Papillion you can visit <https://thebettermind.com/>
- In partnership with the Nova Scotian Human Rights Commission, Nova Scotia Legal Aid, the police, ANSA, and the Office of Aboriginal Affairs (OAA), we have begun preliminary work to develop a Know Your Rights initiative. Engaging with ANSDPAD and community will be a critical part of this initiative.
- We are working with law enforcement to keep apprised of their work on advancing the Wortley Report recommendations. We would like to discuss with you how you think DOJ can best facilitate connection and communication with law enforcement. Work has been done (for example controls have been put in place for access to historical street check data) but continued focus is needed.

I want to assure you of our ongoing commitment to work collaboratively with ANSDPAD and African Nova Scotians. This is evidenced by our outreach on numerous occasions over the past several months to engage in meaningful dialogue and build better relationships between the Department of Justice and African Nova Scotian Communities. For example, we have had ongoing discussions with leaders of the African Nova Scotia community including:

- Myself and senior staff from the Department attended the Beyond Street Checks panel presentation hosted by 902 ManUp at the Halifax North Branch Library in November 2019.
- We met with 902ManUp in December 2019 and are in the process of scheduling a follow-up meeting.
- We are scheduled to meet with 902ManUp Youth in March 2020.
- We have also had ongoing engagement with Mulgrave Park Caring and Learning Centre.
- In the spirit of increasing understanding, and in recognition of African Heritage Month, Department staff across the province have been engaged with members of the African Nova Scotian community.
- I have received an invitation to attend the Justice Working Group meeting on March 3, 2020 and will be pleased to attend with three senior members of my team.

As you are aware, we had a meeting between senior staff from the Department, including our Associate Deputy Minister, and the ANSDPAD's Justice Working Group on October 23, 2019 to discuss your concerns. I was called away on a personal family matter minutes before this meeting.

Subsequent to that meeting, we received your proposal for the development of an African Nova Scotian Justice Institute. Following review of this proposal, we reached out to you to partner on an application to

Canadian Heritage's Action-Racism Action Program to advance the development of an African Nova Scotian Justice Plan.

I write with concern that the letter we received does not reflect the commitment the Department of Justice continues to place on this very important issue. My senior staff and I are committed to continuing to meet with your organization and are looking forward to the previously scheduled March 3<sup>rd</sup> meeting with the ANSDPAD Justice Working Group. We want to assure you that we are available at any time, and at your convenience, to further develop our relationship and our understanding.

Yours sincerely,



Karen Hudson QC  
Deputy Minister and Deputy Attorney General  
Nova Scotia Department of Justice