

# the Sou'Wester

Fall 2020

## PETER RETIRES! (WELL SORT OF...)



Peter Huish, a familiar face for many people.

### Although his retirement is now official, we'll still be seeing him around!

As the founder of Communitas way back in 1999 when we were known as Montreal Southwest Community Ministries (MSCM), Peter has been our leader from the start, serving as Project Coordinator, Chair of the Steering Committee, President of our Board of Directors, and now, lifetime Honorary Board Member.

Peter tells us that when he started in chaplaincy, there was an understanding that chaplains should retire or move on when they had served for 11 years. It is now 22+ years since Peter started as Chaplain at Cowansville Institution, albeit in a part-time role. The 11 year guideline applied to full-time chaplains; by 2000, other part-time work was added at

Drummond Institution and then Federal Training Centre, and Montreal-Southwest Community Ministries (MSCM) was up and running, including the beginnings of CoSA work, together constituting much more than a full-time vocation.

Effective 10 October 2020, Peter has resigned as an active member of the Communitas Board and as its President, bringing to an end his formal responsibilities and activity in Communitas, so the retirement guideline has finally been met. His vocation continues however, and we can expect to see Peter among us in various capabilities, including honorary Board membership, as a CoSA volunteer and Open Door regular, coupled with his ongoing voluntary participation and guidance of our In-reach at CSC institutions.

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### Expressing gratitude and support during COVID

In a race against rapidly gathering storm clouds, Patrick, a long-time Communitas volunteer and published cartoonist, expresses the gratitude we all feel toward one another at this time. Whether we show our support through actions or prayers, we remain committed to each other during the pandemic. "It has been many, many years since I've done a chalk drawing," he said.



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  
 /communitasmontreal

# An interview with Peter Huish



**Peter, I am sure our readers are wondering if future members of the cloth have to have particularly responsible and obedient childhoods.**

I am pretty sure that the chiselling harshness of the Harper government in removing traditional communities of faith from prison chaplaincy to reduce chaplaincy to an “efficient” single contract commodity will ensure that in future, being a member of the cloth is incidental, maybe even accidental. That being said, we are blessed to have among us now, Deacon Jhon who wonderfully embodies faith lived in the Love of God. In my own case, Gospel Love coincides with humanitarian passions - in spite of Harper’s machinations and a number of other obstacles, it has been by Grace (rather than an accident) that I have arrived in prison and community chaplaincy as a clergy person.

This preamble was important because I want to say that having a responsible and obedient childhood was not a prerequisite in my case. Indeed, failure, disappointment and brokenness, from the beginning, and throughout life, though seemingly miraculously redeemed by love and service in the caring by others for me, was a prerequisite for the vocation in which I have found myself immersed.

**Those same readers will want to know how an Aussie gets so lost he finds himself in Canada.**

Lost, indeed – and grateful now for that. In fact, my coming to Canada was intended to be a longish visit in which I saw the Rockies, worked for a while and built myself a sailboat to carry me back across the Pacific to those warmer Southern climes. Here I am, 52 years later, in spite of being in some ways marooned by miscalculation, hubris and failure, not to mention the cultural chaos of this time, in a life that has been full of love, for and with many, and for this place. It has become a happy outcome, my being at

the same time a Montrealer, Quebecer, Canadian and still an Aussie.

**What did you try your hand at before you turned to chaplaincy?**

Of the many things which filled the first 30+ years of adult life, I would say those which come to mind which particularly shaped and prepared me for chaplaincy, in an approximate order of importance, were migration and homelessness; marriage and parenting; making ends meet and collaborating with others in engineering and business; immersion in the humanities, both as a student and as facilitator in adult education, formally and informally; always while prospecting for community, belonging, and partnership. My few years of being a “hands-on” producer of maple syrup in the hills overlooking Lake Memphremagog was also a formational passion.

**When and why did you decide to become a minister? Was this with a prison ministry in mind, or did that come after?**

I began working as a prison chaplain in 1998 as “the Protestant chaplain” while yet a lay person. I became aware of the need having been a chapel visitor there on a couple of occasions, and through my connections with the Anglican Diocese of Montreal, which held the contract for Protestant chaplaincy there and had experienced difficulty in filling a vacancy. My ordination as an Anglican Deacon took place about three years later, but to my mind, I was a minister in the generic sense long before my formal ordination—as much as one may think of a minister as an official functionary, either in government or in a church, for me, ministry had always signified attending, as waiting upon, as servanthood. The opening at Cowansville appeared very much ‘out of the blue’ as providential, and an opportunity to pursue my growing sense of vocation of service in the Church and in the wider community.

**How long have you been a prison chaplain, and how did you come in contact with CSC? Which institutional populations have you served?**

The Cowansville post was less than half time (paid hours were based on the number of “Protestant” prisoners). Being part-time was a challenge as there was always much more to do than paid hours allowed—beyond regular chapel gatherings and personal meetings, chapel activities required creating and planning along with the finding and enabling of volunteers from the community, all as pieces of opening the walls to greater two-way connection and involvement between prisoners and the community. The upshot of this was the creation of a Community Chaplaincy focus for Montreal’s anglophone prison-

ers, which had been sorely lacking, and which was realized by the founding of our community project, Montreal Southwest Community Ministries, a name which for me squarely implied service. The story of how that developed is our story living on in the memories of many of us who collaborated in that, and in our collective memory.

