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the Sou' Wester

A grassroots newsletter on criminal justice & prisoner reintegration

Winter 2021-22 Edition

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

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Christmas Card Campaign

A total of 2750 Christmas cards were distributed to inmates in federal institutions across Quebec with the collaboration of the chaplains at the institutions and we thank them greatly. *Continued on page 2*

Whither Mandatory Minimum Sentences?

Canada's Criminal Code discloses for each species of behaviour it proscribes the type and extent of the penalties to which mal-factors open themselves. Within these statutorily defined limits the law entrusts selection of the appropriate sentence to the sentencing court's sole discretion, but subject always to the principles laid out in the Code, the most fundamental being that sentences must be "proportionate to the gravity of the offence and the degree of responsibility of the offender." (s.718.1) Respect for that bedrock formula necessarily contemplates a range of fact-driven situations, from the worst possible case, all the way down the scale to that point where moral blameworthiness is actually expunged (one recalls Lord Blackstone's 18th century dictum that "an unwarrantable act without a vicious will

is no crime at all"). Little wonder, then, that our criminal statutes as a rule set maximum sanctions but not mandatory minimum sentences of imprisonment.

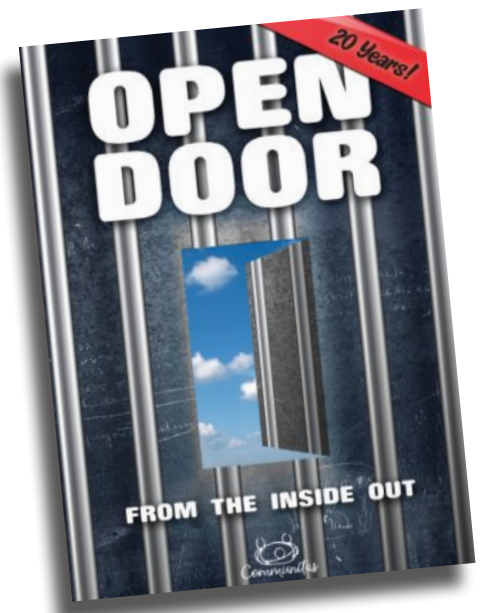
Note the words, "as a rule." The proportionality principle is conspicuously sidestepped by the Code's unyielding exaction of a life term of imprisonment for first or second degree murder, although for the latter, gradations of severity at least are available to the court in determining an individual's parole ineligibility period. Other exceptions exist— notably, the mandatory minimums of the Controlled Drugs and Substances Act, and sentences the Code has established for various weapons offences.

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Book Review – Open Door: From the Inside Out

The book Open Door: From the Inside Out will take you on a beautiful journey. You won't arrive at some exotic far-away place, but at a venue in downtown Montreal, where, under the auspices of Communitas, people have been meeting weekly for the last twenty years for an activity called Open Door.

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Christmas Card Campaign

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A total of 2750 Christmas cards were distributed to inmates in federal institutions across Quebec with the collaboration of the chaplains at the institutions and we thank them greatly. Communitas took part once again in this campaign using one Open Door evening to write more than 300 cards that were sent to English-speaking inmates. The cards were greatly appreciated, especially given the Omicron outbreak that led to the further isolation of so many.

The campaign once again was spearheaded by Relais Famille, a Communitas partner organization that helps support the families of those incarcerated. Other organizations that took part included Corporation Jean-Paul Morin, Montreal Community Chaplaincy, Phare de Longueuil, Centre de service de justice réparatrice, and Centre de service scolaire du Roy in Trois Rivières.

A big thank you to all Communitas members who took part!

Bill



reasons. A number of hybrid rehearsals have been held and Communitas feels ready to restart in-person meetings in the “new normal”.

It is hoped this can begin on Tuesday, March 22nd. At first, we will be limited to 18 in-person participants according to current pandemic guidelines and those wishing to attend must reserve their place on a first come first served basis. This will gradually increase as guidelines permit. More information will be distributed by email.

Bill

Edging toward in-person Open Door Meetings

It has been two years since Covid resulted in Open Door moving to an online format which helped in keeping our community together and in touch with one another. The greatest drawback was the lack of participation from

Inmates on escort because of Covid restrictions at the various institutions. Also missing was the opportunity for the many one-on-one conversations before and after meetings.

While the Covid future is still unknown, and pandemic guidelines are slowly going away, Communitas has been working at developing hybrid meetings for both in-person attendance as well as online participation for those who cannot make it to Fulford Hall for a variety of

Book Review – Open Door: From the Inside Out

Continued from page 1

The book is the testimonial of one hundred and fifty of the people who have passed through that door. It's a realization of the vision of Peter Huish, who realized while working as a prison chaplain that there was little support made available for Quebec's English-speaking inmates as they transitioned to the outside, and set about creating an inclusive, non-sectarian community. Convicts, ex-convicts, volunteers, people of all backgrounds and ages found their place in an environment where everyone is equal, and everyone is welcome: a climate of "radical hospitality".

