

the Sou'wester

Summer 2019

ON GROWING OLD IN PRISON

Wandering around a federal prison, my future is all around me.

They are wheeled around by other inmates; they creak and waddle to and from the cafeteria at mealtimes; they wander in the noonday sun talking to themselves. They occupy prison hospital lineups in increasing, and heavy numbers. It's a silent, hidden and terrifying way to go gently into that good night. But as often as not, these older folks are *smiling*. As has been observed, old age brings quietude and good behaviour, even as the mind drifts away like the tides.

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GETTING TO KNOW RESTORATIVE JUSTICE

Restorative Justice is a frequent topic of discussion at many Communitas gatherings as well as in this newsletter.

With the upcoming Restorative Justice week in November, the question often arises about what restorative justice is, and what place it has in our justice system.

The roots of restorative justice can be found in the practices of many Indigenous populations around the world, including the many Indigenous nations across Canada and the United States. The name restorative justice was adopted in the late 60s in academic circles, with the first instance of its use in a Canadian criminal process in Elmira, Ontario in 1974 where two youths were accused of vandalism after an evening of drinking. The youths made amends to the victims by repairing the damage.

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We would love to hear from you!



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The Sou'Wester name is a reference to Montreal's Southwest, where Communitas began its work in 1999 and is still based today.

 @communitas_MTL
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GROWING OLD IN PRISON

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National attitudes towards the aging in prison play out in each country's laws.

In Italy, it is illegal to hold someone in jail after the age of 72 if they had a clean criminal record before their crime, and the crime is non-violent in nature. The law was enacted by Silvio Berlusconi, a prime minister in his 70s whose behaviour was sometimes less than legal. There was some self-interest in that particular Italian social advance.

Germany's parole boards will let prisoners out on compassionate grounds after they pass age 70. Spain leaves the door open for many imprisoned after the age of 60. But like Belgium and Britain, Canada does not flinch from keeping the old locked up for things they did long, long ago in their lives – in a time they themselves cannot remember.

And across the continent of Europe at least, such parole provisions are tightening up rather than loosening, observes *la Fondation Robert Schuman*, a French research institute focusing on European affairs.

GRANNY-DUMP MOUNTAIN

The Japanese have a term for their large numbers of ignored, marginalized seniors – they are in *obasuteyama* (literally, “granny-dump mountain”), shunned by even their own families. A recent BBC documentary asserted that a majority of those over 65 in Japan behind bars got there intentionally, to take advantage of health care and free meals.

No senior seems to have wanted to end up in jail in Canada. What we do have is two wings here at Federal Training Center (FTC/CFF), 20 cells each, packed with people over 65, many with serious health care woes. There is at least one 87 year old and two 86 year olds. The hallway outside these windowless 10 by 7 foot cells is choked by walkers and wheelchairs.

Inmate “peer helpers,” trained in psychology and a smattering of medical knowledge, live among them – pushing wheelchairs, getting canteen orders, helping out on medical conditions, in coordination with a thinly-

stretched health care staff. These inmates, some of whom themselves are serving life sentences, work around the clock for inmate wages (less than \$6 per day) to ease the aged's burdens as best they can.

Every two weeks, at the tiny prison chapel, you will see these same older men and the care givers smiling and happy. Card tables are set out; volunteers, some of them as old as the inmates, sit around and play cards



and table games, sing songs, engage in quizzes and fun with the chaplains. They chat, commiserate, reassure, and even cheat at cribbage. (Sorry I cheat at cribbage when I attend these sessions, I should underline. Admitting your faults is part of the prison process.)

These men jam the same space for twice monthly evening Catholic masses. Walkers line a rear wall as all strain to hear the homily. The chapel is a place of refuge for these men. For the chaplaincy team, they are a priority.

There is also a modest lounge reserved for inmates 55 and over where, each morning, I go to have a free coffee and sit with peers who read the newspaper, do jigsaw puzzles, laugh and complain – our God-given right after a certain age.

TAKING NOTICE

The plight of the aged in Canada's prisons is finally starting to attract some official attention. As the Greek philosopher Leucippus wrote 2,500 years ago, “Everything is driven by necessity.” On July 22nd 2019, Dalhousie law professor Adelina Iftene published *Punished for aging: Vulnerability, Rights, and Access to Justice in Canadian Penitentiaries*, available

through Amazon, while The Correctional Investigator of Canada, in partnership with the Canadian Human Rights Commission, recently issued an 88 page report entitled: *Aging and Dying in Prison: An Investigation into the Experience of Older Individuals* (issued February 28, 2019).

This report says a whole lot of things. One predictable conclusion: the prevalence of chronic disease among seniors in custody is far higher than the general population. Most prevalent illnesses are: high blood pressure, type 2 diabetes, and chronic pain.

Another predictable observation: the number of older people in federal custody is on the rise. Social isolation is a huge issue among those behind bars for three, four or even five decades.

And I am one of the 199 federal inmates, I learned in this report, who are on their first sentence, are over 50 years old, have spent at least 20 years behind bars, and

not yet been released. A rare feat, that. “Some older, longer serving federal inmates,” the report concludes, “are being warehoused behind bars well past their parole eligibility dates.”

Will I wander the halls of prison, encased in a granny-jump mountain” of my own construction, long after friends and family have gone?