I had not at this point intentionally made chaplaincy my vocation, but in the 2 or 3 years which followed that is what it became, as hours were available to be filled in Drummond Institution, in Federal Training Centre, and in La Macaza, and my chaplaincy life became much more than full time. Beyond these many hours served contractually there were many occasions in this period and following that there was need to visit other prisons—Leclerc, Montée St-François minimum, Reception Centre, Special Handling Unit, Archambault medium, Ste-Anne-des-Plaines minimum, Donnacona, Port Cartier, as well as Kingston and Warkworth in Ontario, and Saskatchewan Penitentiary, so that service as a prison chaplain became a whole-of-life engagement, always with an eye to serving the needs of the men who would arrive in our community.

**How does your Anglican affiliation square with the visibly ecumenical spirit of your prison work?**

As much as the official designation for my work in CSC prisons was “Protestant Chaplain,” it became clear to me very quickly that the role was “multi-faith”. To some extent, anyone who was not Roman Catholic would make contact with the Protestant Chaplain—who in the Quebec context attended daily to the spiritual needs of “les autres”. But the role was distinctly, for all practical purposes, a multi-faith role, with full ecumenical, including Roman Catholic, dimensions, and wide interfaith dimensions – Jews, Muslims, Rastafari, Buddhists and Wiccans were often among those gathered for chapel activities, as were all shades of agnostics and avowed atheists. I have always been known as an Anglican person but in the context of the chapel activities for which I took responsibility one’s “brand” of faith was qualification for very little, and perhaps least of all was Anglicanism at play. My approach in the prison context was well known to my Anglican confreres, and even if others may have pursued other priorities, mine were understood and appreciated as appropriate.

Circumstantially, language was a more important category than Anglican or Protestant, as English-speakers, although in Federal facilities, were at times and in a number of ways, disadvantaged in the Quebec reality. Although unofficially, I seemed by default to become the anglo’s chaplain.

## **What led you to extend your CSC mandate outside the walls?**

It was a response to need. Fortunately, in those days, CSC supported a kind of community chaplaincy whose mandate was to provide spiritual and practical assistance to prisoners returning to the community. With prisoners' concerns about their return to the community in mind, about which I heard a great deal, and with those of some of their family members, I recognized the potential value of chaplaincy extending into the community. I spent months lobbying faith communities, and community and social service groups in key parts of Montreal, among whom I found shared passion for creating a focus to assist in the social reintegration of incarcerated members of the community. From this community consultation came a group of people willing to form and grow a coalition that initially was dubbed, Montreal Southwest Community Ministries—and the volunteers came, so that we had a resource about which I could talk to prisoners, anxious about their life after prison, as did my chaplain colleagues, and gradually, parole and programme officers, and psychologists and educators in the system.

## **Who were the people around you in that effort?**

That consultation and attracting of resources in the community netted a good number of people, each of whom had concern about the impact of crime and of criminal justice repercussions in families and in the community. Among those who participated in the coalition were Brother Dann of Union United Church in Little Burgundy, supported by many of his congregation; Cheryl McGrath and some of her colleagues from Little Burgundy Employment Centre and Tynedale St. George's Mission; Sister Dianna of St. Gabriel's Church, Point St. Charles; Penny Rankin, with key personnel of Saint Columba House in the Point; Fr. Murray Magor of Grace Church, also in the Point; and Fr. Joseph Cameron of St. Willibrord's Parish, Verdun. These took an active role initially in organizing and sharing the chaplaincy effort in the community. Other community projects, churches and many individuals (including Marie, with her extraordinary activist credentials and who was attracted by our "ad hoc" organic style) joined as the project developed. By this time Michele had come into my life, after volunteering in an educational activity in the Chapel in 2000, becoming since a truly indispensable partner in vocation, and being notably the designer of the MSCM Tee-Shirt!

## **Why did you rechristen the MSCM, *Communitas*?**

As much as I was keen to adopt the name *Communitas*, an initial proposal 7 or 8 years earlier was rejected. It eventually won wide support from the membership at the time of the change, because it resonated

in so many ways with who we understood ourselves to be, with what we were living in our shared vocation, and in the experience of transition, together. Behind this was also some history of discomfort for some with the tag "ministries" in the early name, and with the full name being quite a mouthful; and then discomfort for some with the initials MSCM which carried little obvious meaning at first contact. It is very satisfying to now have a name that captures who we are and what we live together in all its complexity, and proclaims it.

## **Could this organization have come about without a spiritual commitment? In other words, do you think you might have had a vocation in secular community activism had you not become a minister? Or without the ministry, might your life have continued on in another direction?**

I have little doubt that if my vocation in ministry had not been recognized or accommodated by the church I would have creatively entered some avenue of service – there were already signs of that prior to

“... we had a resource about which I could talk to prisoners, anxious about their life after prison ...”

my formal steps into ordained ministry, like community activism and service in the NDG area, like coordinating for a time the seniors' outreach work of Thomas More Institute. It is also clear to me that chaplaincy provided the entrée into serving in the prison world and subsequently opening the prison walls for greater community engagement in such as *Communitas*' work. For me, the spiritual-secular tension can be exaggerated. It is my strong sense, finding expression in my childhood animistic experience that the natural and human world which evoked such wonder in me was enlivened by spirits; finding expression in the mysterious way that I accept that loving God and loving neighbour are coincident and coherent; finding expression in the mystery of incarnation which is at the centre of Christian understanding of who we are as people of faith; it is my strong sense that spiritual and secular are two inextricably-linked parts of one reality.

