| **Transforming Canada’s Criminal Justice System – A National Dialogue on Change** |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| **Organizing Group Location**   | Department of Justice Canada                                                                                                                                                         |
|                                 | National online, with in-person dialogues in Vancouver, Winnipeg, Thunder Bay and Montreal.                                                                                           |
| **Key Question/Problem**        | How would you change our criminal justice system to better serve Canadians?                                                                                                          |
| **Sample Methods**              | Online engagement website with deliberative online Choicebook®, video stories and online discussion forums. Twitter comments and a national Twitter Town Hall, as well as conversations on Reddit. Four in-person dialogues to reach more vulnerable populations were also held, including the homeless, Indigenous peoples, victims and community-based victim support organizations. The dialogue was promoted through social media advertising, social posts from the Minister, emails to over 250 stakeholders, and advertising across Government of Canada websites, including [www.Canada.ca](http://www.Canada.ca). |
| **Results**                     | The dialogue received a massive level of interest and engagement – over 10,000 contributions and over 1 million words of stories and ideas. It generated values-based and evidence-based citizen recommendations about how to transform the criminal justice system, to make it fairer, more compassionate and just for all Canadians. |
| **Impact Level**                | Two months after the public dialogue ended, the Honourable Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada) announced a series of high-impact changes to the criminal justice system, that addressed some concerns raised by Canadians. |
| **Time Frame**                  | November 1, 2017 to January 31, 2018                                                                                                                                                  |
| **People Engaged**              | Over 10,000 contributions to the national dialogue, including:                                                                                                                     |
|                                 | - 6,725 deliberative online Choicebooks®                                                                                                                                             |
|                                 | - 205 online discussion forum comments                                                                                                                                               |
|                                 | - 2,447 Twitter comments                                                                                                                                                             |
|                                 | - 300 Reddit conversations                                                                                                                                                            |
|                                 | - 155 email submissions                                                                                                                                                              |
|                                 | - 75 participants at four in-person dialogues                                                                                                                                          |
| **Web Link**                    | [www.justicetransformation.ca](http://www.justicetransformation.ca)                                                                                                                |
The Problem and Challenge
Canada’s criminal justice system is facing serious problems that are making some stakeholders raise concerns about its fairness and effectiveness. For example:

- Indigenous people represent 3% of Canada’s population, but 26% of people in federal jails. This rate of incarceration is 9 times higher than for the general Canadian population. Indigenous youth make up 39% of people in provincial or territorial jails.
- 60% of Canada’s prison population are people waiting for a decision in their case – they have not yet been found guilty or innocent. That’s more people in jail awaiting verdicts than actual convicted criminals.
- Young people aged 15-24 have the highest rate of sexual assault in Canada. Only 5% of sexual assaults are ever reported to the police. Of those that are, and proceed to trial, less than half (43%) of sexual assault cases end with a “guilty” verdict.

In response to these challenges, the Honourable Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada) launched a ground-up review of the criminal justice system. The goal of the review was to consider ways to “transform” the system into one that would better serve Canadians and create the kind of system they want.

The Minister and Department of Justice believed that the only way to transform the system and to address some underlying problems, was to allow Canadians to participate in a values and evidence-based conversation about what a changed criminal justice system should look like – its basic principles, how it treats victims and their families, how court cases are managed, and how the system could better serve vulnerable populations like Indigenous Peoples and those with mental health and addictions challenges.

From this perspective, public participation was at the heart of transforming the justice system. The intent was to have an informed, meaningful national conversation where participants had an opportunity to learn more about the challenges facing the system, from data as well as real-life video stories from those with first-hand experience, to deliberate individually and engage in dialogue with others to understand their perspectives and find common ground.

The Role of Public Participation
In reviewing ways to transform our criminal justice system, the Government of Canada wished to engage a broad and diverse range of Canadians. Through the consultation, the goal was to allow participants to learn more about the criminal justice system, the challenges it faces and the social, economic and cultural issues involved, before inviting them to share their stories and ideas. We wanted to hear about their experiences with the justice system as well as their vision for what a transformed system could look like in the future.

Level of engagement and project objectives
The National Dialogue on Transforming Canada’s Criminal Justice System engaged the public and stakeholders at the Involve Level. We engaged to make sure we understood public concerns about how the criminal justice system is working today, and to incorporate public and stakeholder advice and recommendations into the decisions about how to transform the system.

Decision Statement
A simple statement to the public started the dialogue: “How would you change our justice
system to better serve Canadians?” We wanted to foster a generative process; one that invited participants to suggest creative, blue sky ideas for change.