See below the link to the CSC response to the Correctional Investigator's report, on “Aging and Dying in Prison: An Investigation into the Experiences of Older Individuals in Federal Custody - February 2019”

<https://www.csc-scc.gc.ca/publications/005007-1509-en.shtml>

UPDATE The Citizen's Advisory Committee has been informed two new wings for seniors are in the works, to be constructed on this site, with all the appropriate features: which hopefully will include ventilation for breathing, and windows to see outside.

C.

GETTING TO KNOW RESTORATIVE JUSTICE

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Howard Zehr, considered by many as the father of modern Restorative Justice, describes it in this way: *Crime is a violation of people and relationships. Restorative justice works to repair the damage and promote healing and growth – important tools in finding more peaceful and collaborative ways of resolving conflicts in our society.*

Zehr points out that our criminal justice system sees crimes as a violation of the law and the state, while in a restorative view crime is a violation of people and relationships. The criminal justice focus is on offenders getting what they deserve while in the restorative scenario, victims' needs and offender responsibility for repairing the harm caused must take priority.

Zehr says each system raises three questions: criminal justice asks what laws have been broken, who did it and what do they deserve; while restorative justice wants to know who

has been hurt, what are their needs, and whose obligations are these?

The *Communitas Restorative Justice Focus Group* is looking at ways Communitas can be more restorative. Communitas will partner with our French-language colleagues in the third week of November to celebrate National Restorative Justice Week. One of our major projects will be to dedicate the next issue of the Sou'Wester to Restorative Justice ... so stay tuned.

A WORD FROM THE BOARD



As we know, last May our membership participated in the AGM to, among other things, vote for a new board of Directors, as a result of which Peter, Michele, Stephen, Jeri, Bill, Roch and Pauline were elected. And we would like to use this opportunity to share with you all a little bit about them.

Peter brings with him his longstanding experience as a Chaplain with CSC, and Deacon in the Anglican Church; having founded Communitas/MSCM in 1999, he is one of the persons at the heart of our organization, even after his retirement. He was also responsible for establishing Circles of Support and Accountability (CoSA) in Quebec in 2000, being involved in our participation both in the NCPD National Demonstration Project for CoSA (2009-2014) and in CoSA Canada, the national organization for this model.

Michele's deep involvement with Communitas/MSCM also dates from its very beginning. She has held a variety of roles over the years, including participation on the

Steering Committee, and as a founding member of Open Door, and a Prison Chapel and CoSA volunteer. Currently, she is the main mover behind Movie Nights (be there or be square!) and a key force behind the Sou'Wester. She is also a firm climate change activist.

Steve, as Montrealer as the Canadiens can be. He also graduated with Common Law and Civil Law degrees from McGill in 1980, and from then on he devoted himself to the fight for the rights of incarcerated persons: starting as a prisoner activist, he then moved on to represent them as solo practitioner until his retirement in 2018. A member of different organizations linked to human rights and social justice, we are lucky that Communitas is one of them.

Jeri has been with the organization from its early days, and she is the Coordinator for Open Door, where she brings her energy, enthusiasm, and humour to each of its sessions, and handles every situation with unflappable aplomb. Besides her role at Open Door and on the Board of Directors, Jeri is also our official archivist, and the capacity she has to organize is simply admirable. It is really worth the while to learn from her doing.

Bill is the current Chair of the Board of Directors and is very involved in Communitas:

we see him at Open Door, co-facilitating Table Talk, overseeing our garden project, and participating in Communitas' Focus Group on Participation and Inclusivity. Restorative Justice (RJ) seems to be his "thing", with Communitas' RJ focus group being his latest contribution, and it seems like more will come for Restorative Justice week.

Roch, a loving grandfather of seven, brings with him more than 10 years of experience in Circles of Support and Accountability at our French-operating CoSA sister site: Cercles de Soutien et Responsabilite (CSRQ), where he is also a board member. It is our good fortune that, he also worked for over 30 years for the Government of Quebec's public administration. He says he is retired, but you can't tell that from his ongoing contribution.

Pauline is the newest member of our Board of Directors. Therapist at her private practice for the past 27 years, she is also the president of a non-profit that provides therapy for people who have limited resources. She is convinced that offering accompaniment to help and support others can have a real impact in assisting them to live better lives. She is just a perfect match for us!

COMMUNITAS – A REFLECTION

This June, as many readers will know, I laid down the role of assistant coordinator at Communitas. The two months since my last day of work have been full ones, but the Sou'Wester asked me to take a moment to reflect on my time as assistant coordinator. This isn't a goodbye letter; I still see myself very much as a member of our community, and God willing, will remain so for many years to come!

Every so often at Communitas events, or when I would tell people outside of our community about Communitas, I was asked what my job involved. At this point my eyes usually glazed over and I said "Uhh... I write e-mails?" While the coordination team's responsibilities generally involved carrying out the tasks needed to keep the lights on, breathing life into the community's initiatives, and offering a vision for the community to consider, the reality of what that looked like on the ground was quite mundane: attending meetings, responding to potential volunteers, talking with guys planning their release, meeting with organizations that support Communitas and partner organizations doing similar work, and answering lots and lots and lots of e-mail. Naturally I always had the lesser share of all this work – with our fantastic coordinator (first Jeff and now Monika) taking the lead and lighting the path forward.