The honest narratives of Open Door participants, both inmates and volunteers, touch your heart with details that open us up to whole new worlds. There are the offenders who turned their lives around with the support they received at Open Door. There are the volunteers, some who came once to make a presentation, and others who stayed and whose career aspirations have changed as a result. As their commitment to social justice deepened and with it their understanding of reintegration, some have become social workers, psychologists and lawyers bent on working with in the criminal justice environment, while others have become increasingly involved with Open Door.

In addition to the testimonials of partici-

pants, the book offers a wealth of information, with articles on topics including the Justice system in Canada and penal reform. There are also articles and quizzes about subjects that were the focus of Open Door meetings, for example, the Environment and the Chinese New Year.

While Restorative Justice and Reintegration of Offenders are recurring themes in the book, at Open Door the varied interests and outlooks people may have are respected. Many of the presenters talked about other windows of social injustice, such as Black History, child slavery in the production of chocolate, and local issues like city zoning laws, which do not look to the common good but cater to those in power, or how a neighbourhood grassroots community organization developed a charity mindset with an "Us-and-Them" dynamic. At Open Door, it's never "Us-and-Them". Volunteers derive as much joy from these weekly encounters as do those in quest of reintegration after prison. As one volunteer put it, "We are all getting stronger together" (Marie-Eve, p. 170), a sentiment echoed by many of the volunteers.

The vision of Peter Huish and the creation of Open Door are explored in an interview with Peter in the book. He laid out a structure for the meetings that favoured socialization. With little modification, Open Door has remained faithful to that structure to this day. People are encouraged to attend because of the fellowship, not because of the focus of discussion or the presentation - the week's topic is never publicized in advance. Yet we have been told by people who were participants in the past when they used to

be incarcerated, that Open Door was their preferred activity of the previously incarcerated participants. The privilege of attending was vied for, and the details of what went down Tuesday evening was mulled over all the following week.

Along with receiving tips for "Starting a Prisoner Reintegration Group" (p. 218), we are told that the size of the group must be curtailed to a maximum of 30 participants (p. 142). When, in 2011, it got to 50, (p. 142), people felt too inhibited to share their stories. Moreover, not everyone could get a seat at the table. It's a maxim at Open Door that everyone sits in the front row. No one envisioned that Open Door would last for 20 years. Even Jeri, who has animated the meetings almost since the very beginning, expected that the program would last six years (p. 21).

I strongly recommend this book. As it says on the cover, "From the Inside Out", participants spoke from the inside - from inside the pen and from inside their hearts. Read it to be uplifted, by the stories it tells, by its poetry and by the way it encourages us to consider alternatives to the status quo (John, p. 202). As you read the book, you may find yourselves asking how this little group on its shoestring budget survived for so long, even after moving online during the Pandemic, and for two years without the presence of persons currently incarcerated. No, it wasn't expected to survive for 20 years, but this little ray of light went on shining. If you can explain how this happened, you are illuminating the ineffable.

Marlyn

Internet Humour!

How do trees access the internet?

They log in.

Why do babies want to use the internet?

So they can Google Gaga.

The internet connection at my farm is really sketchy, so I moved the modem to the barn.

Now I have stable wifi

Thanks to my internet service provider, I was finally able to read a book.... They had an outage

What do you call it when there is no Internet in Russia?
Internyet.

Guys, I just read something on the internet saying that Albert Einstein may not have existed!
Turns out he's just a theoretical physicist.

21st century. Last night my internet broke down, so I happened to spend time with my family. They are really nice people.

What's an internet scammer's favorite sport?
Phishing.

How do cats send message across the internet?
They e-meow each other



Communitas Consultation 2022

Communitas held its annual consultation in February, taking a look at how the pandemic has affected the organization and looking ahead to the future despite major funding cuts. Two sessions on Zoom were held as part of the consultation. The first one was on February 16 for members who have been participating in Communitas for many years, and others who are playing leadership roles today. The second session was held at Open Door on February 22.

The consensus at both meetings was the same: Communitas' history illustrates the important role the organization plays in society, and that there is an urgent need to continue this essential work. Open Door and CoSA circles are important components of our activities especially during Covid, but members underlined the importance of further developing interpersonal relationships for those leaving prison to ease the

challenge of a successful reintegration into a fast-moving and impersonal society.

In order to carry out Communitas' mission, new pathways for funding must be found and partnerships with other like-minded organizations developed. Collaboration is considered key to maintaining some of our existing programs. We must be careful not to run duplicate programs that other organizations perform. Instead, we should collaborate with them.

At the centre of our operation is the vital place volunteers occupy in our pursuit of social reintegration, and we acknowledge the importance of re-imagining the various roles that volunteers can undertake in all aspects of Communitas' daily life. Their passion and commitment have been an essential ingredient in whatever success we have enjoyed over the years. Ongoing train-

ing must be constantly updated.