## **Are you pleased with the indisputable achievements of MSCM and *Communitas*, or had you hoped or expected to cover even more ground?**

I am pleased and grateful that so many people have chosen to be companions in the shared experience of transition in life for the better – to be together, to walk together, to celebrate that, even knowing that paths likely will diverge, and that when they do, we can continue in a sense of connection with them that feels "sacred". I had hoped for this quality of com-

munion in my own life, long before my chaplaincy days, and could not be happier that these hopes have materialized in the ways they have, with many others similarly seeking greater authenticity, personally and communally.

Concretely, I continue to have hopes that we might be beneficiaries of generosity that would allow us to become independent and creative in management of space for other ways of being hospitable and helpful. Perhaps this may yet arrive...

## **How do you see your future relationship with the continuing work of this community? To what extent does your resignation as president and a member of the Board signal a distancing from the daily life of the group?**

My retirement has been very gradual, advancing in fits and starts over the last few years as others have appeared and given leadership with their gifts and passions. My resignation as president and director, while having particular implications for the work of others, and perhaps allowing for new blood, is for me just a blip in the longer process of disengagement that I imagine will continue as long as I have time and energy to continue in community life.

## **Has this long commitment of time and energy taken a toll?**

I don't believe so. I am conscious only of being energized and blessed.

## **Any special moments our readers should know about?**

There have been many memorable events and moments. One that brings this to a happy close... Late one evening about 16 years ago I received a call from a prisoner, "Argo" at Federal Training Centre (at the time, a 'high' Minimum), in some distress because he had received word that his wife was in labour with their first child earlier than expected, and before a request could be processed for an escorted visit close to delivery of the baby. At the very least I was able to reassure him I could arrange for him to meet me in the chapel to share some of that anxious time with me.

Not only was this meeting an exceptional occasion for each of us, but in entering the institution that evening and explaining the extraordinary visit, I was astounded to hear from the Keeper a hint of a possibility of Argo being allowed to go for a limited window of time that night, with me as escort, and with an OK from the hospital, to visit on the occasion of the birth. In fact, not long into my visit with Argo, we received word that the exceptional outing had been authorized. Within an hour or so we were at the OB/GYN ward of the hospital, mere minutes after the arrival of Argo's first child, a son.



# A Tribute to Peter Hulsh from the community ...

I have a lot of acquaintances but very few friends. Peter is definitely a friend.

He attracted me to Communitas and I am glad he did, for I discovered a group of great people.

Peter and I share something very special, we are both married to Jamaican women which we discovered at a volunteer training in the Undercroft a few years ago when the girls ran into each other. One Christmas we were all in JA at the same time and we visited them at their home in Kingston. We decided to go to lunch at Devon House, one of the finest restaurants in town. Since neither Peter nor I dare to drive in Kingston there we were, two old, gray-haired white dudes being chauffeured around town by our beautiful and much younger Jamaican wives, no doubt feeling very pleased with ourselves and where life had brought us. I don't know about myself but Peter certainly has earned his time in paradise.

The white stole he gave me as a gift on the day of my Ordination to the Diaconate, September 29, 2018, was the most precious. It is essentially very meaningful and reminds me of my ministry to inmates, a ministry to which he initiated me to better love and serve and rehabilitate like Christ."

**"Peter was my human and spiritual guide through many difficult and wonderful phases of life, and through Communitas, he consistently showed me that everyone can have a heart and be human. His gift to me is comm-Unity!"**

There are many that know Peter better and longer than me. But having seen Peter be swarmed by guys and he handles it with grace. Perhaps even more importantly, I have seen Peter seek out those that shied away from attention and were separate from the crowd but to whom he felt he could offer assis-

tance – with no fanfare and away from the gaze of others. That is true devotion.

I really know him on-line during the pandemic. He is helpful and encouraging. We have something in common. We both like playing piano.

"Shortly after Peter established MSCM, now Communitas, his untiring energy led him to start other programs, for example, Circles of Support and Accountability. Communitas has helped countless number of prisoners and ex-prisoners, thanks to Peter. His unending enthusiasm made me realize the importance of volunteering with Communitas and I am proud to be a part of this very significant organization".



Giving CoSA training to chaplain colleagues in Melbourne, Australia

"Peter reached out to me when I was in a dark and depressing place and helped illuminate my mind with light and truth. Being a volunteer these past 7 years with Communitas has had a significant impact on my life for the better."

Museum days with Peter are my favourite: the genuine discussions, the endless support, and the great laughs are all memories I will treasure for the rest of my life. Thank you, Peter, for helping me become the person I am today.

"From Open Door to CoSA to Community Building, Peter has consistently been the voice that encouraged me to participate. He opened my eyes to Restorative Justice and has literally changed my life"

For two years Peter tried to convince me to chair Open Door but I was afraid. I'm glad he persisted because it's been one of the most re-

warding experiences of my life.

Peter, a gentle soul; always willing to listen to my complaints. Helpful, like the time when I moved. We carried boxes up long stairs because I hadn't learned to use the service elevator. Available for a good lunch especially if it involved dumplings. Had many meaningful moments with Peter.