If the work itself wasn't the stuff of action movies, I'm grateful for the opportunity it provided to see Communitas from another perspective and to become more familiar with the folks involved in restorative justice and reintegration across the country. One of the most obvious realizations that I came to during this time was how unique and precious Communitas really is. Having talked with people from similar organizations across Canada, I have not found any other organization that sees itself so much as a community as we do. I'm not aware of any other organization that works as hard to be inclusive in its decision making, that seeks as intently to meet all of its members with respect, or that communicates as fiercely the worth and dignity of all people. In a world that can oft times seem simplistically divided between 'good guys' and 'bad guys,' Communitas offers a rare space where every person, regardless of their history, is perceived as a person: flawed (because we all are), but dear (because we all are). It is this place of contemplative complexity that I fell in love with when I first came to Open Door as a volunteer, and that I think offers a balm for so many of the world's troubles. If only we could convince all the powerful folks, the disaffected, the hurt, the suffering, and the entitled to come to Communitas I'm sure the world would be a better place.

The uniqueness of these strengths should be a point of pride for us, but also a point of caution. In a corner of the world where many other organizations operate in a centralized top-down fashion, community-driven bottom-up organizations are not only rare, but also vulnerable to disappearing unless actively supported. I like to think that I have always been an advocate for our community-driven model (at times perhaps even too enthusiastic an advocate), but it takes many passionate and involved community members to sustain a community. Honestly I don't think we can go too far wrong by sharing joyously, with folks on the inside and on the outside, the gifts that Communitas has. It's only by telling our stories that our community will renew and benefit from the gifts of others, either through their presence, their financial support, or simply by changing a few perspectives on prison issues and justice.

In closing, I am grateful to our community for all the support and wisdom that it offered during my time as the assistant coordinator. For the future, I'm looking forward to the challenges that new career paths are sure to offer me, while confident that the future of Communitas is in good hands – yours.

Michael

NEW RESOURCE SHEETS !

Throughout my time working and studying in the field of social reintegration, I believe I encountered somewhat unusual waves of success stories that altered my statistical notion of the socioeconomic difficulties following release from an institution. Many men I met became employed directly after their release, had already finished their educational goals inside or outside, had a place to call home, etc. Despite this, I in conjunction with my Communitas counterparts also realize that this is by no means everyone's narrative, and those who need support, guidance, and/or help - for whatever reason - deserve the same successes in life as anyone else.

During my final college semester, I collaborated with Communitas to bring a project of theirs to life: information sheets

summarizing organizations and resources in three major categories (employment, education, and housing). It was important to not only create a bank of resources, but to summarize them in a relevant way, which I accomplished by communicating with as many of the resources as I could in order to have a better understanding of the approach they use as well as their level of openness, inclusivity, and adaptability to ensure that they fit with the mission of Communitas. From emergency housing and tenant rights to employment agencies who don't ask about criminal records, these resource sheets encompass as much as they can given their concise format.

As I build stronger relationships with people who have faced or are facing the predicaments of penitentiary life, more and more people open up to me about the

complications and struggles in their day to day life and there is now something tangible that I, or anyone else, can point an individual to in order to find an option that may remedy a negative situation they are facing.

Katherine

**For further information
about these resources
sheets contact Monika
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IN THE NEWS



RIGHTS GROUPS CELEBRATE APPEAL VICTORY AFFIRMING END TO INDEFINITE, PROLONGED SOLITARY CONFINEMENT

June 24, 2019

Source: BCCLA

VANCOUVER – Today, June 24, 2019, the British Columbia Court of Appeal released its decision affirming the unconstitutionality of the federal government's laws that authorize prolonged, indefinite solitary confinement in prisons across Canada. The decision has serious implications for the new solitary confinement legislation passed into law just last Friday by Parliament.

Writing for a unanimous Court of Appeal, Mr. Justice Fitch held: "In my respectful view, a legislative provision that authorizes the prolonged and indefinite use of administrative segregation in circumstances that constitute the solitary confinement of an inmate within the meaning of the Mandela Rules deprives an inmate of life, liberty and security of the person in a way that is grossly disproportionate to the objectives of the law. In addition, the draconian impact of the law on segregated inmates, as reflected in Canada's historical experience with administrative segregation and in the judge's detailed factual findings, is so grossly disproportionate to the objectives of the provision that it offends the fundamental norms of a free and democratic society."

Today's decision is a rejection of the government's attempt to overturn the January 2018 BC Supreme Court decision that found the government is endangering the lives and health of federally incarcerated people when it locks them away in prolonged, indefinite solitary confinement. The case was brought by the BC Civil Liberties Association (BCCLA) and the John Howard Society of Canada (JHSC) and resulted in the government's administrative segregation laws being struck down as unconstitutional – a finding that was upheld by the BC Court of Appeal today.

"This decision calls out Canada's long-standing practice of isolating prisoners for weeks, months and even years at a time – with no end in sight – a practice that has been condemned the world over as a form of torture," said Grace Pastine, BCCLA Litigation Director. "This deci-

sion is a monumental victory for the many people who are suffering, unseen and unheard, behind prison walls. It's also a victory for all Canadians who believe that solitary confinement is immoral as well as impractical. It works against our goals as a society – it harms prisoners, costs too much and leads to more crime."

