



**M S C M**  
Montreal Southwest Community Ministries

# THE SOU'WESTER

MONTREAL-SOUTHWEST COMMUNITY MINISTRIES

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The Omnibus Bill C-10 has received Royal Assent. Has the Conservative government manipulated crime statistics to their own advantage?

The Government of Quebec responds with a plan for criminal justice (page 2). And, Human Rights Watch has released a report (page 7) on the soaring aging population of US prisoners, as just one of the many results of the harsh tough-on-crime laws already established in the US.

Will Canada suffer the same consequences that the US has by putting these tough-on-crime laws on the books? Will Quebecers be willing to pay millions to accommodate Bill C-10?

We welcome your letters and comments and offer our venue to express your thoughts and opinions.

Contact the Editor at [mscm@sympatico.ca](mailto:mscm@sympatico.ca).

## STATEMENT BY THE GOVERNMENT OF CANADA ROYAL ASSENT OF BILL C-10

*Ottawa, March 13, 2012:*

The Honorable Rob Nicholson, Minister of Justice and Attorney General of Canada, accompanied by the Honourable Vic Toews, Minister of Public Safety, The Honourable Jason Kenney, Minister of Citizenship and Immigration, and Senator Pierre-Hugues Boisveu made the following statement today:

"We are very pleased to announce that today our Government's *Safe Streets and Communities Act* received Royal Assent. During the last election campaign, we made a commitment to better protect Canadians by reintroducing the suite of law-and-order measures contained in this legislation. We promised to do this within the first 100 sitting

days of Parliament, and we have delivered.

"One of the greatest responsibilities we have as a government is to protect Canadians and ensure that those who commit crimes are held to account. Canadians are rightly concerned that police-reported child pornography incidents increased by more than 30 percent in 2010 and that drug crimes have been rising since the 1990s.

"Canadians gave our Government a strong mandate to crack down on child predators and violent drug dealers. By moving expeditiously to reintroduce the *Safe Streets and Communities Act*, our Government is fulfilling its commitment to protect families and hold criminals accountable. By imposing

sentences that are in proportion to the crimes committed, this Bill recognized that victims have suffered and gives them confidence in Canada's justice system.

"Canadians want and deserve to feel safe in their homes and communities and this means that dangerous criminals need to be kept off our streets. Our Government is committed to ensuring that criminals are held fully accountable for their actions and that the safety and security of law-abiding Canadians comes first in Canada's judicial system.

"We will continue to fight crime and protect Canadians so our communities are safe places for people to live, raise their families and do business."

## GOVERNMENT OF QUEBEC RESPONDS

*Quebec City, March 13, 2012:*

Following the adoption by the House of Commons of Bill C-10, the Minister of Justice and Attorney General of Quebec, Mr. Jean-Marc Fournier, announced some measure on crime prevention and rehabilitation of youth.

"Quebec has one of the lowest rates of youth crime in America for 25 years, and the recurrence rate is also

among the lowest. This must remain. On the one hand, the crimes must be punished. On the other hand, every effort should be made to fight against recidivism," said the Minister.

*The Impact of the Law:*

The Quebec Government estimates between 40 and 80 million annually the costs of implementing the new Federal law in Quebec,

and that's not counting the capital. Investments for the construction of new prisons could reach over 750 million more, according to estimates from the Department of Public Safety. In this context, Minister Fournier continues to appeal to an awareness of the federal authorities and reiterates its request to Ottawa to assume the costs of its initiative.

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## GOVERNMENT OF QUEBEC RESPONDS A PLAN FOR CRIMINAL JUSTICE

*"Laws alone cannot secure freedom of expression; in order that every man present his views without penalty, there must be a spirit of tolerance in the entire population."*

*Albert Einstein*

Minister Jean-Marc Fournier noted its support for several provisions of the new law. For example, it supports those on pre-trial detention of adolescents who have committed serious crimes, or those which allow the court to obtain a more complete portrait of adolescents in order to take into account extrajudicial sanctions imposed in the past.