Many people believe it's impossible to get Peter riled, but it can be done, I've managed it myself—you've just got to be a lot more annoying than with ordinary people. I can't remember what the issue was, only that I was right and he was wrong. See what I mean about being extra annoying?

*He made me feel like someone important.*

To me, Peter is a sort of patron saint of discernment. Like many of us I've reached out to him on countless occasions for support or advice, and unfailingly he's offered earnest counsel in return. His presence has certainly proved a blessing for me.

*Hiking with Peter is always a joy. It is my impression that his approach to hiking seems representative of his approach to life: he is a fearless and curious explorer, captivated by the beauty of nature, motivated by the joy of discovery, thrilled by challenge, and kind and compassionate to his surroundings.*

When I was invited to participate in the creation of a board for CSRQ, Peter was also invited and he is still an active member. He got me involved slowly in Communitas and his patience and calm brought me to finally agree to join the board of Communitas, I am very fortunate to be a member of a wonderful organisation and to be a friend of this wonderful man.

He visited me in Drummond, Ste-Anne, I've been everywhere! Peter was there when I needed somebody, he really brought my spirits up.

When I was released and looking for somewhere to volunteer, I met with Peter at the office and was reassured by his willingness to welcome me. He gave me support and encouragement at a time when I was feeling insecure and a bit lost. Thank you Peter for giving me courage to face life after prison.



Covid slows us down and allows me to invest in relationships

**Hot running water. At the cottage we don't have hot water so I appreciate it at home.**

Diversity enriches us, the opposite is tyranny. We can have dialogue and suggest solutions

**Open Door is like school, I learn from all of you**

We have so many parks in Montreal. And my new Apple computer, which was a gift.

**The company Inewa, started by a Quebec chemist who created bread with less than 1% gluten that doesn't taste like sawdust**

Coffee makes the world much more colourful

**My new girlfriend!**

During Covid, I can order from the computer or phone and then people deliver stuff to my door. They're always smiling!

**I just got a family doctor**

I took many walks along the St. Lawrence before my surgery, then took the same walk afterward. All was quiet, a pure marvel.

**The colours of autumn! And Gordon, he has helped me so much.**

Explaining old technologies to my grandson. What a great conversation, he was amazed at how the world used to work.

**Meeting everyone at Open Door**

Covid allowed me to be at home. I'm now a caregiver of my 9-month-old grand-daughter.

**My fruit basket has such a variety of fruit. 100 years ago even an emperor wouldn't have this variety of fruit**

## The week of Thanksgiving, we asked everyone at Open Door, "What is something unusual that you are thankful for?" Open Door attendees respond, "I'm thankful for..."

Listening to all of you lets me contemplate things that I don't usually think of

**In Canada we can drink tap water. So few countries can.**

My tablet and wifi, plus all of you at Open Door

**The air that we breathe, coffee and cheese-cake, the animals and all of life around me**

Zoom keeps us sane and close

**Beauty and bees. I saw David Suzuki's The Nature of Things, which had incredible close-up photography of bees in their hive, their faces and the honey I eat**

Electricity and those who work at hydro, garbage collection etc., doing menial jobs in the heat and the cold

**We have a Prime Minister and not a President**

Indoor plumbing, especially toilets

**Fireworks, my favourite activity, and having the Montreal International Fireworks Festival**



### Announcing our fundraising:

Ho ho ho! Communitas has remained strong during the months of social isolation due to COVID. Our holiday traditions may be slightly altered but we will all continue to support one another. In past years,

our Annual Financial Appeal reached its target every December 31. This year requires another sincere effort on your part as we aim to raise almost \$10,000 MORE than last year to reach our goal of \$18,000. What a challenge during uncertain times!

Communitas gives tax receipts for all donations over \$20. Whether you choose to make a one-time gift or a pre-authorized monthly contribution throughout 2021, you can easily click on Donate at communitasmontreal.org or mail your cheque to the office.

We sincerely appreciate your continued support of our growing community.





## Covid, Corrections, and Clemency

Since the outbreak of the virus, a grab bag of the usual suspects—civil rights champions, prisoner advocate groups, the occasional far-sighted judge—have lobbied America’s correctional officials to de-incarcerate before their nation’s institutions become slaughter-houses. But who could have seen July 17 coming, when a national, ad-hoc cabal of distraught district attorneys scolded in an open letter, “Being confined in a prison or jail should not be a death sentence,” and demanded that governors and state correctional heads, amongst other measures, “Order the Immediate Release of Elderly and Medically Vulnerable Individuals and Those Near the End of Their Sentence.” Of course, the fruits of these efforts were negligible.

Then, on October 20, 2020, headlines were made by San Quentin State Prison when the California Court of Appeal granted habeas corpus in *In re Von Staich*, and ordered state authorities to halve the institution’s population, either through release, or through transfer to other locations which were neither overcrowded nor Covid-ridden. The irresistible reason was the virus running rampant inside this notorious 168 year-old facility of 3,550 prisoners, infecting 2,200 and killing 28 in an outbreak Justice Kline described as “the worst epidemiological disaster in California correctional history.”