The decision makes clear that indefinite and prolonged solitary confinement is unconstitutional, and affirmed the lower court's decision to strike down provisions of the original prison legislation on that basis. The federal government's replacement legislation, passed on Friday by Parliament, continues to permit prolonged solitary confinement under certain circumstances. The BCCLA and JHSC had urged the government and Parliamentarians to amend the bill to ensure it complies with court decisions in BC and Ontario banning indefinite solitary confinement, but the government refused. The organizations argued at the Parliamentary committees reviewing the legislation that it would be unconstitutional as soon as it passed into law, as a result.

The Court of Appeal varied the lower court's ruling, changing the remedy in certain ways by declaring that, in its implementation of the administrative segregation provisions, the federal government breached its obligation under the law to give meaningful consideration to the health care needs of mentally ill and/or disabled inmates before placing or confirming the placement of such inmates in segregation; and breached its obligation under the law to ensure that inmates placed in administrative segregation are given a reasonable opportunity to retain and instruct counsel without delay and to do so in private. A declaration was also granted that inmates have a constitutional right to be represented by counsel on segregation review hearings. The Court of Appeal also accepted the finding that the solitary confinement practices in federal prison discriminate against Indigenous prisoners.

Catherine Latimer, Executive Director of the JHSC, stated: "Too many lives have been shattered by the cruel practice of indeterminate prolonged isolation in our prisons. This decision provides greater fairness and humanity for those vulnerable to Charter rights abuses."

The BCCLA and JHSC are represented in this case by Alison Latimer and Joseph Arvay, Q.C., of Arvay Finlay LLP, Vancouver.



On July 16, 2019, Mr. Justice Paul Burstein of the Ontario Court of Justice took a bold step which captured the attention of criminal justice players around the country.

The Queen vs Morgan Luke (2019 ONCJ 514) involved a charge of impaired driving against a young Aboriginal woman. Ms Luke, upset by her boyfriend's dalliance with her cousin, had sped off in her mother's car without her consent, hit the curb, narrowly missed a lamp post, and continued to drive until stopped by police. When administered a breathalyzer test, she proved to have almost three times the legal concentration of alcohol in her blood.

Yet for all of that, Justice Burstein, noting this was her first brush with the law, found the accused to have a promising future, and was loathe to saddle her with the stigma of a criminal record. The problem he faced was that a curative treatment discharge did not appear to be a sentencing option, for the Ontario government had not opted out, as had some other provinces and territories, of the Criminal Code regime imposing a mandatory minimum thousand dollar fine (which necessarily creates a criminal record) for a first such offence. In fact, by the date of Burstein's ruling, the federal government, seeking to stiffen the penalties for impaired driving, had amended the Code so that this mandatory minimum sentence must from now on apply in every part of the country.

Justice Burstein noted that under the Charter of Rights and Freedoms, everyone has the right not to be subjected to any cruel and unusual treatment or punishment, and that our Supreme Court has found this right is infringed when legislation mandates a minimum sentence that is grossly disproportionate to what an appropriate sentence would be. Accordingly, were he to find, in light of the degree of gravity of Ms Luke's offence and the extent of her moral culpability, that a discharge is the appropriate and just sentence, and that the legislated minimum would be grossly disproportionate, he would be entitled to set aside the legislated minimum as unconstitutional, and to impose instead a discharge, with probation and conditions attached, but no criminal record. And this is what he did.

In determining what was appropriate here, Justice Burstein relied on the observation of the Final Report of the National Inquiry into Murdered and Missing Indigenous Women and Girls that the marginalization caused by a criminal record's stigma is at its worst during critical times of transition in the lives of Indigenous women. His judgment expresses its debt to the principles and purposes of sentencing as set out by the Supreme Court in its Gladue and Ipeelee decisions, and to the evidence submitted to his court through an innovative and sometimes controversial practice called a Gladue report. And therein lies a story begun 23 years ago.

In 1996 Parliament amended the Criminal Code's sentencing principles to reduce the use of imprisonment and encourage the use of conditional and restorative sentences.

Thereafter, s.718.2(e) would provide that all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

Three years later, in the case of Jamie Tanis Gladue vs The Queen [1999] 1 S.C.R. 688, the Supreme Court of Canada was asked to decide how the new rules should be interpreted and applied. Gladue, a nineteen year-old Aboriginal woman, while heavily intoxicated, and convinced of her fiancé's infidelity, announced her intention to make him pay with his life, and then stabbed him in the heart. Charged with second degree murder, she pled guilty to manslaughter and received a prison sentence of three years. Her lawyer did not raise her Aboriginal identity, and the sentencing judge did not think the issue merited special attention, as she was living in a non-Native urban setting. Having hoped for a suspended or conditional sentence, Ms Gladue appealed to the British Columbia Court of Appeal, but was unsuccessful.