Members underscored the desirability of establishing greater visibility and presence with halfway houses as well as Correctional Service Canada so that they become more aware of the services we offer. We need to also stay with tried and true existing Communitas programs but at the same time remain open to special projects with their own lines of funding. One such project could be the Social and Emotional Learning project (SEL). There is a clear wish to re-open Table Talk on Fridays.

There was a strong sentiment expressed for listening to the needs of those coming out of prison and accompanying them as they begin their journey of reintegration. Perhaps this could be done by establishing small teams of two to work with them, especially in the early days of release.

Immediate needs were seen as having an outreach coordinator, a coordinator of volunteers, as well as escort drivers for Open Door. It was suggested we should approach retired people and students for volunteering. We must find ways to better promote the work we do.

All the recommendations were forwarded to the Board of Directors for their consideration.

Bill

Open Door Ramblings

The publication of Open Door: From the Inside Out hasn't caused any big changes at Open Door... no Hollywood producer has contacted us to buy the movie rights or anything like that. We continue to meet, laugh, and welcome newcomers. We look forward to being together again in person as the weather gets warmer.

We also invited an accomplished artist who happens to be one of our members. Camille sent a Christmas card to Communitas with one of her paintings on the front, and it was so beautiful that she was quickly enlisted to speak at Open Door about her hobby as an artist. She walked us through the process of creating a painting, so we could see how it progressed. It went from a real-life arrangement of flowers and vegetables to a sketch, and finally, into a fully finished painting. She explained everything so clearly! We hope to have her back again in 2022!

Fraser spoke to us again about his passion, mathematics, and this time we were able to ask him about what he does in his job as a statistician. He creates algorithms, which each of us

can understand or imagine to some degree. He also made mention of the connection between mathematics and the 2008 Financial Crisis, suggested by some as being caused by mathematicians in the financial sector, whose risk formulae were so intricate that no investor, broker or politician could understand them. (Some say even the mathematicians themselves didn't understand the Frankenstein they had created.) The result: financial meltdown.

February 1st was the beginning of the Chinese new year on the lunar calendar, and we celebrated by taking a close look at the upcoming Year of the Tiger. Everyone can expect mighty changes, as the difference between the energies of the plodding Ox (2021) and the leaping Tiger (2022) is vast. There will be plenty of opportunities to do many interesting things this year, and all of them will take work. So, get healthy, think of what you really want to get out of this year, and pounce with the energies of the Tiger!

On February 22 Bill led us in the annual Communitas Consultation, where all members are encouraged to give us their ideas as to how Communitas can move forward as an organization, both in the short and the long term. It

was an excellent evening of sharing, skillfully chaired by Bill, which resulted in a long list of ideas being generated. Those ideas will go back to the Board of Directors and will be reviewed taking in consideration our financial and human resources. Thank you to everyone who participated!

One of the benefits of Open Door on Zoom is that we can invite speakers from far-away lands. Ryan in Los Angeles works as an editor of reality shows for television, and he described how editors can take drab reality and give it the appearance of exciting reality, convincing us that the doctored result is real. They use strategic cuts, music, and sound effects. Editors used to be given eight weeks to edit hours of footage to create a polished 42-minute show; now they get six weeks. While Ryan can handle this speed because he's been mastering his craft for twenty years, younger editors are going crazy trying to make it in this industry which demands faster and faster post-production. Currently, he's editing a reality show called Interventions, specifically dealing with people who have digital addictions. It'll be out in June on A&E.

Jeri

Third COVID-19 Status Update

Office of the Correctional Investigator

February 23, 2021

Recommendations

1. In recognition of the undue hardship, unusual circumstances and extraordinary measures imposed by the COVID-19 pandemic on the federal inmate population, I recommend that CSC develop and fund a plan that significantly shifts program access and delivery to the community rather than prison. This approach is consistent with evidence-based research, which suggests that the same programs delivered in the community yield better outcomes than those delivered in prison.
2. I recommend that CSC collaborate with the Parole Board of Canada on early and pri-

oritized release of elderly and medically compromised inmates who pose no undue risk to society.

3. I recommend that CSC develop and immediately make public its plans and priorities for a national inmate vaccination strategy.

4. I recommend that CSC immediately release the results of external infection prevention and control audits/inspections that have been conducted at each penitentiary.

