



THE
SENTENCING
& PAROLE
PROJECT



Transforming the Sentencing and Rehabilitation Landscape for Black and Racialized Defendants

November 2025



Sentencing is about judging a fellow human being. The more a sentencing judge truly knows about the offender, the more exact and proportionate the sentence can be. Sometimes it should include a broad swath of relevant historical, social, and cultural knowledge.

An IRCA gives the judge an opportunity to learn about how this relates to the offender. A sentence imposed based upon a complex and in-depth knowledge of the person before the court, as they are situated in the past and present reality of their lived experience, will look very different from a sentence imposed upon a cardboard cut-out of an “offender

- JUSTICE NAKATSURU, *R V JACKSON*, 2018 ONSC 2527

THE SENTENCING & PAROLE PROJECT

The Sentencing and Parole Project (SPP) is a non-profit organization that was founded in 2020 by experienced criminal lawyers: Justice Faisal Mirza, Emily Lam and Anthony Morgan

The SPP prepares Enhanced Pre-Sentence Reports (EPSRs) for Black and racialized people marginalized by poverty and racial inequality

What is an Enhanced Pre-Sentence Report (EPSR)?

EPSRs are pre-sentencing reports that help sentencing judges better understand the effect of poverty, marginalization, racism, and social exclusion on the lived experiences of Black and racialized defendants. EPSRs explain how the defendant's lived experiences of racism and discrimination inform their personal circumstances, the offence committed, and their experience with the justice system

EPSRs are also known as Impact of Race and Culture Assessments (IRCAs), which originated in Nova Scotia and were first used in sentencing proceedings there



Eligibility



Funding for EPSRs is provided by the federal government but administered by Legal Aid Ontario



Individuals who identify as Black or racialized and who want an EPSR can get one if they have a Legal Aid Certificate



If the individual is not legally aided, they can pay privately for a report or the Court can recommend that an EPSR be prepared

SPP's Intake Process

Comprehensive intake form

Disclosure

Collateral sources

Records

Defendant's particular vulnerabilities

Funding confirmation

To develop an EPSR our Assessors:

- Interview the defendant, their family, friends and other potential relevant sources of information to get a full picture of their personal circumstances, lived experiences and current situation
- Initiate candid conversations about race and racism to explore and detail the impact of systemic racism and trauma in the defendant's life, and the factors that contributed to their trajectory into the criminal justice system
- Provide articles and research that may be of assistance in understanding the defendant's personal circumstances and experiences with systemic racism
- Collaboratively work with clients to identify supports that may assist the defendant in their path to rehabilitation
- The end result is an assessment of the defendant and their social context, including their challenges, strengths, supports and treatment options to assist judges in understanding the defendant and crafting a fit sentence

The use of EPSRs in sentencing proceedings

Is the recognition of anti-Black racism a new phenomenon in criminal law?

- Challenge for cause in jury trials (*R v Parks*)
- Racial profiling (*R v Brown* and other cases)
- Police interactions with racialized communities (*R v Le*)

Why does it matter?

- Overincarceration and mistreatment of Black and Indigenous offenders has been a long-standing problem in the criminal justice system, well-documented by the Office of the Correctional Investigator
- Perpetuates systemic racism and continues to contribute to the history of oppression experienced by Black, racialized and Indigenous communities

Systemic Racism as a Mitigating Factor

How does a judge consider the contents of an EPSR?

- Social disadvantages flowing from systemic racism can mitigate an offender's moral responsibility
- Sentencing judges must acknowledge societal complicity in systemic racism and ensure that the sentencing process itself does not foster that complicity
- The impact of racism on a defendant can be an important factor in determining a fit sentence for a racialized or Black defendant. This evidence is not only admissible but essential to understanding the defendant's trajectory into the criminal justice system.

How does a judge consider the contents of an EPSR?

- There does not need to be a direct causal link between the offence and the negative effects of anti-Black racism on the offender. There must, however, be some connection between the racism identified and the circumstances that are said to explain or mitigate the criminal conduct in issue
- Social context evidence can be relevant even if it does not mitigate the offender's moral culpability. It can also assist in determining the need for specific deterrence, the offender's rehabilitative prospects, or how to balance competing principles of sentencing

Step Stone Psychology



- Full service psychological service clinic
- Led by Dr. Barbara Mancini & Dr. Nina Vitopoulos (Forensic Lead)
- Psychologists, MSW (social work), psychotherapists
- Children, Teens, Adults, Parents, Families, and Couples
- Forensic team: Specialization in assessment and treatment with justice-involved youth, 'emerging adults,' and adults; as well as children at-risk of justice-system involvement
- Special programs in parent-child attachment, neurodiversity, 2SLGBTQIA+ care, executive functioning coaching

<https://www.stepstonepsychology.com/>

Step Stone Psychology (2)



- Forensic / Justice-involved Care Team
- Led by Dr. Nina Vitopoulos
- Assessment and Treatment across the lifespan
- Justice-involved clients & victims of /those who have been impacted by crime
- Trauma-informed and Trauma-specific care
- Two forensic-trained youth clinical psychologists
- Eight doctoral trainees (post-M.A.) directly supervised by Dr. V

PATH cases supervised but not necessarily only looking at criminogenic needs (i.e. mental health, life goals)

What is the PATH program?