The Supreme Court likewise confirmed the appropriateness of the three year sentence, but also bluntly and extensively addressed the underlying issue of Aboriginal overrepresentation, as is seen from this briefest of extracts: "If overreliance upon incarceration is a problem with the general population, it is of much greater concern in the sentencing of aboriginal Canadians. (...) Not surprisingly, the excessive imprisonment of aboriginal people is only the tip of the iceberg insofar as the estrangement of the aboriginal peoples from the Canadian criminal justice system is concerned. Aboriginal people are overrepresented in virtually all aspects of the system. As this Court recently noted in R. v. Williams (...), there is widespread bias against aboriginal people within Canada, and '[t]here is evidence that this widespread racism has translated into systemic discrimination in the criminal justice system.'" The high court held that in light of the statute's aim to nudge judges toward a restorative approach to sentencing and to redress Aboriginal overrepresentation, judges will now be expected to undertake the sentencing of aboriginal offenders differently, by considering and giving weight to the A "unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts, and the types of sentencing procedures and sanctions

which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection.”

Obviously, information will be needed to undertake that exercise. Thus, judges will be permitted to take judicial notice of the broad systemic and background factors affecting Aboriginal people, and of the priority given in Aboriginal cultures to a restorative approach to sentencing, including alternative sentencing programs specific to an aboriginal community; and to that must be added case specific information, such as the individual offender’s own history of dislocation, disadvantage, addiction, and abuse, information which should normally be supplied by counsel and by a special pre-sentence report, which in turn may come from representations of the relevant Aboriginal community. And so the Gladue Report was born.

The rationale for this approach was further explained three years later in *The Queen vs Ipeelee* 2012 SCC 13, a case in which the Supreme Court had to decide how sentencing judges must arrive at an appropriate sentence for Aboriginal offenders who breach a long term supervision order. Mr. Ipeelee, with a long history of violence when intoxicated, had completed his term of incarceration for sexual assault and was now governed by an LTO, accompanied by an obligation not to consume alcohol, a condition he quickly breached in spectacular fashion. The trial judge imposed a sentence of three years minus credit for pre-trial custody for the breach. The Supreme Court substituted one year.

Critics will wonder how a one year sentence can be the appropriate response to the serious breach of a serious condition attached to a sentence imposed for sexual assault, apparent evidence that the special rules confer an unfair and unearned advantage on Aboriginal offenders. Not so, says the Supreme Court in Gladue: “Section 718.2(e) is not to be taken as a means of automatically reducing the prison sentence of aboriginal offenders; nor should it be assumed that an offender is receiving a more lenient sentence simply because incarceration is not imposed.” In Ipeelee, the Court explains further: for sentencing to be successful in achieving its ordinary legislated ends, sentencing judges must recognize that not all offenders and all com-

munities share the same values and have the same world views. They must also understand that systemic and background factors may shed light on the offender’s moral blameworthiness, which is a key consideration in determining the appropriate sentence for all offenders. Failing to take these circumstances into account would undermine their ability to arrive at a sentence which is proportionate to the gravity of the offence and the degree of responsibility of an Aboriginal offender.

The Ipeelee decision reaffirms that the courts must take judicial notice of such matters as the history of colonialism, displacement, and residential schools and how that history continues to translate into lower educational

“...systemic and background factors may shed light on the offender’s moral blameworthiness, which is a key consideration in determining the appropriate sentence for all offenders.”

attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and, of course, higher levels of incarceration for Aboriginal peoples. These matters, however, do not on their own necessarily justify a different sentence for Aboriginal offenders, but provide the necessary context for understanding and evaluating the individualized case specific information which counsel has a duty to present in the case of all Aboriginal offenders, wherever they live, in the form of a Gladue report, unless they expressly waive the right to have it considered. Thus the Gladue report is constituted an indispensable tool of the sentencing court.

A number of courts have since discovered good legal reasons to apply the Gladue principles outside the scope of the criminal sentencing process contemplated at s.718.2(e). In *Sim*, in 2005, the Ontario Court of Appeal found a basis in the Ontario (psychiatric) Review Board’s enabling legislation to apply Gladue principles to the Board’s dealings with an Aboriginal accused who had been found not criminally responsible on account of mental disorder. In the case of *Leonard*, The Ontario Court of Appeal held that s.7 of the Charter of Rights and Freedoms requires the Minister to respect Gladue principles when deciding whether to surrender Aboriginal accused for extradition to the United States. In the case of *Frontenac*, the Ontario Court of Ap-

peal applied principles derived from Gladue to sentencing for civil contempt following breach of an injunction. The Supreme Court of Newfoundland and Labrador has ruled that the Gladue principles were relevant to bail hearings. Finally, in *Joey-Lynn Twins vs Canada* (2016 FC 537), Mr. Justice Southcott of the Federal Court reviewed a Parole Board revocation decision, and reasoned that “these principles must apply to the decision challenged in this case, as the Board’s jurisdiction and resulting decision whether to revoke the parole of an offender represent an important component of Canada’s criminal justice system and must therefore be subject to the remedial mandate described in Gladue.” As

authority for that position, he relied on s.151(3) of the Corrections and Conditional Release Act: “Policies adopted under paragraph (2)(a) must respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and aboriginal peoples, as well as to the

needs of other groups of offenders with special requirements.”

