

## Note from the editor

As part of Maytree's "[Advancing justice](#)" series, we asked two law students to reflect on the issues associated with the lack of diversity in the professions that serve within the criminal justice system. The following essay is a contribution from Kaylee Rich and Harsimran Sidhu both of whom are second year students at the Lincoln Alexander School of Law at Ryerson.

In their essay, Ms. Rich and Ms. Sidhu consider how various and often overlapping negative experiences in the lives of youth from Black, Indigenous, and racialized communities can act as barriers to pursuing careers in the criminal justice system. Their contribution is aligned with themes that have explored thus far in the series: how when systems do not fulfill the human rights of all members of the community, they create and recreate poverty and greater vulnerability to involvement with the criminal justice system. As well, the following contribution is consistent with Maytree's ongoing work in upholding the [Right to Education](#). A right to education means that education is guaranteed for all without discrimination; that states and all involved in the delivery of public education have an obligation to protect, respect and fulfil this right for all students.

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## Exclusion: A reflection on the contributing factors to the lack of diversity in criminal justice professions

By Kaylee Rich and Harsimran Sidhu

### Introduction

The Canadian criminal justice system is intended to ensure the safety and wellbeing of all community members. However, due the widely recognized systemic racism in the criminal justice system, this is clearly not the case. One aspect of this systemic racism is the lack of diversity, equity, and inclusion in the professions that serve in the system. Simply speaking, members of Indigenous, Black, and other racialized communities do not see themselves reflected in the people who wield power in the justice system. This is not just about numbers; it is also about the inclusion of pertinent life experiences in the professionals whose decisions have significant impact on members of these communities.

To address this aspect of the systemic racism in the criminal justice system, there have long been calls to increase diversity among professions serving the system. These professions include lawyers, judges, police officers, and correctional officers. But while there is encouragement and space being made for Black and Indigenous individuals, such as the Indigenous stream of application for Ontario law schools, the systemic barriers to diversity in these professions begin well before young people start to choose their future careers.

# Advancing justice

In this paper, we seek to explore the lack of diversity in professions serving the criminal justice system as a result of three interrelated sets of experiences that serve to *exclude* racialized youth in Canadian society rather than *include* them:

1. Negative community experiences with the criminal justice system early in life;
2. Experiences of direct or systemic racism in the school system; and
3. Effects of poverty on the pursuit of careers in the criminal justice system.

By acknowledging and mediating the impact of these experiences, we can increase both interest in and diversity within the criminal justice professions.

## **Negative community experiences with the criminal justice system**

Negative community experiences with the criminal justice system early in life leads to a diminished trust in the system and its representatives. Experiences of over-surveillance by police as well as carding of Indigenous and Black members of society have been well documented. Rather than feeling served or protected, the experiences of Indigenous and Black communities and families are too often negative. Not surprisingly, when there is diminished trust, or even distrust, of the representatives of the criminal justice system, the result is a lack of motivation or interest by youth to aspire to a career in that system. Furthermore, negative community experiences often lead to legal consequences that limit future opportunities in education and, subsequently, criminal justice professions.

The lack of trust in police by Black and Indigenous individuals has been commonly acknowledged for some time and was recently re-confirmed in a study evaluating the perceptions of police in Canada by youth (Roberts, 2021). Additionally, studies have found that being questioned by police early in life is an indicator of being arrested later in life (Crutchfield, Skinner, Haggerty, 2009). Black males are also more likely to have contact with police before the eighth grade (Crutchfield, 2009), and are therefore more likely to have been involved with the criminal justice system in their youth.

Moreover, criminal records, with few exceptions, are recognized as significant barriers to achieving employment within the criminal justice system. Criminal records are a barrier to applying and attending college, a requirement for most positions within the criminal justice system (Soloman, 2012), and numerous studies demonstrate the relationship between arrest and high school dropout, making college admission more unlikely (Bernburg & Krohn, 2003; Hirschfield, 2009; Hjalmarsson, 2008).

What's more, this experience is intergenerational. Youth with parents who have been arrested are more likely to be arrested themselves (Crutchfeild, Skinner, Haggerty, 2009). The negative experience of arrest fosters unfavorable attitudes towards the criminal justice system.

The overall experience is that of exclusion from the societal benefits that are supposed to be achieved by a criminal justice system: service and protection. When one experiences ongoing exclusion from systems, there is little motivation to try to be included.