In addition, Mr. Fournier presented his plan to fight against recidivism in order to avoid multiple victims. This plan focuses on Quebec's expertise of over 45 years on prevention and rehabilitation.

Thus, with the backing of all Quebec agencies working in this area, Minister Fournier intends to update guidance for the Director of Criminal and Penal Prosecutions regarding youth justice.

The orientation will state that the decisions of the prosecutor, which is a primary worker in the justice system for adolescents, shall seek to

ensure the sustainable protection of the public. This principle leads to an emphasis on rehabilitation and reintegration of youth and the search for fair and proportionate accountability, consistent with their dependency and their maturity.

Then, the orientation will emphasize the importance of following the teachings of the Supreme Court of Canada, according to which society is best protected by the reformation, rehabilitation and social integration of a teenager, and the need for fair and proportionate sentencing. These teachings must be used in exceptional cases referring to the new provision to disclose the identity of a teenager. With the aim of rehabilitating young offenders, the publication of the identity must remain an exception.

Moreover, the new law now requires the prosecutor's obligation to determine whether the offender presents a demand for liability to an adult sentence and to inform

the court of its failure to do so, if the offender who committed a serious crime is either 14 years or under age 16. Minister Fournier will present a decree setting 16 years as the minimum age applicable to frame this obligation.

The Minister also recalled that the Director of Criminal and Penal Prosecutions established on February 1, 2012, the Office of Youth Affairs, which includes specialized prosecutors in juvenile delinquency records. He welcomed this initiative which will lead to more uniform and efficient records of young people throughout Quebec and facilitate the implementation of new guidelines and respect Quebec's model of justice for adolescents.

To support rehabilitation, the Minister of Justice announced its intention to establish, in collaboration with several partners, a new court-ordered drug treatment program. Work is underway and the program could be implemented in Montreal this year, then decreased gradually throughout the province.

## MP'S BILL TARGETS EXTENDED EI FOR SOME EX-CONS

A Conservative back-bencher wants to change a law by which some former criminals can qualify for twice as much time on employment insurance as law-abiding Canadians get. But opposition members say tightening the EI rules will lead to increased crime, as destitute convicts find themselves on skid row after serving their time.

Tory MP Dick Harris, who introduced the private member's Bill C-316, said it's wrong that criminals get 'pre-

ferential treatment'.

To qualify for EI benefits, a Canadian worker must have worked enough hours to qualify for benefits in the 52 weeks before the claim. Those who qualify can then collect up to 52 weeks of EI payments. Convicted criminals, however, can collect benefits for twice as long—up to 104 weeks—when they finish their sentence. This special consideration for convicts was implemented in 1959 by the PC government of John Diefenbaker.

Similar extensions are given to some unemployed Canadians who are pregnant, ill or injured.

The bill is at committee stage and will soon return to the House for third reading. Opposition MPs warned that altering the law would likely drive up recidivism.

Liberal MP Rodger Cuzner said ex-criminals who receive EI will be less desperate, and therefore less likely to re-offend. Without a little bit of money, he said, "you'd be breaking into houses, selling drugs, and using the tricks you learned on the inside."

## IN PERSON PROFILE

*The Sou'Wester* was pleased to sit down with Teng Teng Gai, a 2-year volunteer with **MSCM** and currently active with **MSCM's CoSA-Project Division**. Teng holds the position of Project Associate.

*Q. We understand that you are very active in our **CoSA-Project Division**. What brought you to **MSCM**?*

*A.* Having taken several legal philosophy classes at Concordia University, I was intrigued by possible alternatives to punitive justice. I suppose that it was intellectual curiosity that lead to volunteering with **CoSA**. I wanted to witness the principles of restorative justice in action. I first came into contact with **MSCM** at the Concordia Volunteer Fair. The other NGOs at the fair all had big and glossy signs over their stands. What caught my eye was the **MSCM** stand with its small wooden sign. I walked over and talked to the person behind the stand, learned more about **MSCM-CoSA**, and the rest was history.