A new stage was reached on June 21, 2019, when Royal Assent was given Bill 83. Intended primarily to transform Correctional Service Canada’s segregation practices, the bill also overhauled CSC’s rules governing Indigenous offenders. Notable are the sweeping terms of s.79.1(1): In making [all] decisions under this Act affecting an Indigenous offender, the Service shall take the following into consideration: (a) systemic and background factors affecting Indigenous peoples of Canada; (b) systemic and background factors that have contributed to the overrepresentation of Indigenous persons in the criminal justice system and that may have contributed to the offender’s involvement in the criminal justice system; and (c) the Indigenous culture and identity of the offender, including his or her family and adoption history. Significantly, s.79.1(2) specifies that where this information is not helpful in bringing about a decrease, it must not be used in assessing risk.

Under the aegis of the new regime, as time passes, Gladue principles will become correctional norms, more and more intimately fused with the operations of the criminal justice system.

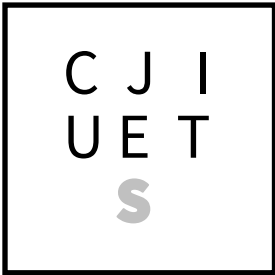
Steve

TEST YOUR VOCABULARY SKILLS!

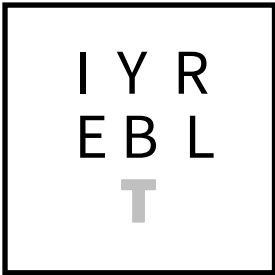
How many common words of 5 or more letters can you spell using the letters in the boxes? Every answer must use the bold centre letter in GRAY at least once. Letters may be reused in a word. At least one word will use all 7 letters. Proper names and hyphenated words are not allowed.

Score 1 point for each answer, and 3 points for a word that uses all 7 letters.

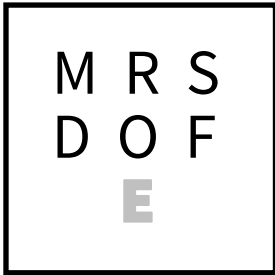
Rating: 10 = good; 19 = excellent; 28 = genius (answers at bottom)



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SOME RECENT OPEN DOORS

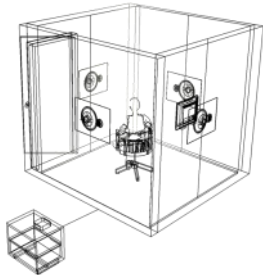


My Alberta by Michael P.

Michael spent his first 20 years in Alberta, yet never considers himself an Albertan. Still, he honoured his roots by introducing us to his Ukrainian grandmother and showing several Albertan highlights such as the Vegreville Egg (psyanki), other large sculptures in other towns, and the North Saskatchewan River that runs through Edmonton. The last time the Oilers won the Stanley Cup was in 1990 so they decided to change the city’s motto from City of Champions to... any suggestions, citizens? How about “City of Speedtraps”?

James Partaik, Conceptual Artist

A few people said this was the most interesting Open Door ever. James’ art includes electronics, electricity, sound and environments. He cut his house in half, and linked his living room to a website so people could remotely move objects around his house in the middle of the night. He put animal recordings down the sewers so that dumbfounded passers-by heard wild animals in the sewer system. He hacked the electrical grid of a European city and freaked out everyone who walked through the public park by erratically flashing lights. See more of his projects at jamespartaik.ca.



Jean Luc is an historical polemologist



Polemology is the study of warfare. Jean Luc introduced us to the Hundred Years’ War, which actually lasted 116 years, though not continuously (there were about 40 years of war). This war not only marked the end of the Middle Ages and the beginning of the Renaissance, the advances in technology signalled the birth of modern artillery and also of the prominence of lawyers in society. Since Jean Luc is a CEGEP professor, he gave us a handout and assigned questions that we dutifully answered—and got right! This was a rare opportunity for us to look at original sources from the 15th century.

1. Justice, cutest, juices, jests, tests, tester, jester, jesters, cites, cities, just, cesses, cusses, issue, issues, tissues.
2. Liberty, better, letter, bitter, table, litter, teller, tribe, treble, eyellet, teeter, titter.
3. Freedoms, freedom, dormer, dormers, former, freed, seeder, seeders, feeder, feeders, foster, fosters, formed, error, errors, deferred, defer, defers, doffed, dosed, offered, offer, offers, mores, messes, messed, mosses, rodeo, rodeos



FEEDING THE HOMELESS

We often hear from members of our community who are drawn to the cause of restorative justice that they want very much to give back to the community, to make amends, to repair damage caused, even if necessarily indirectly. Some of those members have agreed to join a Communitas group who will feed some of Montreal's homeless and transient people in Fulford Hall, our usual Open Door space, on Sunday 25 August 2019.

This lunch is an event at Fulford Hall, arranged each month, (with a break through the Summer), by the Social Service Society of Christ Church Cathedral with volunteer personnel from the cathedral, a number of community resources, and various schools. The lunches fill a great need in the community and so this year, for the first time, the lunches will also be offered in July and August. Communitas has offered to provide the volunteer personnel for the lunch on 25 August, so taking on a service to others in need, and to the community, at the same time assisting the Cathedral's Social Service Society's established program of feeding the poor and homeless.

So on Sunday, 25 August, involving a few short hours of presence and helping, we have an opportunity to satisfy that desire, often heard, to give back to the community. Our efforts will also be seen as a gesture of appreciation for the Cathedral's hospitality in enabling us to

hold our Open Door meetings each week in the excellent space of Fulford Hall. It will also be an action of thanks to the Social Service Society who was a significant donor to Communitas in 2018.