Role of Public and Stakeholders

Public roles:
- To learn more about the challenges facing Canada’s criminal justice system through the interactive Choicebook® tool or by watching one of the powerful real-life story video vignettes that was created for the project.
- To share stories, ideas and recommendations about practical changes to the criminal justice system – online, on social media or at one of our in-person dialogues.
- To engage in dialogue with others to explore solutions, understand different perspectives and experiences, and identify points of agreement and common ground.

Stakeholder roles:
- To join the national conversation, adding information and different perspectives to support further enrich a dialogue based on values as well as evidence.
- To ensure the views of their clients or members were part of the national discussion, whether they are serving judges, convicted offenders or victims and their families.
- To help us communicate about the national dialogue and engage more Canadians.

Our Engagement Approach
An innovative engagement approach was designed to foster a national conversation on transforming the criminal justice system. Using online, face-to-face and social media channels, thousands of Canadians from across the country were engaged: from family members of the victims of crime to academics and researchers, frontline staff from community-based agencies, individuals convicted of criminal justice offences, Indigenous peoples living on and off-reserve, and interested Canadians. Canadians were engaged using the following tools and platforms:

- Consultation “hub” website: An interactive consultation website at www.justicetransformation.ca provided easy-to-use tools to learn and participate.
- Real-life Videos: A series of mini-documentary videos about several people’s moving experiences with the criminal justice system was developed. These powerful stories helped participants understand the “human impact” of problems with the justice system.
  - Nicole and Karen’s story (about Victims’ Experiences)
  - Mr and Mrs. Swan’s story (about Court Delays)
  - Devon’s story and Jorgina’s story (about Indigenous Over-Representation)
  - Dr. Marie-Eve Sylvestre’s story (about Mental Health and Addictions)
- Interactive Choicebook®: Issues with the criminal justice system can be complex. So, instead of using a simple online survey, a more interactive tool called a Choicebook as developed. This helped participants learn more and see the challenges from different perspectives, using scenarios and stories, before asking for their views.
- Online Discussions: Canadians were also provided with an opportunity to connect with each other online in a series of online discussions, organized by topic. Each topic was introduced and explained by one of our real-life video stories. From November 2017 to January 2018, participants in the discussion forums exchanged ideas and perspectives, and worked together to explore potential changes to the criminal justice system.
- Twitter Townhall: The Parliamentary Secretary of Justice, Marco Mendicino, held a live Twitter Townhall, to host a national real-time conversation about changes to the criminal justice system. The event engaged Canadian individuals and civil society organizations from across Canada. The hashtag for the town hall, #justtransformation, was one of the top trending Twitter conversations in Canada at the time. We also accepted Twitter
comments from participants in response to a series of posts from Justice Canada.

- **Email:** Canadians could email the Department directly with their stories, thoughts and contributions. Over 150 emails, many of which contained moving and powerful experiences about the criminal justice system were received.

- **Reddit:** The Government of Canada also established a sub-Redd.it conversation on transforming the criminal justice system. In conducting the consultation, it was important to use a wide range of tools to connect with and hear from a diverse range of Canadians, and Reddit provided us with an effective way of doing this.

- **In-person Dialogues:** We held four community dialogues, in Vancouver, Regina, Thunder Bay and Montreal. Lasting a full-day, these brought together community organizations, researchers, advocates, and family members of those who had first-hand experiences of the criminal justice system, to explore challenges and collaboratively identify needed changes. Held in safe community spaces, such as Friendship Centres, these grassroots dialogues were a way to reach and engage members of vulnerable, often-overlooked participants, such as Indigenous Peoples, members of LGBTQ+ communities and people who are homeless.

**Alignment with Core Values**

1. **Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.**
   
   - The national dialogue was advocated personally by the Minister of Justice and Attorney General specifically because she, and the Department of Justice, believed that Canadians have a right to collaborate in transforming the criminal justice system.

2. **Public participation includes the promise that the public’s contribution will influence the decision.**
   
   - In launching the dialogue, the Department of Justice clearly communicated that the contributions heard would be used to help design changes to the system. For example, on the very first page in the Choicebook®, the commitment to carefully review all comments received and use them to inform the Government of Canada’s planned action to reform the criminal justice system was described.

3. **Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.**
   
   - Our process clearly outlined the Government of Canada’s interest in making significant changes to the criminal justice system to address participants’ concerns and priorities.
   - In creating the real-life story vignettes, we wanted to recognize and illustrate the needs and perspectives of different perspectives on the issue: from victims of crime and their families to former offenders, members of vulnerable social groups, and researchers.

4. **Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.**
   
   - All Canadians are affected by our criminal justice system and have a stake in ensuring that system reflects our shared values as a society. The participation from all Canadians was proactively sought out, especially youth, through targeted social media advertising and engaging on Twitter and Reddit.
   - Four in-person dialogues where we partnered with community-based organizations serving vulnerable populations were also held. In our Thunder Bay dialogue, for example, we brought together 15 Indigenous women from nearby Fort William First Nation who shared experiences about the incarceration of young men from their reserve and its impact on their community. In the Vancouver dialogue, women and
members of the LBGTQ+ community impacted by sexual violence were engaged.