*Q. How do you see your volunteer work fitting in with your career goals?*

*A.* My volunteer work has allowed me to acquire a more nuanced understanding of crime and the multitude of personal and socio-economic factors which influence it. One of the most important insights that I have learned is that individuals can rarely be understood in reference to static labels since each individual is shaped by circumstances that are sometimes beyond their control.

This insight has allowed me to have a more humane understanding of human nature and is one of the driving forces behind my career goal of promoting social justice as a lawyer.

*Q. How would you measure the value of **CoSA's** in our community today?*

*A.* I believe that **CoSA** is a valuable, and perhaps even necessary, part of the community. **CoSA** provides the support that is generally lacking when many guys reach the end of their mandates and are let out into a community which may seem alienating and unfamiliar. The support that **CoSA** provides is invaluable for the reintegration process and is effective in

helping to meet the needs of the guys and thus reduce the likelihood of further victimization.

*Q. **CoSA's** (Circles of Support and Accountability) are one of the most difficult volunteer roles at **MSCM**. Have you been receiving valuable support?*

*A.* Absolutely, I am fortunate to have a close group of trusted friends and family whom I can talk to and get advice on any number of things going on in my life. I strongly believe in **CoSA** because I have experienced first hand the positive impact that dialogue can have in terms of support and accountability.

*Q. What would you like to pass on to volunteers who are contemplating joining **MSCM**?*

*A.* Try to detach yourself from societal and personal biases. Remain critical, but approach things with an open mind. If all else fails...go talk to Peter!

*Editor's Note: "Peter" is Peter Huish, the founder of **MSCM** and a Community Chaplain.*



Teng Teng Gai

*Volunteers don't get paid,  
not because they are worthless,  
but because they are priceless.*

*Sherry Anderson  
Canadian Curler, Delisle, Saskatchewan*





**MSCM**  
Montreal Southwest Community Ministries

*The best way to find  
yourself, is to lose  
yourself in the  
service of others.*

*Ghandi*

Donations of time  
and service are  
also welcome.  
We are especially  
looking for volunteers  
who would be  
interested in  
escorting.

Please contact our offices  
either by phone or email:  
(514)244-6147  
mscm@sympatico.ca

Please mail your  
cheques to:

**MSCM**  
1439 St. Catherine St.  
West  
Montreal, QC  
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## WHO IS THIS?



After an overwhelming number of guesses,  
**The Sou'Wester** is pleased to provide the answer:

**Joe** (a.k.a. Joey)

One of the courageous participants in **MSCM's CoSA-Project Division's** video,  
entitled "**One of Us**".

Congratulations to our winners: Laura and Gordon!

## PLEASE SUPPORT MSCM

**MSCM** is a volunteer organization welcoming ex-offenders back to the community by supporting them in their social, spiritual, social, emotional and practical needs. We foster restoration and accountability and attend to the needs of all those affected by crime.

**MSCM** has relied upon support from the Community Chaplaincy of Montreal (Aumônerie de Communautaire de Montréal) and individual donors like you. The stigma associated with offenders brings financial and other challenges with it. Your contribution helps.

**I support *MSCM* and their programs and am enclosing a donation of:**

☐ \$25      ☐ \$50      ☐ \$100      ☐ Other: \_\_\_\_\_

*Note: Cheques less than \$50 should be made payable to **MSCM**.*

*Cheques greater than \$50 should be made payable to:*

**Anglican Diocese of Montreal, memo: MSCM.**

*Tax receipts will be issued for donations of \$50 or greater.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

## CAN YOU IDENTIFY THIS PERSON?

**Clue:** This 'studious' girl has grown up to become an active member of the **MSCM** community.

Can you identify her? Make your best guess and give to Paula. The identity will be revealed in our next issue.