5. I recommend that the Minister of Public Safety examine alternatives to incarceration, and address the failings of Canada’s aging, antiquated and costly federal prisons. Beyond the impacts of COVID-19, a more rigorous, humane and cost-effective community-based approach to corrections is long over-due. With more than 3,800 cells sitting empty across the country (equivalent to seven average size penitentiaries), the timing is now to reallocate staff and resources to better support safe, timely and healthy community reintegration and to examine the gradual closing of some aging and antiquated penitentiaries

Covid-19 in Federal penitentiaries

Vaccinations as of February 27, 2022, as reported on the Government of Canada website: <https://www.canada.ca/en/correctional-service/campaigns/covid-19/latest-information.html>

Total doses administered: 31,145

One dose coverage: 87%

Fully vaccinated coverage: 83.8%

Fully vaccinated with additional dose: 54.4%

Total testing as of March 1, 2022, as reported on the Government of Canada website <https://www.canada.ca/en/correctional-service/campaigns/covid-19/latest-information.html>

Total tests: 91,615

Total positive : 3527

Deaths: 6

Recovered: 3264

Active: 257

Quebec Institution	Date of first positive	Date of last recovered	Positives	Deaths	Recovered	Active
Port-Cartier Institution 2	2022-01-31	not yet known	70	0	36	34
Regional Mental Health Centre 2	2022-01-24	2022-02-15	31	0	31	0
Archambault Institution, Medium	2022-01-15	not yet known	82	0	80	2
Donnacona Institution 2	2022-01-11	2022-01-18	5	0	5	0
Drummond Institution 2	2022-01-09	2022-01-25	9	0	9	0
Cowansville Institution	2022-01-05	2022-02-07	49	0	49	0
Joliette Institution for Women 2	2022-01-05	2022-01-20	3	0	3	0
Federal Training Centre, Multi 2	2022-01-03	2022-02-12	177	0	177	0
La Macaza Institution	2021-12-23	2022-02-07	34	0	34	0
Regional Reception Centre	2021-12-02	2022-02-26	82	0	82	0
Donnacona Institution	2021-04-28	2021-05-29	19	0	19	0
Regional Mental Health Centre	2021-04-07	2021-05-04	15	0	15	0
Archambault Institution, Minimum	2021-02-14	2021-03-12	79	0	79	0
Drummond Institution	2020-11-05	2020-11-27	18	01	8	0
Federal Training Centre, Multi	2020-04-05	2020-05-21	162	1	161	0
Joliette Institution for Women	2020-03-23	2020-05-30	54	0	54	0
Port-Cartier Institution	2020-03-14	2020-04-22	15	0	15	0

More praise for Open Door: From the Inside Out



Diana

19 Aug 2014 Citizens' Rights vis-à-vis the Police

I was a law student at McGill and I met Peter at the McGill university volunteer fair back in 2014. I was interested in criminal law and had a very rigid legal understanding of how the law works. Open Door made me see the impact of what was being done in court, the real impact of the law on people. I was able to relate and bring a more humane side in my practice.

The Christmas dinner was my favorite moment every year. Everybody shares food and feels good. I also liked the presentation on learning Community Building (Margaret teaches us this based on the writings of Scott Peck).

I was interested in criminal law and had a very rigid legal understanding of how the law works. Open Door made me see the impact of what was being done in court, the real impact of the law on people.

As a member of the Legal Information Clinic at McGill, I did a presentation on Citizens rights vis-a-vis the police. We talked about how we should interact with police when there is an arrest. The subject changed during the presentation and we ended up talking about the rights of people and how to move forward after an arrest.

I'm now a criminal defense lawyer and represent clients in court. I give legal aid and give social support to those in need.

What a nice surprise to receive this great book! Thank you so much and congratulations for all the accomplishments in the last 20 years. You make a huge impact in bringing goodness and hope for humanity!
M. C.

What a wonderful book you have produced. I opened it and was immediately enthralled. I read the first 41 pages before reluctantly going back to office work. Thank you so much. I will certainly be sending a donation to support your wonderful work. Congratulations on a book which is both a joy to look at and to read.

Ann



Garth

I found the book was fantastically done with the way it was put together and the different articles running through it. I experienced such joy to read how some of the guys and volunteers I knew were doing and how it was written with such authenticity. I had a hard time putting the book down; I also enjoyed and was touched by the stories of the people I did not know.....

*Thanks again...
Gaby*

The other day, Peter said I'm one of the oldest members of Open Door: both my age and the number of years I've been attending. I was there when it was at the YMCA over 15 years ago.

I was inside for 47 years and being able to go to Open Door was the experience of being free. Back in the 1970s, I ran the English groups at FTC. I even got a group of volunteers to come onto

the range every month. I told the guys, if you try to get alcohol or drugs into here, I'll rat you out. CSC trusted me and after I left they cancelled the volunteers coming onto the ranges.

Open Door has changed my life. Before I was extremely introverted, except when I

am with family. When people came to talk to me I'd tell them to get lost. Open Door has taught me that it's nice to be sociable

and interact with people, both at Open Door and in the community. ninety-nine percent of Open Door is good, but I'm not great at breaking into small discussion groups. I especially like the Christmas dinners, with everybody eating together, having Santa Claus and the guys coming out from the inside.

I was inside for 47 years and being able to go to Open Door was the experience of being free

In the halfway house in Laval, I spend my time listening to music and going for walks. Open Door is my evening out. To get there, I walk 40 minutes and then spend another 50 minutes on public transit.

I was given a copy for Christmas and the book is so fabulous. Congratulations. I will take two more copies please. I made mention of it in my letter for the New Year, because quite frankly, it is one of the most beautiful examples of the power of people, to create restorative justice conversations in their own communities. All the best.