In court, the defendant contended the medical experts had erred in claiming a full 50% reduction would be required to stem the tide; it pleaded Covid reductions had already been made through existing release programs; and it protested offenders convicted of violent crimes could not safely be

turned loose. It further argued the state court lacked jurisdiction to judge if the constitutional prohibition of cruel and unusual punishment was infringed at San Quentin, and that a habeas ruling could not be extended beyond the individual petitioner and applied to a group.

The Appeal Court was unmoved by these arguments. It was moved, however, by the “morally indefensible and constitutionally untenable” lack of urgency on the part of prison authorities, and the “deliberate indifference” of recklessly failing to follow medical recommendations, and continuing to assign prisoners to sleeping quarters in close proximity to each other. Justice Kline excoriated the authorities’ “refusal to consider the expedited release, or transfer, of prisoners who are serving time for violent offenses, but who have aged out of a propensity for violence” (an argument especially applicable to long-serving lifers). Fully convinced a sufficient reduction would never be achieved by the meagre steps the state was willing to take, the Court proceeded to impose the needed reduction through judicial order. There is a lesson in this for obstructionist correctional administrators: truly dire situations will sometimes energize the bench and trigger acts of judicial creativity, courage, and probity.

### Covid in Canadian Penitentiaries

To date, the virus has not attacked Canada’s penitentiaries on anything like the scale we’ve seen at San Quentin. In fact, the devastating microbial invasion all of us feared and many expected has largely spared our carceral community, leaving the population and staff’s physical, if not emotional health largely intact. Early on, Laval’s

Federal Training Centre (CFF) earned the unwanted distinction of worst-hit institution in the nation, but with time, even there, the crisis subsided. On September 26, a Correctional Service Canada (CSC) news release announced that according to daily-updated inmate testing results, there was not one active inmate case of Covid-19 at any of CSC’s 43 institutions. That precarious record fell in mid-November when eleven inmates and an undisclosed number of staff at Drummond Institution tested positive, still a far cry from the scourge visited on America’s institutions.

This fragile calm has been achieved at a price. In the Quebec region, for example, as the disease spreads unabated outside the walls, movement and activity on the inside is restricted. CSC has suspended visits by volunteers, Citizen Advisory Committee members, support organizations, lawyers, and other members of the public. Work releases and temporary absences are on hold. Despite these prophylactic efforts, aware as we are that the voracious enemy might at any moment infiltrate and propagate widely in these dense, closely-housed villages, no one can claim the penitentiary populations are safe.

Dr. Adelina Iftene, professor in the Schulich School of Law at Dalhousie University, has called Covid-19 “a match in a tinderbox created by years of overcrowding in appalling conditions in our prisons.” In her widely-hailed new book, *Punished for Aging: Vulnerability, Rights and Access to Justice in Canadian Penitentiaries*, we learn that almost all federal prisoners are dealing with at least one serious medical problem, and a quarter of the population are seniors, an issue aggravated by health services which

range from slow to spotty to forget-about-it. Not surprising, then, that most federal prisoners exhibit the pre-existing conditions associated with those Covid cases which will develop the serious, life-threatening symptoms leading to high Covid morbidity rates. And as seriously ill prisoners are exported to outside hospitals, they risk bringing the virus with them into the city. On April 20, Prof. Iftene wrote the Governor General, Prime Minister, and Minister of Public Security Minister to warn that “prison depopulation has become a matter of life or death, and the time for political strategizing has passed.”

Throughout the pandemic, prisoners’ advocates and families have been addressing urgent, heartfelt appeals and demands to the systems’ managers and key political figures to effect a reduction of the number of Canada’s incarcerated. A range of potential preventive measures have been suggested, such as a broadened use of temporary absence programs, early consideration for parole, a more forgiving application of the statutory criteria when reviewing parole files, and granting release to locations outside of halfway houses. Although we have seen reductions in some of the provincial systems, the listless response of the federal system hardly reflects Minister Bill Blair’s promise to have his correctional and parole authorities look closely at all files involving low public risk. Where individuals close to a release date, the pregnant, the seriously and terminally ill, the infirm, the elderly could all have been released without significant impact on public safety, little has been done. The federal system’s lack of appetite for dramatic action on the emergent crisis has been exacerbated by setbacks of a practical nature: according to a Radio-Canada report of April 22, confirmed since by numerous sources, CSC’s critical OMS computer program operates too slowly, and quickly becomes overloaded, frustrating parole officers’ attempts to prepare from their homes the file reports essential to the release decisions of both CSC and the Parole Board.

In a report issued this Spring, Canada’s Correctional Investigator declared with characteristic bluntness that the tools CSC has been able and willing to employ will not achieve necessary reductions in the federal population. For Dr. Zinger, the solution, if there is one, lies with the Royal Prerogative of Mercy. On April 20, Prof. Iftene echoed that call in her equally blunt counsel to the politicians in charge: “Given the lack of action thus far and the escalating

spread of disease, this matter cannot be left to the CSC any longer. Individuals that are low risk to public safety and high risk to falling ill due to age and illness need to be identified now and released. The Royal Prerogative of Mercy is the most timely measure available given the inaction of correctional authorities to date.”

### **The Royal Prerogative of Mercy**

Today’s journalists are forever announcing “a deep dive” into some subject or other, but for present purposes, we are going to settle for the following shallow plunge.