- As valuable as an online process was for engaging Canadians, we knew we had to work with local partners to host in-person dialogues to reach some social groups disproportionately affected by the criminal justice system.

5. **Public participation seeks input from participants in designing how they participate.**

- The approach was to provide participants with multiple channels to participate and allow them to choose which worked best for them, at the times that worked best.
- These ranged from the Choicebook® which allowed participants to deliberate individually and privately, to Reddit and the online discussion forums where they could connect with others to engage in dialogue and explore ideas for change together.
- Participants were also invited to contribute by email, in literally any format they wished, by sending videos, pictures, or even just plain old text emails.

6. **Public participation provides participants with the information they need to participate in a meaningful way.**

- The previous research has shown that many Canadians’ views about the criminal justice system are anecdotal and not based on existing evidence.
- It was felt that it was important for Canadians to truly understand the nature of the problems in the criminal justice system, both in terms of research data as well as the “human impact” these have on people’s real lives, before asking for their views.
- In the Choicebook®, for example, powerful facts and research data in the form of “true/false” quizzes were included, challenging participants’ preconceived ideas. The same facts were shared with participants at our in-person dialogues.
- For each of the online discussions, a video about a real-life person’s story, describing how the topic had impacted them was created.

7. **Public participation communicates to participants how their input affected the decision.**

- The national dialogue was followed attentively by the Minister and Justice officials. Feedback was gathered and read to understand what concerns and suggested changes were most important to participants and to Canadians.
- As part of her broader review, and two months after the national dialogue ended, the Minister of Justice announced a series of high-impact changes to the criminal justice system, to address some of the concerns raised by Canadians. These included:
  - Limiting the use of preliminary inquiries to more serious offences to ensure criminal cases can be resolved quickly
  - Tougher responses to intimate partner violence
  - Changing the jury selection process to ensure that juries are more representative of the Canadian population, and avoiding bias or racism.

**Creating relationships and Building Trust**

Fortunately, despite a belief in the stakeholder community that Canada’s criminal justice system has some serious challenges, the Department of Justice and Minister Jody Wilson-Raybould are seen as credible hosts of a national dialogue. As Canada’s first Indigenous Minister of Justice and advocate for social justice and vulnerable groups, Ms. Wilson-Raybould was an essential public voice to lead the dialogue. She held meetings with provincial and territorial stakeholders for more than a year before the dialogue, building relationship and trust, and listening to their perspectives. Their views informed the design of the national dialogue.

**Evaluation Process**

Evaluation was built into key components of the dialogue. At the end of the Choicebook®, for
example, participants were asked for feedback about the experience and quality of the content. Over half (51%) responded that the Choicebook® had helped them learn more about the issues facing our criminal justice system. One-quarter (24%) said they were surprised by some of the information presented about the system and its challenges. A similar evaluation was conducted with participants after each in-person dialogue. In terms of overall results, the dialogue was highly successful in allowing Justice Canada to more deeply understand participants’ concerns with the criminal justice system and ways in which they want it to be changed and improved.

**Uniqueness of the Project**

- This was the first large-scale, national dialogue on changes to any part of Canada’s justice system. This had never happened before.
- A series of five video mini-documentaries was created to bring each discussion topic to life by showing the human impact of criminal justice system challenges. Each was 4-5 minutes, professionally-produced and extremely powerful. These made the engagement unique as a tool to develop empathy and understanding before participation.
- The deliberative Choicebook® was a 25-30 minute experience where participants learned about challenges through facts, fictional scenarios and other learning techniques before being asked to consider what changes they would recommend. This innovative engagement tool helped get beyond “top of mind” views to true deliberation.
- In government digital engagements, especially those on controversial issues, participant comments are typically queued for moderator approval before being posted live. It was felt that this hindered open dialogue. Instead, all comments appeared live immediately. An AI system that removed and quarantined posts if they contained one or more inappropriate terms was used. Moderators also received a copy of all participant comments on their mobile devices and could manually remove any posts that did not contain these terms but still violated the terms of use. The result was a respectful, open and real-time dialogue between participants across Canada.
- The dialogue used Reddit to foster dialogue between Canadians – a platform especially popular with youth, one of the key audiences to engaged in the dialogue. This was one of the first times the Government of Canada has used Reddit for public engagement.
- Social media login was also used to remove typical registration barriers that can deter many participants from engaging in online dialogue (where user registration is required). A secure Facebook and Google+ login that made it easy for participants to jump right into the online conversation while also meeting all privacy standards was created.
- The use of social media advertising was unique and demonstrated the value of investing in proactive outreach to find and engage participants where they are on social.
- Finally, the in-person engagement of vulnerable groups through local partnerships and face-to-face dialogues was a unique and innovative complement to online P2.