FD



Around the table at Open Door

Continued from page 1

In recent decades the number of these controversial measures has exploded. Thirty-five years ago there were but ten; today there are seventy-two on the books. Still others have been retired by the courts as unconstitutional, as an enormous number of challenges besieged the courts at all levels. In the landmark case *R. v. Smith*, the Supreme Court of Canada ruled in 1987 that the Narcotic Control Act's seven year minimum for the importation or export of narcotics violated rights guaranteed in the Charter, as it would be a disproportionately harsh punishment in the less serious cases. Again in 2016, the Supreme Court held that a mandatory one-year minimum for trafficking was unconstitutional, as was the indiscriminate withholding of enhanced remand credit from those traffickers with prior convictions. Many of the minimums in today's swollen list of seventy-two were spawned by the Conservative Harper government's Safe Streets and Communities Act in 2012, which added non-violent drug offenders to the ranks of persons vulnerable to mandatory imprisonment.

How do Mandatory Minimums Harm?

What is it about this sentencing instrument that so rattles and rankles reform-minded

critics? First and foremost, justice is still-born in a court Parliament requires to ill-treat defendants. Unfair sentences will inevitably occur where the blunt imperative of a mandatory minimum dictates punishments detached from the circumstances of the crime and the accused. Not only do undeserved periods of reclusion have practical repercussions on the lives of offenders, but they are likely to inspire feelings of resentment and persecution, rather than respect for the courts— and with reason. Onlookers' attitudes toward government and law also stand to be affected by these shabby proceedings, casting a shadow over the legitimacy of our entire system of justice.

Nor are sentencing judges immune from the mischief done by indefensible outcomes. They have been trained, after all, to consider all the relevant factors in a case, then exercise their discretion intelligently, prudently, constructively, and, above all, fairly. When adjudicating a mandatory minimum offence, they are brusquely deprived of that function, and compelled to mete out sanctions selected by legis-

lators who have not heard the facts or met the accused. The judiciary's frustration with mandatory minimums is widespread and public, surfacing through surveys, and in judges' comments openly regretting a mandatory sentence they are about to impose.

A further injury to the Rule of Law is less obvious but still easily appreciable. Let us imagine a defendant brought before the courts on relatively minor facts undeserving of the sentence prescribed by the Code: might not such a person leap at the prosecutor's offer to plead to a lesser charge with no statutory minimum? Is it not reasonable to suppose that many an innocent defendant has felt compelled to negotiate a plea to escape an intimidating minimum? Still other accused, seeing no path around a looming disproportionate sentence, will dig in and insist on long and complex trials with

Is it not reasonable to suppose that many an innocent defendant has felt compelled to negotiate a plea to escape an intimidating minimum?

Charter challenges where a guilty plea would otherwise have been satisfactory to both parties. In all these situations, the accused's decision-making is coloured and coerced by the knowledge that a reasonable sentence is not on the table. One may well imagine that prosecutors bringing the charges and negotiating the deals are conscious of the leverage the mandatory minimums have dropped in their laps.

Here we encounter a point of entry of the oft-decried evil of systemic bias. A recent U.S. study confirmed that prosecutors' access to mandatory minimums has resulted in Black individuals spending more time in prison than Whites for the same crimes, with mandatory minimums being employed 65 percent more often against Black defendants in like circumstances. Another study found that U.S. federal prosecutors allege just enough drugs to give access to a mandatory minimum more often in the cases of Blacks and Latinos than Whites. In Canada, Senators Kim Pate and Wanda Thomas Bernard and former Justice Minister Jody Wilson-Raybould have joined their voices to deplore a direct correlation between mandatory minimums and the increased rates of incarceration of Indigenous people and Black Canadians, noting that these sentences have been attacked by the Parliamentary Black

Caucus, the Truth and Reconciliation Commission, and the National Inquiry into Missing and Murdered Indigenous Women and Girls. Nor is there pushback from the Trudeau government, which has acknowledged that "MMPs contribute to higher rates of imprisonment and disproportionately affect Indigenous peoples and Black Canadians, as well as those struggling with substance use and addiction. (...) Between 2007-2008 and 2016-2017, Black and other racialized offenders were more likely to be admitted to federal custody for an offence punishable by an MMP. The proportion of Indigenous offenders admitted with an offence punishable by an MMP has almost doubled between 2007-2008 and 2016-2017, from 14% to 26%." (December 7, 2021)

Finally, as the Supreme Court has observed, "Empirical evidence suggests that mandatory minimum sentences do not, in fact, deter crimes." (*R. v. Nur*, 2015 SCC 15). On the contrary, rather than reduce the risk to public safety, it is probable that the more frequent and longer sentences flowing from mandatory minimums diminish public

safety. This may sound counter-intuitive, but the validity of that proposition snaps into focus as soon as one recalls the gamut of societal problems incarceration has been shown to generate or worsen.

Why no action?