For centuries, Britain’s amorphous, evolving constitution has accommodated the monarch’s archaic right to grant relief from the criminal courts’ rulings, to the same effect as the American constitution’s creation of a presidential right to commute the sentence of a deserving individual (or undeserving crony). What is sometimes left

“Where individuals close to a release date, the pregnant, the seriously and terminally ill, the infirm, the elderly could all have been released without significant impact on public safety, little has been done.”

unsaid is that in the wake of democratic advances, arguably beginning with Britain’s adoption of the Bill of Rights following the Glorious Revolution of 1688, the monarch is entitled to perform these extraordinary and apparently lawless acts only because Parliament wills it to be so. Thus, if sections 748 and 748.1 of the Canadian Criminal Code cannot be said to create the ancient prerogatives, they at the least confirm the legitimacy of their operation in Canada; and the modern reality is that these powers, vested in the Queen’s representative, the Governor General, are exercised only when and as directed to do so by a cabinet minister, usually the Minister of Public Safety and Emergency Preparedness.

Historian Carolyn Strange’s work discloses that the royal prerogative’s principal role during the first half of the 20<sup>th</sup> century lay in the seemingly arbitrary determination of whose death sentence would not be pursued to its lethal conclusion. Today, the powers defined at sections 748 and 748.1 embrace respite from performance of all or parts of a sentence; remission of federal fines, penalties, and forfeitures; relief from a prohibition; and the granting of free or conditional pardons. Free pardons will be the type most familiar to the public: the

voiding of the sentence and its legal effects of a person who was unjustly convicted, who has exhausted statutory appeals, and who has brought forward conclusive new evidence which was unavailable to the courts. The reader will recognize such recipients of the pardon as Donald Marshall, Norman Fox, Guy-Paul Morin, and David Milgaard. Clearly, what the royal pardon has dispensed in these cases is not the noble gift of clemency, but the right to justice, albeit delayed.

The idea of clemency, on the other hand, is the lifeblood of the conditional pardon, which may serve in exceptional cases to allow supervised release of offenders not yet eligible for parole who are suffering hardship, and who will not put the public at risk. It may also operate to suspend the criminal record of a deserving individual who will suffer undue hardship if forced to respect the statutory waiting period for record suspension. Clemency-type applications, which had been rare since 1999, exploded after 2012 when the Harper government quadrupled the application fee for a criminal record suspension (i.e. pardon), doubled the waiting time for eligibility, and abolished record suspension outright for certain types of offences. The

Harper government was not sympathetic to these wishful thinkers hoping to sidestep its deliberately obstructive recasting of the pardon scheme; yet when the Prime Minister repealed the Canadian Wheat Board’s monopoly that same year, he announced that the grain farmers who had been convicted of intentionally flouting the monopoly “were not criminals,” but regular citizens protesting injustice, and would all receive clemency.

Could some aspect of the royal prerogative of mercy be employed for the vital and pressing purpose proposed by Prof. Iftene, the Correctional Investigator, and the nation’s prisoner advocates? The government’s expeditious action in the Wheat Board cases leaves little doubt that its powers of clemency are readily accessible and sufficiently flexible for the achievement of valued policy objectives. It but requires a willingness on the part of government to tailor their use to the prevention and suppression of Covid’s ravages inside and outside the walls.

Steve





## Reaching out in COVID times Is a restorative act

### Restorative Justice in Systems Failure

by Heidi Knull

*Nov. 15-22 is National Restorative Justice Week in Canada. As part of the RJ Week Toolkit published by the Correctional Service Canada, BC resident Heidi Knull writes about using restorative practice in our COVID environment.*

Stats Canada is reporting that there has been an increase of worsening mental health in Canadians during the COVID-19 pandemic and in turn higher rates of drug use (opioid crisis), alcohol consumption, homelessness and tobacco use (Rotermann, 2020). Primarily the challenges to mental health come from uncertainty. The necessary physical disconnect between people has also created the perfect environment for isolation to take its toll.

A global pandemic is a catalyst for many issues and in some situations, inspiration when circumstances present themselves. Some inspirations come from a dramatic moment and others from researching what has been done and realizing that it would be an incredible fit for a presenting issue.

The project coordinator for the City of Abbotsford in Housing and Homelessness saw that a Wellness Check as done in Lethbridge, Alberta with seniors, could be adapted for Mental Health in Abbotsford, BC. In her role with the City of Abbotsford she has been privy to the negative impacts to the most vulnerable in the community. A contingent of those community members are those that live with poor or compromised mental health and drug addiction. She passed the idea to the Community Facilitator of Abbotsford Restorative Justice and Advocacy to see how he could grow it. He saw that this idea could be a restorative system intervention and the project began to take shape.

Restorative justice is an intervention between two or more parties in an attempt to give opportunity for responsibility taking and to allow for reparation of the harm done. In a restorative system intervention, the identified broken relationship is between the community member and the systems or resources needed. An example would be a person struggling with poor mental health who cannot access treatment such as counselling or medication necessary due to isolation, language barriers, lack of housing or the effects of their poor mental health.

Restoration and relationship need to occur in order for the person to be connected to the

community and for the community to thrive. A wellness check in is a method of reaching out to the vulnerable to repair or support a broken or non-existent system.

The following information came from an interview with the Community Facilitator, Chris Lenshyn with regards to how a Check In could facilitate the restoration of a system. According to Lenshyn the restorative systems intervention has four primary purposes to meet the needs of those struggling not just during the covid-19 pandemic but also in the future. The following four are listed in no particular order.