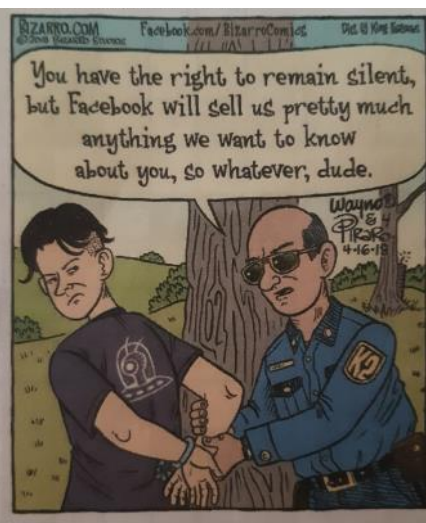
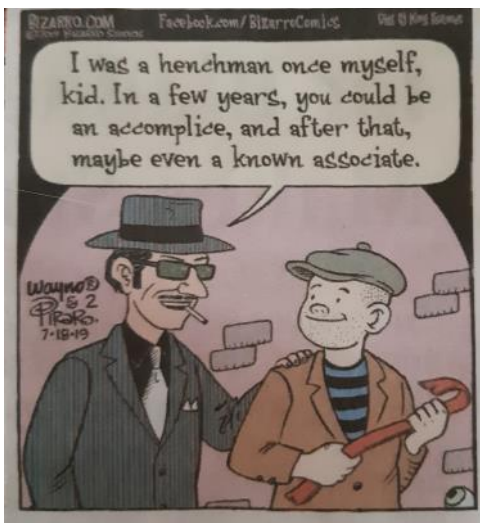
A few members attended the lunches in June and July to learn the ropes so that there is a small group already committed to making the lunch on 25 August a success. If you would like to help there are many roles to fill, including set-up and clean-up, there will be need for ushers, table leaders, food servers and of course kitchen help. What a wonderful way to share the blessings that we enjoy at Table Talk and Open Door with others.

Please contact us if you would like to help Communitas, the Cathedral, and the needy in our community in this way.



The Communitas Garden 2.0.

For the second year in a row, the tiny Communitas Garden is proving a carpet of greenery tucked away on the back deck of the Communitas office, with tomato and cucumber plants, lettuce, peppers, carrots radishes and beets growing quite well despite an early onslaught of neighbourhood pests. The plants had a will to survive and are progressing very nicely. Lettuce has been harvested a few times for Friday's Table Talk lunches to everyone's delight.



A Community Building Workshop for Communitas

We've already done it before: we've even done it in prisons, several times.

So what is it? How do we define community, in this sense?

I'd say it's being together with a group, sitting in a circle, accepting our individual differences, having the courage to be our true selves and listening to the other, while resisting the impulse to judge.

So, watch out for info about CBW, for Communitas before this year's out.

Margaret



Interview with Pauline Houle

July 3, 2019

SW: You've just joined our Board of Directors; how did you find out about Communitas?

Pauline: It was through Françoise Crabalona, a good friend of mine for many years. She presided over CSRQ (French CoSA), and through her I discovered Peter Huish. Then, I gave a few morning sessions to her French volunteers, and your Coordinator and Assistant Coordinator, Monika and Michael, were there. It was Monika who asked me to be on the board. Françoise said I would probably find it interesting. I've been involved with *Famille Nouvelle* for 27 years out of its 32 years of existence. We work without government subsidies, giving therapy to couples, individual and families on a low budget. I said to Monika, "Let me think about it." But it felt like a good deal. I believe in your mission and feel at home here.

SW: What is your professional title?

P: I was a court stenographer 20 years. Then I went back to school and became a social worker, but I stopped my membership in the Professional Order. Now I'm a Holistic Therapist with a Master's in Transpersonal Studies. I look at the person holistically: health, potential, emotional problems, and their connection. I help the person understand how they got unhealthy and help them regain their fuller potential.

SW: What do you look forward to?

P: I look forward to aging well, to increasing human consciousness. I wrote a few books, two on PMS as it links to the subconscious, and a book on false paternities, fathers who discovered that their children were not theirs. I had a friend who was going through this in court. Since I worked at the courthouse he asked for my help, so I started researching and one thing led to the next and I spent about a year and a half, two years working on this book. Men kept wanting to talk to me about it. One man found out that only one of his four children was his own. In 2000, the Journal of American Medical Association, a well-known medical journal, surveyed everyone who had gone through a genetic testing (say, because their kid has a kidney problem) and the father says, "I can give you a kidney." But in 20% of all the genetic testing in 2000, the father was not the father. It's increasing, too. The book is in French. It's not a best seller because the subject is hush-hush. What new father is going to have a paternity test at his child's birth? It's such a trap.

SW: Do you have any ideas for another book?

P: I started something on good anger and bad anger. Interesting but not finished. Society has distorted views on anger as a potentially good emotion.

SW: What do you do for fun?

P: I have a sail boat, a two-mast ketch. But to say that is redundant. People who know boats already know that all ketches have two masts. I am also very good with my hands and like to work on manual projects such as carpentry and renovations. I hate going to the gym so I have to keep active, fixing my boat and stuff. Plus, I don't like to pay a technician \$80 every time I have a question about something so I learn to do it myself.