In the U.S, both President Biden and his Attorney General have deplored mandatory minimums, a promising sign, to be sure, but one awaiting implementative measures. What of the Canadian response to this longstanding blemish on our system of justice? In the Fall 2017 edition of the *Sou'Wester*, we referred with optimism to the Mandate Letters our new Prime Minister had issued in late 2015 to his Justice and Public Security Ministers. In ordering them "to conduct a review of the changes in our criminal justice field and sentencing reforms over the past decade," Mr. Trudeau signaled a break with the ideology-driven initiatives of the Harper era. As concerns mandatory minimums specifically, Justice Minister Lametti commented, "we are turning the page on the policy of the former government"

With Bill C-22, the Liberal government proposed to effect relief through a number of criminal justice reforms, among them, the entire or partial repeal of 20 of the existing 72

mandatory minimum sentences, including all six affecting drug offences in the Controlled Drugs and Substances Act, 14 for firearms offences in the Code, and one for a tobacco offence. The minimums the bill targeted, in the government's estimation, are those with the greatest impact on Indigenous and Black offenders, and other members of marginal communities.

Unfortunately— or not, depending on how one takes one's coffee—, by the time the Minister filed Bill C-22, it was December of 2021. It got as far as second reading in the House of Commons, then died on the order paper when the 43rd Parliament was prorogued. Following the Liberals' re-election in September 2021, C-22 was reintroduced without changes under the designation Bill C-5 and is currently being debated by our 44th Parliament.

Readers will be wondering if the remedial measures on offer in C-5 have met with the entire satisfaction of all Canadians. They have not. Some critics complain the bill paves the way to excessive judicial leniency; others that repeal of 20 minimums means retention of 52, and that, at any rate, there is no evidence the 20 singled out are the nub of the problem. Promi-

nent among unhappy observers are organizations which protect civil liberties and the rights of marginalized people, and members of the Senate, in particular, those in the Independent Senators Group.

Senator Kim Pate has tried to steer the Senate toward a different solution. In June 2013, she introduced Bill S-221, An Act to amend the Criminal Code (exception to mandatory minimum sentences for manslaughter and criminal negligence causing death). In November 2013, she introduced Bill S-209 with the same name. In February 2014, she introduced Bill S-214 with the same name. These initiatives did not bear fruit.

In May 2018, Senator Pate took the gloves off. Her new bill, S-251, An Act to amend the Criminal Code (independence of the judiciary) and to make related amendments, adopted a wider scope, this time seeking to empower the court to set aside any of the prescribed sentences in the Code, and requiring a sentencing judge to consider all options before relying on a prescribed minimum, and to support such reliance with written reasons. Once again, her bill was not adopted into law. On Nov 24, 2021 Senator Mobina Jaffer introduced Bill S-213,

substantially the same bill Senator Pate had filed in 2018. In these last efforts, the wholesale assault on mandatory minimums is on full display. Rather than attack a minimum here, a minimum there, leaving the majority in place, as contemplated in the government's C-5, the Independent Senators have crafted a concise package of legislative amendments which with one finely-tuned stroke would thwart the dictatorial authority of the entire spectrum of prescribed minimums, including mandatory life sentences. S-213 is under consideration.

The Sentencing Commission of Canada has stood up for fairness, reminding lawmakers that "In the past 35 years, all Canadian commissions that have addressed the role of mandatory minimum penalties have recommended that they be abolished." And the bedrock principle of proportionality defined on a case-by-case basis appears to have found support in the Standing Senate Committee on Legal and Constitutional Affairs. Is it naive to imagine that a profound renovation of criminal sentencing could emerge from the Senate to challenge the conscience of the Lower House? Stranger things have happened in Ottawa.

Steve

News From the Inside

I had imagined that this article would be a description of all the back-to-normal events at the federal institutions that we had previously hoped for, but, unfortunately, the brakes were holding us back as the latest Covid variant took hold of society. The restarting that had just begun, as reported in the last edition of the Sou'wester, was abruptly cancelled as Omicron progressed.

In this latest round of the virus at the Laval pens, there were no cases of Covid reported at 600 Montée St. Francois but there was an outbreak at 6099 boul. Levesque, which subsided without serious results.

At the beginning of March, another very gradual restart began taking place, with one-to-one phone calls between chaplains and others with certain inmates. Volunteers who were members of groups until two years ago, such as for bible study, have been meeting without inmates who are as anxious as we are to restart those rewarding programs.

Our own Open Door continues weekly on

Zoom, with hopes for in-person meetings to begin soon using Zoom meeting technology to accommodate both in-person and online attendance. Test rehearsals have been held to iron out technological wrinkles.

On the French side, Entrée Libre began last fall with inmates from Ste. Annes but in December their presence was put on hold again. They hope to be back soon in March or April. Non-inmate members restarted in person February 10th.