First, the purpose is to restore dignity to people who have experienced a systems failure. Systems failure such as inability to access resources or an unrealistic waitlist for a program or intervention (medical or mental health) which generally causes people to give up on help. These issues speak to the inequity. Inequity is what can grind innovation to a halt or can erode at the strength of any project. How do you set the proverbial place at the table for everyone and how do you make sure the invitation makes its way to everyone. Systems failure can take many forms and in a project such as this it's important to address these barriers. It is important to acknowledge that even the message needs to take a form that is understood and not offensive to those being invited.



Dignity comes from the invitation being extended to everyone, from not having to beg for help and dignity comes from having an acknowledged and accessible place in our community. This restores and builds strength in our communities. Volunteers would have a responsibility to not only get the invitation out but to continue to reach out or in essence restore dignity while removing inequity.

The second purpose of the restorative systems approach is to build relationships and connections within our community. This is done in a trauma-informed approach and is a lifeline for those in need. Trauma-informed approach involves the understanding that trauma has a large and broad definition and many consequences that require respect and an environment of safety (Menschner & Maul, 2016). Respect and safety will provide the platform for relationship and connection to grow and in turn, trust which will allow volunteers to hear the needs of each person and connect or direct them with the resources they may find useful.

Each step of the intervention brings about change. Change is the third purpose of the restorative systems approach. Change happens to each individual involved through the relationships built. That change can occur for the people who experience the training for volunteers and this is made evident in how they interact with members in their community, where they see need and how they recognize what gaps can be filled. Change will also occur for the individuals who are receiving the wellness check in. They will be seen and experience a connection with a community member who listens and can also support them. The ability to access what is needed in a timely manner gives credence and dignity to a person. Ultimately, change occurs to the system making it more equitable and beneficial.

The fourth and final purpose of the restorative

systems intervention is to work toward changing the structures that exist and that aren't meeting the communities' needs. The idea is to create a free and accessible organization run by volunteers who provide mental wellness checks that direct people to accessible services or potentially identify gaps in services. The gaps that are left in the system often occur because organizations have met their organizational threshold for provision of care. This means the community needs 'bigger' help. [Such as] government funding to bring in more organizations or employees to meet the needs of the community.

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The hope is that trained volunteers will provide connections through phone calls that increase the communities' capacity for health and support. This builds resilience which is the beginning of community restoration. This training will also provide skills for the volunteers to care for others in the community which can potentially decrease the need or dependence on pre-existing systems.

Some of the issues that have become apparent in the beginning stages of discussion are equity, volunteer training and volunteer retention. Equity means that all people should be aware of and have access to the programs. It also means that training will inform volunteers of culture, religious views/beliefs, abilities, and sexual identity. In addition to the equity skills there is education necessary to be trauma informed. Volunteers will also need to be trained to know how to manage a crisis situation. This will be required among many other necessary skills and

learned scripts.

This leads to the issue of who does the volunteer training. Who is qualified and where do they find someone to train the volunteers in these necessary aspects of trauma care, crisis and referral? Currently, most crisis call-in organizations provide the training for free by volunteers and it can be anywhere from a few hours to many weeks and requires shadowing. Organizations that require a monetary sum for the training provide a more extensive training but, will that be a deterrent for volunteer recruitment? Recruiting volunteers and volunteer retention is also an issue. The level of

training required for volunteers is extensive and speaks to the need of a commitment for longer periods of time.

Although none of these are insurmountable issues, they all

take time and collaborative thinking to find solutions and implement a successful program. It is the hope of Lenshyn and the others involved that a year from now another paper will be out documenting how people have changed, anecdotes about relationships and how systems have been reformed to meet the needs of our community.

*Heidi Knull works as a Victim Offender Mediation Program Facilitator in the Vancouver area.*

[2020 Restorative Justice Week Toolkit](#)

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## Canadian Prison Statistics

### The Canadian Human Rights Commission offers this portrait of the incarceration of minorities in Canada.

- 25 percent of inmates in Canada are indigenous
- 36 percent of women in Canadian prisons are indigenous
- 50 percent of women in solitary confinement in Canada are indigenous
- 10 percent of inmates are Black
- 30 percent of all detained migrants are held in Federal prisons



Canadian  
human rights  
commission

Commission  
canadienne des  
droits de la personne



## Restorative Justice should not be a once a year event

Restorative Justice is based upon the concept that crime causes harm to people and their relationships, and also affects the broader community.

International Restorative Justice Week (RJ Week) starts the 3rd Sunday of November, so November 15th, 2020, and is observed for 8 days to the following Sunday, November 22, 2020. This Week has been observed since 1996, yet so few people know what it is or why they should care.

Restorative Justice is not about forgive and forget, rather it is based on repair, and an attempt to restore, not to what was but what should have been. While November 11th is Remembrance Day in Canada and a similar day in many parts of the world, lest we forget, it seemed an appropriate day to discuss Restorative Justice. There was a time when we killed or enslaved our opponents; there was a time when we demanded and enforced reparation; then there was a time that we helped our opponents to restore order to their society and remove the 'criminals' that brought about the harm.