*Editor's Note: Do you have a picture you would like to submit?  
Contact Paula  
(in complete confidence)  
and she will be glad to post it  
in the next issue of **The Sou'Wester**.*



**WHO IS THIS?**

## MSCM's GUIDING PRINCIPLES

**MSCM** (Montreal-Southwest Community Ministries) is a non-profit (essentially volunteer-driven), English-speaking organization, working in accordance with the principles of Restorative Justice for a safe community, through the accompaniment and re-integration of those who have served time in a penitentiary.

**MSCM's** Guiding Principles are:

1. Serve the needs of those who are or have been under correctional mandate either institutionally or in the community.
2. Maintain identity as an expression of community chaplaincy.
3. Be an informed voice on justice and corrections issues.
4. Be essentially volunteer-driven and build community.
5. Build and maintain connections with important allies and partners.
6. Widely promote the work of **MSCM**.





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*Let us learn to  
appreciate there will  
be times when the  
trees will be bare,  
and look forward to  
the time when we may  
pick the fruit.*

*Peter Seller*

## **EMPLOYMENT BARRIERS FOR EX-OFFENDERS**

Finding work in a shaky Canadian economy is one thing, but what's it like to hunt for a stable job as an ex-convict?

The RCMP says about 4.2 million adults living in Canada (or roughly one in 10 people) now have a criminal record. Justice Canada estimates that 600,000 Canadians have a criminal record for marijuana possession—a minor offence which, even if committed once, could dog a prospective employee for the rest of his or her life.

Aside from the black mark a criminal past might bring against hiring prospects, a former offender keen to start fresh with an honest career path will likely run up against a suite of obstacles.

Over forthcoming issues of *The Sou'Wester*, we will be outlining the seven recognized employment barriers ex-offenders face in getting hired once out of prison.

### ***Employment Barrier #1: The Pardons System***

Obtaining a criminal pardon has never been trickier for ex-offenders, according to Willie Gibbs, the former chair of the Parole Board of Canada.

The Conservative government has quadrupled the cost of getting a federal pardon to \$631 from \$150—a prohibitively expensive hike for many seeking a clean slate and already facing limited job opportunities.

"It's terrible for the people trying to come out and make their way in life as law-abiding citizens," Gibbs said, adding that during his time as Chairman of the Parole Board from 1994-2000, applying for a pardon only cost \$50.

The Board recently estimated that it expects to process 15,000 pardon applications annually, down from 27,750. Public Safety Minister, Vic Toews said the steep fee increases would ensure taxpayers don't have to subsidize the process, reasoning that the new payment structure was adjusted for inflation and workload increases. "People aren't entitled to pardons; that's something society decides," Toews said in February.

Parliament toughened the pardon rules in 2010 with Bill C-23 Part A. The second part of Bill C-23 (as part of the Omnibus Crime Bill C-10), pardon eligibility wait periods will be further extended after completion of a sentence.

- ♦ The ineligibility period to apply for a record suspension for a minor or summary conviction offense (e.g. driving under the influence, assault, possession of narcotics) would increase to five years; previously the wait time was three years.
- ♦ The ineligibility to apply for a record suspension for a more serious or indictable offence (e.g. possession for the purpose of trafficking, assault with a weapon) would jump to 10 years; previously the wait time was five years.
- ♦ If you have three indictable offenses with more than two years of jail time, you can't get a pardon.

Gibbs objected to the lengthened ineligibility periods for pardons. "Your criminal life is way behind you and you're going to be too old before you can apply for anything". For example, you'll do your two years, get out, then you'll have to finish your two years probation. And until that two years probation is up, that's when the five years, or whatever you need for the pardon, will kick in.

According to Michael Ashby, the Director of the non-profit National Pardon Centre in Montreal, more than 96% of the 400,000 people issued pardons since 1970 have never re-offended.