However, despite these exclusionary experiences, simple inclusionary practices can motivate racialized youth to want to help eliminate injustice and join criminal justice professions (Disha, Eren, & Leyro, 2020). This is the most common when youth have a connection with someone working within the criminal justice system that fosters empowerment (Disha, Eren, & Leyro, 2020). That said, without a connection, there is a decreased likelihood that these individuals will find criminal justice professions desirable.

## **Experiences of direct or systemic racism in the school system**

The second systemic barrier associated with low levels of diversity in criminal justice professions is rooted in the education system. Most criminal justice professions require post-secondary education, which can be more difficult to achieve for Black and Indigenous students due to barriers experienced in school. School systems have not responded to the needs of Indigenous and Black students, despite various efforts made by community members, researchers, and educators to bring these issues to light.

This is a longstanding issue. Stephen Lewis, former leader of the New Democratic Party in Ontario, noted in 1992 in *Report on Race Relations in Ontario* that Black students are disproportionately dropping out and being inappropriately streamed in school (Chada, Herbert, & Richard, 2020). This report was released nearly thirty years ago. What Lewis described then, unfortunately, still holds true today. Similarly, the 2008 *Review of Roots of Youth Violence* report, authored by McMurtry and Curling, found that overlapping experiences of exclusion, including within school systems, negatively impacted the life trajectories of Indigenous and Black youth, often leading to increased involvement with the criminal justice system.

One of the exclusionary practices used against Indigenous and Black youth in school systems is suspensions and expulsions. A recent review of the Peel District School Board of Ontario, led by Ena Chada, Suzanne Herbert, and Shawn Richard in 2020, found that although Black students only made up 10.2 per cent of the secondary school population in Peel, approximately 22.5 per cent of students receiving suspensions were Black. More troublesome was that approximately 78 per cent of the suspensions did not fit the parameters of the definitions set out by the Ministry of Education on suspensions (Chada, Herbert, & Richard, 2020).

Having authoritative and exclusionary action being taken against them as early as junior or senior kindergarten contributes to Black youth's experiencing injustice and a

lack of trust in systems, including the criminal justice system. Black students are being disproportionately targeted by a system that should employ a basic set of principles and directions to ensure all students are being treated fairly and equally, and not on the basis of their race.

Another destructive exclusionary practice is that of educational streaming. Data clearly shows that Black students in the Peel District School Board, especially males, “are disproportionately represented in … streaming” (Chada, Herbert & Richard, 2020, p. 19). Such streaming has grave consequences on educational outcomes for Black students as they are streamed into education tracks that preclude postsecondary education, limiting the number of career pathways available to pursue (Chada, Herbert & Richard, 2020). Black students have voiced that they feel undervalued and mis-tracked by their teachers due to a perception about their abilities based on race (Chadam, Herbert & Richard, 2020). The lack of counselling, guidance, and encouragement from educators and staff leaves students with little to no means of achieving their full potential.

The report on the Peel District School Board is an insightful look into the experiences and perspectives of Black students from a very young age. However, the Peel District School Board is only one example of systemic racism within school systems; to fully understand the detrimental impact of systemic racism on educational outcomes, these same themes must be further explored across all school systems. A replication of the research methods employed in this report in other school districts across the country would allow various stakeholders to evaluate appropriate responses to address systemic racism within the school system.

## **Effects of poverty on the pursuit of careers in the criminal justice system**

In 1989, the House of Commons in Canada set out to solve child poverty in Canada by 2000 (Rothman, 2007). This goal was not met and has not improved much since. Between 2004 and 2018, every province, as well as the federal government, developed and published poverty reduction strategies. Yet, data collected in the 2016 Canadian census indicated that in Canada 1.3 million children live in poverty and one-third of food bank users were children (Canada Without Poverty, Just the Facts 2021). Furthermore, the racialization of poverty is well documented (Colour of Poverty, 2019). Notably, 40 per cent of Indigenous children, and 60 per cent of Indigenous children living on reserve lands, live in poverty.

Poverty has long been identified as having a significant impact on academic achievement (McKenzie 2019). The challenges faced by children living in poverty extend from long-term chronic stressors that impact emotional and cognitive development, to physical health and lack of parental supervision leading to social

difficulties (Jensen, 2009). This often leads to difficulty in the classroom (McKenzie 2019), and for reasons mentioned above, can become a barrier to achieving a postsecondary education, thus limiting opportunities in the criminal justice system.