"National Restorative Justice Week is held the third week of every November across Canada. Montreal usually has several planned activities done in collaboration with the partners of Aumonerie Communautaire de Montreal (Montreal Community Chaplaincy). Communitas publicizes the event amongst our own members and friends of the organization. As well, the Tuesday evening of Restorative Justice (RJ) Week, Open Door presents a theme regarding RJ to be discussed by the attendees. Because of COVID, the group activities planned by ACM for the week will not take place. Instead, some online activities are being planned, explained Bill, one of the directors at Communitas, a community group that strives to integrate, advocate and educate.

Restorative Justice is not the easy way. It requires effort, it requires commitment, but it can lead to wondrous results. Restorative Justice is built upon the belief that:

- Those who have caused harm have a responsibility to help repair that harm;
- Those who have been harmed are central in addressing what is needed to repair the harm;
- Communities have a role to play in supporting victims as well as offenders, and have a responsibility in addressing the root causes of the harm.

The focus is on:

- The harm done to victims and the needs of the victims as a result of that harm;
- The needs and responsibilities of offenders;
- The needs and responsibilities of the community.

The goals are to:

- Repair harm;
- Encourage accountability;
- Building understanding by fostering meaningful communication;
- Provide opportunities for the healing and reintegration of all involved.

When the crowd is mourning a tragic death many, or perhaps even most of those present are seeking answers and may be seething with anger. They may not care about justice and often vengeance is on their minds. But hate cannot defeat hate. But everything in its time, just as there are stages of grief:

Denial. Anger. Bargaining. Depression. Acceptance.

Grief is not sequential; grief does not respect boundaries; grief does not respect timeframes; grief is internal; grief is a personal journey. Crime and especially serious crime brings harm and serious harm. Harm leads to grief. Until there is acceptance the rest – denial, anger, depression, in particular, may remain for a long time or even forever. Understanding and reconciliation can help with acceptance. Restorative Justice can help be a bridge. Hate is never the way.

When victims and their families do not receive this; when the communities do not receive this; when our adversarial system is much too adversarial – simply concerned with wins and losses and does not take into account meaningful restoration, the system is not functioning as well as it could and should. That is why we need Restorative Justice and that is why we have a week to remind us.

Let me close this post with the words of Pete Seeger, whose classic song Turn! Turn! Turn! made famous by The Byrds seems appropriate. In fact, we suggest that you listen to the song while rereading this article.

To everything turn, turn, turn  
There is a season turn, turn, turn  
And a time to every purpose  
Under heaven

A time to be born, a time to die  
A time to plant, a time to reap  
A time to kill, a time to heal  
A time to laugh, a time to weep....

Lest we forget, Restorative Justice is not the easy path but it would be a more healing and meaningful path in many if not most instances.

Thank you for your kind attention.

By Lino



For the last five years, since he finished his sentence, Gordon has been making holiday meals at Communitas for Table Talk and at home for his guests. Given that Communitas' centre has been closed since March due to the coronavirus pandemic, Gordon had planned to host a Thanksgiving supper at Leo's Boys, a halfway house in Saint-Henri. However, when the second wave hit at the end of September and gatherings were once again prohibited, he decided to prepare the supper at home. He recruited a driver and two helpers to deliver the meals to his tenants and to the men in the halfway houses.

Gordon understands the pain of being alone on holidays while others are celebrating with family. His aim is to provide not only food but also consideration and a sense of belonging to those who are marginalized and socially isolated. He is a loyal friend to men he met inside and he spends a lot of his time looking after their practical needs. Gordon is an expert at tracking down affordable housing, furniture and electronics. He uses this skill to help people create decent living conditions for themselves after their release from prison or the hospital.

Gordon has already begun planning for Christmas. Considering that social gatherings will probably still be prohibited, he expects to repeat the experience of preparing the food at home and distributing the meals to people's doors. If you would like to lend a hand, you can contact Gordon directly or through Monika by telephone or email.

*By Dave*

## **On Thanksgiving Day 2020, Gordon prepared a feast for 40 people.**

There was roast turkey and stuffing, candied ham, mashed potatoes, carrots, peas, homemade cranberry sauce and, for dessert, pumpkin pie with whipped cream. He then distributed meals to the men on day parole in six halfway houses across the City of Montreal and to 20 women and men who live in his building where he works as a superintendent. His tenants are mainly outpatients from the Douglas Hospital and people referred by the Welcome Hall Mission.



## **Tips to Take Care of Your Mental Health**

- Get information from reliable sources, such as [Canada.ca/coronavirus](http://Canada.ca/coronavirus).
- Stay informed but follow news coverage about COVID-19 in moderation. Take breaks from watching, reading, or listening to news stories. It can be upsetting to hear about the crisis and see images repeatedly.
- Take care of your body. Take deep breaths, stretch or meditate. Try to eat healthy, well-balanced meals, exercise regularly, and get plenty of sleep.
- Make time to step back and consider how to take advantage of unexpected flexibility in your daily routine.
- Stay connected. Talk to friends or family about your feelings and concerns.
- Maintain healthy relationships and respect other people's feelings and decisions.
- Show support and empathy to those dealing with difficult situations. Identify what is within your control and try to direct your energy towards what most worries you within your own control.

For more information, <http://www.canada.ca/GCMentalHealth>



# 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](mailto:coordinator@communitasmontreal.org)

We would love to hear from you!



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[www.communitasmontreal.org](http://www.communitasmontreal.org)

*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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