SW: Where do you like to travel?

P: I love to go to the Caribbean.

SW: On your boat?

P: No, my boat doesn't go such a long distance.

SW: Where were you born?

P: In Joliette.

SW: Are you from a large Quebec family?

P: No, I have only one brother. My mother was rebellious. She said to the priest, "There's nothing written in the bible that says you have to have a lot of kids."

SW: Good for her! My grandmother had 17 kids, extreme poverty.

P: One of my coworkers came from a family of 19 kids.

SW: Do you have kids?

P: I don't, but my husband has four.

SW: Have you done maternity tests, to see if any of them are yours?

P: Ha ha, that's funny! I love to laugh. I'm not politically correct at jokes. When we laugh, it is also good to laugh at ourselves.

SW: Do you have pets?

P: I had a dog that I adored but now I'm away so much that I choose to not have any. We usually spend January to April in Florida, then May to October in Montreal and Plattsburg.

SW: What did you want to be when you were a kid?

P: I wanted to be a detective. I was two years in the RCMP, it was a dream to explore, but the set up was not quite for me. Then when I did my Master's, we had an auto-biographical exercise and that is where I learned that I would become a detective of the mind: mind functioning, old wounds, trauma....When I have someone in front of me who is interested in digging, I help them to understand what's behind the surface: the symbolism, the patterns, how they can change the wrong programs from their past.

SW: What has been your greatest learning?

P: To follow my intuition, big time. I learned it the hard way, by not listening to my intuition. I was 30 or 31, very hard consequences. From then on I decided to follow it. I have rarely, rarely been wrong.



Artwork by John



Artwork by Roy



THANK YOU to everyone in Communitas who lent their ear during the time that my brother Al was sick, and thank you to all who sent condolences and gifts after I returned from his funeral. Al was witty, thoughtful and entered into easy conversation with children and elders alike. I was fortunate to have been the sister of someone with such a good nature.

Jeri

SOME 2019 SUMMER MOVIE NIGHTS- PRESENTED BY COMMUNITAS

Communitas' monthly movie night takes place at the office on the first Monday of the month at 7.00 pm. Movie goers arrive with their refreshments (popcorn, chips, chocolate, nuts, Cherry Coke, orange juice and lemonade). Once all technical glitches are taken care of – away we go for a couple of hours of sheer escapism!

Two recent movies this summer were *Creed* and *The Commitments*.

***CREED* – starring Sylvester Stallone and Michael B. Jordan.**

Adonis Johnson is the son of Apollo Creed, former heavyweight champion of the world and the man Rocky Balboa lost to in his first title fight. Apollo Creed died before Johnson was born, so he never knew his father. Johnson is also a fighter and is 15-0, though in unofficial fights in Mexico. Working in an office he decides to fight full time. He leaves Los Angeles and moves to Philadelphia, hoping to get Rocky Balboa as his trainer. Eventually they team up, and slowly Johnson's career starts to take shape. Meanwhile, the light heavyweight champion of the world, Englishman Ricky Conlan, is looking for someone to fight...—*grantss*

The Commitments

"The Commitments," has so much rhythmic juice that it's nearly impossible to stay in your seat. The film, which follows the roller coaster ups and downs of a group of poor Northside Dubliners who come together to form an Irish soul band, gets into your blood like an Aretha Franklin song; it's a transfusion of pure joy, raw and earthy and transcendently funky – the best rock-and-roll movie since "A Hard Day's Night."

Working class Dubliners try to make the big time as the successors to James Brown and Otis Redding. This comedy won BAFTAs for Best Film, Best Director, Best Editing and Best Adapted Screenplay. It was nominated for a Golden Globe, an Oscar, and it won a BRIT Award in 1992 for its soundtrack, among numerous other songs. One of the best Irish films ever made. What more could you ask for?

By Hal Hinson Washington Post Staff Writer

Please support Communitas!

Communitas is a non-profit, volunteer-driven organization which welcomes (ex-)offenders back to the community by supporting them in their social, spiritual, emotional and practical needs.

We rely heavily on support from individual donors like you. The stigma associated with work in this area brings unique financial and other challenges with it and so your contributions are essential in sustaining our important work.

I support Communitas and their programs and am enclosing a donation of:

☐ \$25 ☐ \$50 ☐ \$100 ☐ Other _____

"Tax receipts will be issued for donations of \$20 or more. Please include the following information for that purpose:"

Full name Including middle initial: _____

Address: _____

E-mail: _____



Circles of Support and Accountability (COSA) at Communitas: Is it for you?

Communitas is proud to have introduced Circles of Support and Accountability (COSA) to Quebec in 2000 and have provided more than 50 circles since. COSA matches individuals with a history of sexual offending with a group of everyday community members who are committed to helping you navigate the challenges of life in the community and achieve a successful, crime-free life.

If you are interested in hearing more about the possibility of having your own circle, contact:

Monika Barbe 514-244-6147

coordinator@communitasmontreal.org



We would love to hear from you!



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The Sou'Wester name is a reference to Montreal's Southwest, where Communitas began its work in 1999 and is still based today.

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