Last week, there was a meeting of groups within the Aumônerie Communautaire to reflect on how joint projects could work. Two activities involving inmates from Ste. Anne are planned, both a continuation of the previously started volunteer work. Centre de Jour René Gagnon and René Pétillon together welcome volunteering inmates from the minimums, in groups of 20, on Mondays to organize activities and to serve lunch. There will also be an opportunity on Thursday afternoons when Présence Compassion will be at Parc Emilie Gamelin where coffee and refreshments are served to the poor and homeless. Certain ex-inmates will act as volunteers there. We hope that COVID allows us to do so.

Margaret





The Sou'Wester interviews Caroline

by Leigh

Leigh: Where did you grow up?

Caroline: In Winnipeg, Manitoba.

Leigh: Which do you prefer, Winnipeg or Montreal?

Caroline: Montreal, a million times. No question there!

Leigh: What about Mexico versus Montreal?

Caroline: They're very different from each other. I'm living in Playa Del Carmen, and it's like a small to medium sized city. It doesn't have the culture like Montreal, but it has the beautiful weather and the beach. They're very different, but I think at this point in my life, and considering what's happening in Montreal with all the restrictions, Playa Del Carmen is definitely the better choice right now.

Leigh: What kind of kid were you?

Caroline: I was happy, and positive, optimistic, hopeful... I was a very happy child.

Leigh: You're in Mexico doing the work you set out to do. Was it hard to get where you are now? How did you persevere?

Caroline: It's taken a lot of perseverance, but you know, hard work pays off in the end. Through my studies, I started bible college with Mosaic College in January of 2021... I got connected to them back in 2016, I read Pastor Erwin McManus' book *The Artisan Soul*, and I said "wow, this book is me! This

describes my life completely!" ...I felt this calling, like God was calling me to be a part of this community, and I thought 'well, how is this going to happen?' And then when the pandemic hit in March of 2020, churches went online, and I was able to connect with community online through Zoom. I got to know them very well and then I applied for their college. I loved their teachings. Pastor Erwin placed a lot of emphasis on creativity. One of their main core values is that creativity is the natural result of spirituality. That's why I felt so connected to them.

Leigh: I heard you're writing a book. Can you tell us a bit more about it?

Caroline: I started writing this book in early 2014, but the story takes place in 2011 when my dad passed away. It's my personal testimony, it's my memoir, and so I think of Pastor Erwin's book where he teaches that your life is a story... your life is a work of art, you're the paintbrush, and God is painting this beautiful picture with your life on this canvas... and so I saw my life as a movie. I was really inspired by the TV show *Sex and the City*, I don't know if you know Carrie Bradshaw? I was really inspired by her. These series of events happened to me while I was living in Montreal, and I said, "Wow! This is just like *Sex and the City*, I'm like Carrie Bradshaw!" God put me in all these really interesting situations, and it was like there were characters right out of the TV show. I used my creativity to channel my pain, because I was carrying a lot of pain, and emotions, and the grief that was left from the passing of my parents. I took all that pain and I turned it into power. I turned it into something positive instead of wasting it away. It's like a story, but it's real, it's my life. So even now I'm still living out my story, I'm not finished it, I'm in Playa Del Carmen, I have the prison ministry that I started here, and I recently finished my studies... but I'm still living in this story that God has written with my life. I wake up every day and think ok, well how is God going to write the story today? I love to live with a sense of adventure.

Leigh: You study the Enneagram (personality assessment), what's your personality?

Caroline: I'm a 4 on the Enneagram. We're considered the artists. I don't like to blend in. I don't like to conform. I don't want to follow the crowd. I want to be different. I'm a 4 with a 3 wing, so I'm an artist and the 3 is the performer. I get along with 3s and 4s and I get along really well with 8s, I always click with 8s, they're the challengers. We both have that

strong level of intensity.

Leigh: What drew you to it?

Caroline: We started doing a study in my church in Montreal, and I did all this research on the Enneagram, and I thought, wow, this is really interesting. I got to know all the numbers of my friends and I gave them all the test. I thought "This is really true, you know, I really like this!"

Leigh: I know that you've unfortunately lost your father, I am so sorry to hear about this. Could you share a bit about what helped you get through it?

Caroline: Definitely writing the book, channeling all my grief and emotions and pain and channeling it into art. That helped me a lot... and being in healthy community. Being connected to Mosaic, I see a lot of my parents in the leadership at Mosaic. I see a lot of my dad in Pastor Erwin McManus and a lot of my mom in Pastor Kim McManus. They both have this magnificent creativity and imagination, and so I see a lot of my family in the leadership at Mosaic. I think that's amazing, what I've lost, God has... not replaced it, but He's provided another space for me where I can connect with other creatives, and just have that safe space and not feel neglected or judged.

Leigh: What are you grateful for?

Caroline: I'm grateful to have had the family that I had, the parents that I had, the way that I was raised, to be able to live here and have all this freedom, and to be blessed financially... to meet new people and take these risks. I don't think a lot of people have this opportunity to enter into a story like this. It's been long and hard, many years of waiting and suffering. But there's been a lot of growth... out of all that hardship comes a lot of growth. Things are only going to get better.