**Independent References**

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3. Jorgina Sun (sexual assault survivor and rehabilitated offender)
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4. Karen Hillman (sexual assault survivor and victim’s advocate)
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Engagement website homepage for the National Dialogue

Transforming the Criminal Justice System

The Government of Canada is undertaking a broad review of Canada’s Criminal Justice System to ensure that it is just, compassionate and fair, and promotes a safe, peaceful and prosperous Canadian society. Find out more about why we are doing this. To help the department understand what Canadians expect from the Criminal Justice System, the Department of Justice held a public consultation from November 2017 to January 2018. The consultation period is now closed but this website is being maintained for information purposes. A report on the findings of this online consultation will be released in spring 2018. During the consultation, Canadians were able to share their views in the following ways:

Online Choicebook
Canadians could learn more about the issues facing Canada’s Criminal Justice System by reading the Choicebook, an interactive educational tool, and provide their feedback on how the Criminal Justice System could be improved.

Online Discussions
Participants could join other Canadians in a dialogue on five key issues. Although the online discussions have now been closed, you can still view the archived conversations under each topic.

Twitter Townhall
A Twitter Townhall with Marco Mendicino, Parliamentary Secretary to the Minister of Justice, was held on January 24. You can find the full conversation by searching for the hashtag #transformation on Twitter.

Email submissions
During the consultation period, Canadians could also send their views by email. If you have additional comments to share, you can still send them to us at DRIIP_RU@justice.gc.ca.
Indigenous Over-Representation

Indigenous people are over-represented in Canada's Criminal Justice System, both as victims and as offenders. Indigenous adults represent 4.1% of the total Canadian adult population, but 26% of adults in federal custody. There are many reasons for this, including:

- Various social and economic factors and conditions
- Lack of access to services and supports
- Intergenerational trauma
- Discrimination in the system

What do you think can be done to better support Indigenous people across the Criminal Justice System? Learn about Jorgina's story below. You can also watch Devon's story.

Discussion Questions:

- What changes would you make to the Criminal Justice System to better support Indigenous people?

Archived Comments (55)

Post a comment below or respond to what other Canadians have said about this issue. Please stay on topic and be respectful to others. For more information on our commenting policies, please read our terms of use.

Sort by: select option

I believe we know that “our Indigenous people are over-represented in Canada’s Criminal Justice System, both as victims and as offenders.” AND yet as @danovich points out in his tweet “In 1991, the Manitoba Aboriginal Justice Inquiry (headed by @tflindermann) correctly called out as racism the use of preemptory challenges to remove all Aboriginal jurors in the trial of the two men accused of killing Helen Betty Osborne.” Indigenous people are under-represented (eliminated, shunned, not valued as peer members of society) in our justice system 2010-1991 = 27 years later! It appears, in my opinion, this systemic racism still exists in Canada, namely “trial of Gerald Stanley accused of killing Colton Boushie.” I am no lawyer but would hope that David M. Tanock, a Professor at the Faculty of Law, University of Windsor; Senator Murray Sinclair, Margaret Froh (Lawyer) President of the Métis Nation of Ontario, Professor Karen Drake (Métis Lawyer) Osagood Hall Law School faculty, Jason Iddenden & Jean Teillet both Métis Lawyers & Partner at Pape Saltier Teillet, David Khan a Calgary lawyer who practices indigenous law are all consulted in the transformation of our Criminal Justice System and absolutely in leadership roles, facilitator positions, as well as in the ongoing review of this much needed transformation. I trust their professionalism, integrity, & solid Canadian values. https://twitter.com/ctanovich/status/551431553932581778

John M. 01/01/2016 at 6:32 pm

In support of above comment: “the deck is stacked against Indigenous people in Canada when it comes to jury selection” That is a big problem that we have known about for decades. In 1991, the Manitoba Aboriginal Justice Inquiry (AJI) chaired by Justice Alvin Hamilton and then-Justice, now Senator, Murray Sinclair, found that the white men accused in the murder trial of a young Cree woman Helen Betty Osborne were able to have a jury with no Indigenous people for a trial in Northern Manitoba where 50 per cent of the population was Indigenous. I find this very troubling, not my Canadian values. 65% of population was Indigenous!


Article 275/115/
• Previous page: One of the online discussions with participant conversation.
• Below top-left: Parliamentary Secretary of Justice, Marco Mendicino, responding to participant comments during the Twitter Townhall.
• Below top-right: The Parliamentary Secretary and departmental team when they saw the Townhall had been trending nationally on Twitter as a top conversation.
• Bottom: The Parliamentary Secretary and departmental team moderating the Twitter Townhall.