- High-quality
 - Level of training matched to complexity of needs
 - All services Ph.D., psychologist delivered or supervised
- 5-10 sessions: goal focused, brief psychotherapy
- Low Barrier and Low Wait Time
- Services delivered in non-forensic setting
 - Aim to reduce ongoing stigmatization
- Trauma-Informed & Culturally Sensitive
 - Awareness of minority stress, impact of discrimination and chronic invalidation
 - Clinician matched to ethnic or cultural connection need

PATH Referral Process

SPP Clients

Lawyer referred

Reviewed and
matched by Step
Stone Team
(aim within 1 week)

Very brief Pre/Post
Measures

Client and clinician
decide request for
further sessions
(up to 10)

Notes on mental health
needs, current support,
cultural/ethnic needs as
well as motivation to
engage in care

Capitalizing on
engagement and
motivation

- BRIEF-COPE
- PHQ-9
- Qualitative
feedback survey

Short-Term: High Impact



Current funding for approximately 30 clients



Solution-Focused and Goal-Oriented Care

- Immediate Stabilization and Coping
- Risk Reduction
- Goal Setting & building future-orientation



Collaborative in goal identification



Based on a flexible, cross-modality model of care

- Length of time limited or less predictable
- Needs ranging from basic, safety-based, to self-actualizing; and can fluctuate
 - Hamel, K., Vitopoulos, N., McDonald, K., & Kidd, Sean. (2024). A Novel Framework for Guiding Psychotherapy for Youth Who Have Experienced Homelessness. *Professional Psychology: Research and Practice*. 55. 245-257. 10.1037/pro0000570.

PATH Sessions

- Client-led and life goal oriented
 - Collaboration to enhance sense of client control over therapeutic goals
 - Enhanced engagement
- Integrative Modalities
 - Motivational Interviewing/Goal Setting
 - Affirmative Cognitive-Behavioral-Therapy (CBT)(i.e., decision making, balanced thinking)
 - Dialectical-Behavioral-Therapy (DBT) (i.e., emotional regulation, distress tolerance, assertiveness)
 - Acceptance and Commitment Therapy (ACT) (i.e., identification of values and actions towards living these values)
 - Good Lives Model of addressing criminogenic needs (i.e., attaining primary goods of life in pro-social ways; reducing barriers)
- With client permission, brief summary of progress to EPSR team

Sample Five Session Model

Session 1 Stabilization & Foundation	Session 2 Setting Routines & Managing Risk	Session 3 Distress Tolerance & Emotional Regulation	Session 4 Pattern Awareness & Planning Ahead	Session 5 Putting it All Together & Imagining the Future
<ul style="list-style-type: none"> • Background • Goal Setting for sessions ahead • Immediate psychoeducation and strategy teaching if relevant 	<ul style="list-style-type: none"> • Setting up routines/schedules in keeping with client life goals • Problem solving barriers • Examining how to keep client 'safe' in higher risk situations should they exist (i.e., peers, economic need; unmet mental health needs increasing risk of substance use; reactivity in conflict) 	<ul style="list-style-type: none"> • Increase emotional awareness • Practical skills for coping with intense emotions • Balance of allowing for some defense and building awareness of use of emotion 	<ul style="list-style-type: none"> • Clients identify warning signs of slipping into 'old' behaviors/habits that move them away from their own values and goals; pre-emptively build action plan for high-risk moments (i.e., cope ahead plan) 	<ul style="list-style-type: none"> • Consolidate progress • Reinforce strategies and gains made • Plan for continued support



PATH to date

- 11 clients enrolled
 - 4 clients completed
 - 100% retention rate (all clients thus far have completed 5+ sessions)
 - 80% have asked for extensions of care (8-10 sessions)
- Initial post-PATH feedback indicates positive experiences with team; desire for ongoing, longer-term care & follow-up
 - “Ability to open up and have someone understand where they are coming from and a safe place to do so”
 - “I found the sessions helpful because they gave me a safe space to talk openly reflect and learn better ways to manage stress and communicate”

PATH in the future?



- Continued expansion of individual therapy program offering
- Groups
 - Young parent group
 - Group for parents of youth and emerging adults
 - Trauma-specific group
 - Gender-specific therapy groups
- Potential case management services to increase wrap around supports?

QUESTIONS?

- Thank you for inviting us to share our knowledge and experiences with you. We welcome any feedback and questions.