*Source: Redemption Inc. (CBC.ca)*

## USA:

**NUMBER OF AGING PRISONERS SOARING**

Aging men and women are the most rapidly growing group in US prisons, and prison officials are hard-pressed to provide them appropriate housing and medical care, **Human Rights Watch (HRW)** said in a report released in late January 2012. Because of their higher rates of illness and impairments, older prisoners incur medical costs that are three to nine times as high as those for younger prisoners.

The 104-page report, *Old Behind Bars: The Aging Prison Population in the United States* includes new data **HRW** developed from a variety of federal and state sources that document dramatic increases in the number of older US prisoners.

**HRW** found that the number of sentenced state and federal prisoners age 65 or older grew at 94 times the rate of the overall prison population between 2007 and 2010. The number of sentenced prisoners age 55 or older grew six times the rate of the overall prison population between 1995 and 2010.

"Prisons were never designed to be geriatric facilities," said Jamie Fellner, senior advisor to the US Program at **HRW** and author of the report. "Yet US corrections officials now operate old age homes behind bars."

Long sentences mean that many current prisoners will not leave prison until they become extremely old, if at all. **HRW** found that almost 1 in 10 state prisoners (9.6%) is serving a life sentence. An additional 11.2% have sentences longer than 20 years.

**HRW** visited 9 states and 20 prisons to interview prison officials, corrections and gerontology experts, and prisoners. **HRW** found officials scrambling to respond to the needs and vulnerabilities of older prisoners. They are constrained, however, by budgets, prison architecture not designed for common age-related disabilities, limited medical facilities and staff, lack of planning, lack of support from elected officials, and the press of day-to-day operations.

While serving time in prison can be hard for anyone, it is particularly challenging for the growing number of older prisoners who are frail, have mobility, hearing and vision impairments, and are suffering chronic, disabling, and terminal illnesses or diminishing cognitive capacities, **HRW** said.

Prison staff who work with the elderly know it makes no sense to yell at a prisoner who doesn't understand what they are saying," Fellner said. "As one sergeant told me, staff have to give older prisoners a little more 'leeway' when it comes

to enforcing the rules."

The number of aging prisoners will continue to grow, **HRW** found, unless there are changes to harsh 'tough-on-crime' policies, such as long mandatory minimum sentences, increasing life sentences, and reduced opportunities for parole. Many older prisoners remain incarcerated even though they are too old and infirm to threaten public safety if released, **HRW** said.

"How are justice and public safety served by the continued incarceration of men and women whose bodies and minds have been whittled away by age?" Fellner said.

Among its recommendations, **HRW** urges state and federal officials to:

- ♦ Review sentencing and release policies to determine which could be modified to reduce the growing population of older prisoners without risking public safety;
- ♦ Develop comprehensive plans for housing, medical care and programs for the current and projected populations of older prisoners; and
- ♦ Modify prison rules that impose unnecessary hardship on older inmates.

*Editor's Note: Human Rights Watch (HRW) Canada can be found at [www.hrw.org](http://www.hrw.org).*

*"You need to be aware of what others are doing, applaud their efforts, acknowledge their successes, and encourage them in their pursuits.  
When we all help one another, everybody wins."*

*Jim Stovall  
US author and  
motivational speaker*





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## MIND TEASER

### WHAT WORD AM I?

My first consists of level ground.  
My second a peevish fit.  
My whole goes to the courthouse bound  
To tell his wrong and win redress for it.

-----  
*Note: Correct answer will be published in next issue.*

## THE LAST LAUGH

*Give us a sense of humour  
Give us the grace to see a joke  
To get some humour out of life  
And pass it on to other folk.*

- ◆ When a clock is hungry it goes back four seconds.
- ◆ The batteries were given out free of charge.
- ◆ When you have seen one shopping centre, you've seen a mall.
- ◆ Did you hear about the fellow whose whole left side was cut off? He's all right now.
- ◆ A professor discovered that her theory of earthquakes was on shaky ground.
- ◆ When fish are in schools, they sometimes take debate.
- ◆ He had a photographic memory which was never developed.