Moreover, youth who grow up in poverty are more likely to experience psychological stress (McLeod & Shanahan, 1993) in addition to behavioural and health problems (Duncan, Magnuson, Votruba-Drzal, 2017). Prolonged stress is frequently caused by financial difficulties, negative environmental factors such as neighbourhood or overcrowded living conditions, and parental hardships such as mental health issues or family breakdown. In turn, prolonged stress can cause irregular emotional responses in parents and youth, decreasing the chances the child will excel socially or academically (Sobowale & Ross, 2018). Professionals within the criminal justice system are not typically positively regarded among impoverished neighbourhoods or among those struggling with mental health.

In addition to these personal and familial factors is the fact that postsecondary education in Canada is expensive. For families with little to no disposable income, postsecondary education can be unattainable, despite student loan programs, which simply defer the financial burden. Many countries around the world, recognizing the importance of postsecondary education in a knowledge-based economy, have moved to either free or nominal cost for postsecondary education (Canadian Federation of Students, 2015). Canada has not. Recognizing that poverty in Canada is racialized, the financial barriers to postsecondary education have a disproportionate impact on Indigenous and Black youth, limiting their access to careers of all types including in the criminal justice system

## Conclusion and a way forward

We explored three sets of exclusionary experiences by Indigenous and Black youth in this paper: exclusion from a sense of being served by the justice system; exclusion from the right to access education; and the exclusions that comes from the limited choices that often accompany poverty. An individual can, and often does, experience a combination of two or all of these factors in addition to possible others (Disha, Eren, & Leyro, 2020). When several sets of exclusionary phenomenon are suffered, the result is not simply additive. Rather, the experiences amplify each other with severe consequences. One of the results is a significant and ongoing lack of diversity in criminal justice professions, perpetuating cycles of exclusion. How can we as a society break these cycles?

First, with respect to negative interactions between the criminal justice system and youth in racialized communities, there have been several reports issued by various

# Advancing justice

groups such as the Ontario Human Rights Commission (OHRC) including the recently released *Framework for change to address systemic racism in policing* (OHRC, 2021). Through this framework, the OHRC calls on Ontario to establish a legislative and regulatory framework to directly address systemic racism in policing and specifies how this can be accomplished. Among the 10 sets of recommendations is one that advocates for mandating race-based data collection and analysis across the spectrum of officer activities, including stop and question practices, charges, and arrests. It will take strong and sustained leadership on the part of the government to enact the changes identified by the OHRC.

Second, with respect to exclusionary and discriminatory practices against Indigenous and Black youth in school systems, school boards must critically examine themselves, with the involvement of the community, using similar methods as has been used at the Peel District School Board. Furthermore, decisive and strong leadership in school boards to create the change required is urgently needed. The Peel District School Board has embarked on this much needed road to change with strong leadership, but this needs to be sustained, its efforts must be replicated in school boards across the country, and government leadership is required to ensure that everyone's right to education is upheld.

Third, government leadership is needed to develop and implement strong policies and effective programs to tackle the ongoing poverty in Canada, the disproportionate impact of poverty on Indigenous and Black communities, and the impact of poverty on educational attainment. One possible solution is to replicate the efforts of many European countries that have done away with tuition for postsecondary education.

Finally, the encouragement, mentoring, and active positive engagement by criminal justice professionals with Indigenous and Black children and youth can have significant impact on the desirability of a career in the criminal justice system. Included in this are mentorship programs for youth who wish to pursue legal careers or other justice professions, as well as targeted HR recruitment and retention programs specifically designed to improve diversity.

The ideas suggested above are not intended to be an exhaustive list. However, by targeting the effects of racism at their root, the outcomes can be adjusted, and the cycles stopped. More effort should be put into recognizing, understanding, and mediating the effects of these factors to increase the pursuit of criminal justice professions by racialized individuals. Only when young people from racialized communities see themselves reflected in the criminal justice professions, may they be better motivated to pursue such careers.

# Advancing justice

## Authors:

Harsimran Sidhu is a second-year law student at the Lincoln Alexander School of law at Ryerson University and received her undergraduate degree from McMaster University in Political Science (B.A. Hons).

Kaylee Rich is a second-year law student at the Lincoln Alexander School of Law at Ryerson University and received her undergraduate degree from the University of Ottawa in Psychology (B.A Hons).

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# Advancing justice

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This essay is part of Maytree's "[Advancing justice](#)" series, which explores the relationship between human rights, poverty, racism, and the criminal justice system.