Looking Back

As 2020 ended, we gathered the thoughts of Communitas members at Open door on what they wished for in 2021. Now that a year has gone by, it's time to reflect on what we wished for. Did your hopes bear fruit?

What do you think 2021 holds in store for you?

I hope for worldwide peace and health.

I want my brother to be free of cancer.

I'm going to talk to more and more people about climate change.

I'm going to keep in touch with the French side of Restorative Justice in Montreal and maybe see my family in Mississauga.

I'll try to be my best!

Get out of my chair and exercise.

I'm going to work on deepening my relationships.

Finish my Master's Degree. I can't even think about leisure.

Go to France. I have friends there.

I finished building my shelves and now need to fill them up. I also want to declutter.

Learn to speak Dutch, find a Buddhist temple, and find a job.

As I approach 90, I live each day as if it were my last. I'd like to go to Switzerland to see my daughter and also have our Communitas corn roast!

2021 will be long and drawn out; we have to accept it and not be frustrated. I'll keep playing the trumpet.

I'm going to continue to do everything that has to be done. I miss getting together with everybody.

Right now I'm on cruise control and I like it. I'd like to go back to university.

I'd like to persuade people of influence inside the pens to allow the guys to have computers.

I'd like to see a real whale. And I'm building a shelf in my living room.

Ditto to everything everyone else has said. Plus, I want to learn sign language.

Tomorrow I start my Spanish classes.

I'll get full parole in March. I'd like to become politically active and work for prisoners' rights.

I'm looking forward to one of the best years of my life. I will pass the Board and will get a new apartment.

I taught my parents to use Zoom and my relationship with my dad has never been better. Maybe I'll be able to visit them in June.

Since I can't go to restaurants, now when I want tasty food, I'll learn to make it myself.

Federal Government grant aims to accelerate the use of Restorative Justice in Canada

March 14, 2022

Federal Justice Minister David Lametti has announced a grant of \$644,508 for a research project at Dalhousie University in Halifax to accelerate the use of restorative justice across Canada. The project will be carried out by the university's Restorative Research, Innovation and Education Lab at its Shulich School of Law.

A media release from Lametti's office says "A fair justice system must be compassionate, accessible, and prioritize the safety and well-being of the victims, perpetrators and communities affected by crime. Expanding the use of restorative justice is an effective way to respond to crime, promote safer communities, increase access to justice, and help address the over-representation of marginalized people in the criminal justice system."

Minister Lametti underscored the important role restorative Justice can play in the Canadian justice system: "Restorative justice approaches are an essential component of a fairer, more inclusive justice system. They enable access to community-based and culturally responsive justice mechanisms."

The project will be targeted at planning and hosting a national collaborative learning con-

ference on restorative justice that will bring together key partners to share knowledge, expertise and experience about the growth of restorative justice in Canada. No timetable is yet available for the conference. The project's term is for four years.

The Restorative Research, Innovation and Education lab is well suited to carry out this project as it is considered to be one of the leading resources for restorative justice in Canada. The Lab's director, Professor Jennifer Llewellyn says: "the grant will provide vital support for collaborative work across governments and systems to realize the potential of a restorative justice approach to transform systems in order to better meet the needs of individuals, families and communities."

The Initiative is also undertaking an innovation incubator to develop a restorative approach to address the harmful impacts of multi justice interventions on individuals and families affected by family violence. This incubator supports inter-jurisdictional and multi-sectoral collaboration to improve access to meaningful justice.

Dalhousie University is home to the oldest school of common law in Canada. The Restorative Research, Innovation and Education Lab, is a private and public partnership hosted at the Schulich School of Law, which serves as a center of excellence for social innovation through a restorative approach.

Bill

Quick facts

Restorative justice has been used in the criminal justice system for over 40 years. It is built on the belief that crime causes harm to people, relationships, and communities and that those who have caused that harm have the responsibility to repair it.

Restorative justice programs work to connect both victims and offenders to existing services to support their needs. This could include counseling, addictions treatment, mental health programs, and victim services. Restorative Justice has been proven to be an effective response to crime and contributes to a criminal justice system that is accessible, compassionate and fair, and promotes the safety and well-being of Canadians.

Indigenous legal traditions, which have been used by Indigenous peoples for thousands of years to resolve disputes have informed many restorative justice programs in Canada. Practices and approaches that are based on restorative justice principles can have a positive impact in addressing systemic racism and the over-representation of Indigenous peoples in the criminal justice system.

The Justice Partnership and Innovation Program (JPIP) supports activities that contribute to increasing access to the Canadian justice system and that respond effectively to the changing conditions affecting Canadian justice policy, including reforms to the justice systems and improvements to the delivery of justice services.

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:"

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Make cheque payable to Communitas

Please mail to:

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Montreal QC, H3A 2B8

You may donate through our online donation page by clicking [here](#), or by filling in the form above and mailing it to our office.



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:

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