

WORTLEY REPORT UPDATE

Summary of Department of
Justice-led Recommendations

On March 27th, 2019, Dr. Scot Wortley released his *Halifax, Nova Scotia: Street Checks Report* (“the Wortley Report”). It makes 53 recommendations that fall under the categories of a street check ban, the regulation of street checks, data collection on police stops, and improving police-community relations.

The Wortley Report shows that every year between 2006 and 2017, Black Nova Scotians were 5-6 times more likely to appear in street check statistics than their representation in the general population would predict. The report calls for a collective response to bring about change. Government is committed to this and continues to engage with communities, police and other stakeholders to address the recommendations in the Wortley Report.

Since the release of the report, representatives from African Nova Scotian communities, the Department of Justice (DOJ), police, and other stakeholders have worked to advance many of the recommendations. Government is committed to increasing awareness about the negative and harmful impact of systemic racism, discrimination, and racial profiling.

Our commitment to delivering on the recommendations supports the Minister of Justice’s mandate to support the implementation of the Wortley Report and ensure that street checks end. DOJ is also developing an African Nova Scotian Justice Action Plan in collaboration with African Nova Scotian Affairs and African Nova Scotian communities. An initial and critical component of the plan is the establishment of the African Nova Scotian Justice Institute by the African Nova Scotian Decade for People of African Descent Coalition (ANSDPAD). The Institute is creating programs and services that address systemic racism faced by African Nova Scotians in their interactions with the justice system. It is being established in a phased approach over three years 2021-2024.

This update reflects Government’s progress to date on the Wortley Report recommendations.

Street Checks were permanently banned in Nova Scotia on October 18, 2019. Therefore 24 of the 53 recommendations that relate to regulating street checks are no longer relevant.

Of the remaining 29 recommendations, 12 are led by DOJ – four have been completed and eight are in progress.

COMPLETED

- Minister of Justice issued a directive that **street checks cannot be used as part of a quota system and performance management tool**. This makes it clear that officers must adhere to their Code of Ethics, relevant policies, and review the Canadian Charter of Rights and Freedoms, human rights legislation, and the Wortley Report. [March 28, 2019 (Rec 2.13)]
- The Minister of Justice issued a **moratorium on street checks of pedestrians and passengers in motor vehicles**. [April 19, 2019 (Rec 2.1)]
- The Minister of Justice announced a **permanent ban on the practice of street checks**. [October 18, 2019 (Rec 1.1)] With the release of the *Minister's Directive – Street Checks Ban*, effective December 1, 2021, the **Province strengthened the ban on street checks** to provide clearer direction to police and ensure no Nova Scotian is subjected to the practice.
- Coordinated the **establishment of the Wortley Report Research Committee (WRRC)**. [September 2020 (Rec 3.1)] The WRRC is composed of representatives from African Nova Scotian community organizations, individual African Nova Scotian representatives from the Northern Region, Cape Breton Region, and Southwest Region, police, African Nova Scotian Affairs, the Nova Scotia Human Rights Commission, and DOJ.
 - Part of the WRRC's mandate was to develop a report and recommendations to guide the development of a race-based data collection model for police stops in Nova Scotia.
 - The WRRC was also responsible for examining recommendations 1.6, 1.7, 3.2 and 3.5 in the Wortley Report to determine how they may be advanced through the WRRC's work.
 - The WRRC submitted its *Final Report and Recommendations on the Collection of Race-Based Data in Nova Scotia* and recommended next steps to advance implementation of the model to the Minister of Justice on May 26, 2022. The report and recommended next steps have been endorsed by the Minister.
 - Prepared by academic researcher, Dr. Timothy Bryan, the report and recommendations align with the *Minister's Directive – Street Checks Ban* effective, December 1, 2021.

IN PROGRESS

- **Committee to monitor progress on the recommendations** (Rec 4.16): The Wortley Report Action Planning Working Group was formed to develop an action plan and accountability framework. While the committee is no longer active, DOJ continues to engage bilaterally with the African Nova Scotian organizations that participated.
- **Develop a Know Your Rights Initiative** (Rec 4.10): DOJ coordinated an initial meeting with the Nova Scotia Human Rights Commission, Nova Scotia Legal Aid, Halifax Regional Police, RCMP, African Nova Scotian Affairs, and the Office of L'nu Affairs. This initiative will be community led.
- **Strengthen the Police Complaints process and consider creating and funding an African Nova Scotian Legal Advocate or Legal Clinic** (Rec 4.11):
 - As an initial step, amendments were made to Police Regulations under the Police Act, extending the timeframe to file a complaint against municipal police officers from six months to one year to align with the timelines for filing complaints against RCMP officers. Authority was given to the Police Complaints Commissioner to extend the time limit for making a complaint if it is in the public interest.
 - Funded by Government, the establishment of the African Nova Scotian Justice Institute by ANSDPAD in 2021 will include a community justice legal defense program. This aspect of Rec 4.11 has been completed.
 - DOJ will be working with ANSDPAD, the African Nova Scotian Justice Institute and other key stakeholders to further address this recommendation.
- As part of its mandate **the WRRC examined the following recommendations** in the Wortley Report to determine how they may be advanced through its work.
 - Evaluate the impact of the street check ban on police-community relationships and public safety. (Rec 1.6) This recommendation will be explored further by the WRRC.
 - In its *Final Report and Recommendations on the Collection of Race-Based Data in Nova Scotia*, the WRRC has recommended the advancement of the Wortley Report's recommendations 1.7, 3.2 and 3.5.
 - The police should be mandated to collect and disseminate information on the personal characteristics, including the

racial background, of civilians subjected to police stops and other investigative detentions. (Rec 1.7)


- Establish a permanent data collection system to record information on police stops of civilians. (Rec 3.2)
- Release annual or bi-annual reports to the public on data collection and research activities. (Rec 3.5)
- Next steps for the WRRRC include conducting a provincial scan of current data collection systems used by police agencies and working with community and police to identify critical next steps to advance development of the race-based data collection model.
- **Address racial bias in other parts of the criminal justice system, beyond street checks** (Rec 4.17): DOJ in partnership with community is developing both an African Nova Scotian Justice Action Plan and an Indigenous Justice Action Strategy to address the broader issue of systemic racism in the justice system.

ADDITIONAL RELATED INITIATIVES

- DOJ has also worked to support the advancement of other recommendations in the Wortley Report that are not government led. For example, DOJ provided \$100,000 to support training for law enforcement. Funds have been used to support police agencies to enhance their cultural competency through training modules related to ethics and accountability and racially biased policing. This helps to advance Rec 4. 2 in the Wortley Report.
- DOJ collaborated with the RCMP to facilitate delivery of the RCMP's African Canadian Experiences (ACE) training to municipal police. DOJ is working with the RCMP to support future training sessions for municipal police and DOJ staff. This helps to advance Rec 4.3 in the Wortley Report.
- DOJ remains committed to ongoing and steady progress. DOJ will work with communities, police and other stakeholders to continue to advance the outstanding recommendations in the report.

The Wortley Report can be viewed at: https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax_street_checks_report_march_2019_0.pdf].

The Wortley Report Research Committee's *Final Report and Recommendations on the Collection of Race-Based Data in Nova Scotia* can be viewed at: <https://humanrights.novascotia.ca/bryan>



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