

Co-operatives and the Criminal Justice System in Canada: Learning Communities for Justice

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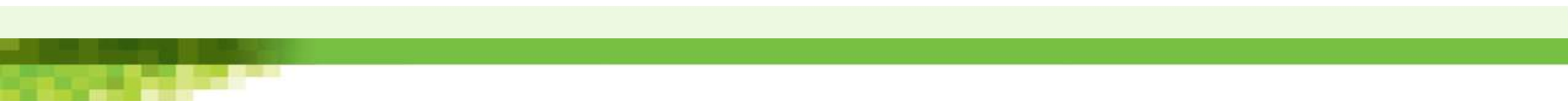
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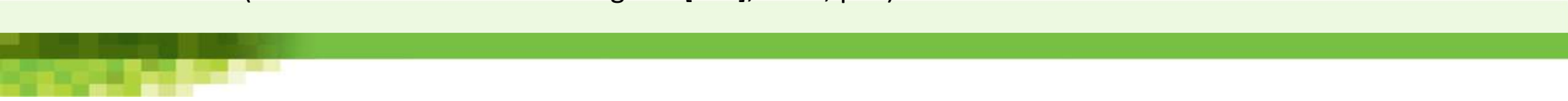
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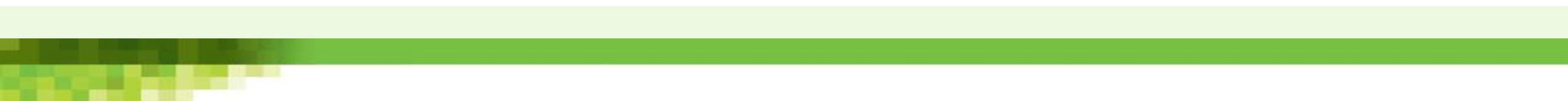
Agenda

- Canadian context and background
 - Truth and Reconciliation Commission (2015)
 - Canadian Initiatives
 - Challenges and opportunities
 - Lessons learned
 - Conclusion
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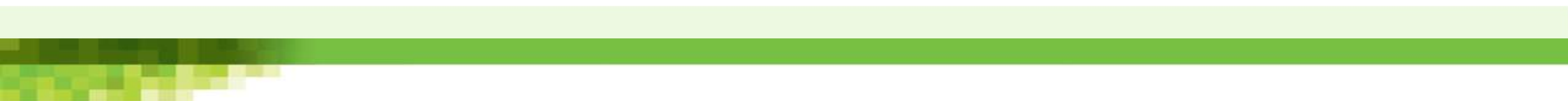
Context and Background

- Marginality is too often a life sentence.
 - The centre produces its own margins, presuming the right to judge and to enforce those judgments.
 - Coproduction can mean amplified exploitation by mainstream beneficiaries of the status quo, or the mobilization of resistance across marginalized difference.
 - In Canada, colonization and capitalism are the principal drivers and beneficiaries of legal traditions that dominate all talk and practice of justice.
 - The operating contradictions of colonization and capitalism shape the contradictions of Carceral Capitalism (Wang, 2018) in Canada: a poster democracy which invented the concentration camp (before the British “enhanced” it during the Boer War) and included “enemy aliens” and “Indians” within its surveillance and penal system in the 20th century.
 - Principal forms of resistance come from the victims of colonization and casualties of neoliberalism.
 - A “tough on crime” agenda dominated Canadian criminal justice policy in recent years resulting in “poor policy choices grounded more in ideology than in evidence” —increasing prison populations and sentence length, declining parole, and deteriorating conditions (Office of Correctional Investigator [OCI], 2018, p. 5)
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Context and Background

- Maidment (2006) notes that “all too often, the common denominator among criminalized women is a chronic cycle of poverty and dependence on welfare” (p. 59).
 - Indigenous people (4.9% of population) experience higher rates of foster care (50% of total), substandard and crowded housing (20%), food insecurity (20%), unemployment (15%), lower earnings, and lower labour participation rates (Statistics Canada, 2018; National Aboriginal Economic Development Board, 2015).
 - Indigenous over-representation in corrections is at “historic highs”: increasing 42.8% in ten years (1% overall) to 28% overall, 60% increase to 40% for federally sentenced women (66% on Prairies), and 38.4% Indigenous youth—serving longer sentences in higher security and greater segregation and representing 48.3% of all self-injurious incidents (OCI, 2018).
 - 76% of federally incarcerated women abused or addicted to alcohol; 54% anxiety disorders, PTSD (close to 33%), antisocial personality disorder (49.4%) (OCI, 2018)
 - Young offenders report “feeling very unsafe and vulnerable while in federal custody: Indigenous youth report joining gangs for “personal protection against abuse, bullying, and violence” (OCI, 2018, p. 75).
 - No regular database of recidivism rates; new federal sentences for those returned to custody are tracked—16% in 2011-2012 but 23.4% for Indigenous peoples—though provincial and territorial convictions are the “vast majority” (OCI, 2018).
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Inclusion and Public Safety

- Patterns of invisibility and hypervisibility (under- and over-representation) maintain inequalities of the current disciplinary system
 - Colonization and capitalism are equally contradictory, unscrupulous and violent in concealing contradictions within discourses of equality, universality, meritocracy, and national unity.
 - The “double jeopardy” of the marginalized is to be “over policed and under protected” (Corcoran, 2012, p. 19).
 - Indigenous women are three times more likely (men and boys 7 times more likely) than non-Indigenous to be victims of violent crime (Statistics Canada, 2018).
 - Public safety policy impacts women’s safety and capacities to control life decisions—significant in reducing recidivism (John Howard Society, 2013).
 - Continuing the over-representation of Aboriginal people in the justice system instead of investing in education and alternative measures will cost Saskatchewan alone as much as \$13 billion over twenty years (Findlay & Weir, 2004).
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Truth and Reconciliation Commission

- For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as "cultural genocide" (TRC, 2015a, p. 5).
- Prisons as the "new residential schools"; incarceration statistics at all-time high despite 45-year low crime rate (Macdonald, 2016)



Mount Elgin, Ontario, laundry room. Clothes wringers, such as the one shown here, were a source of injury at a number of residential schools. The United Church of Canada Archives, 90.162P1173.



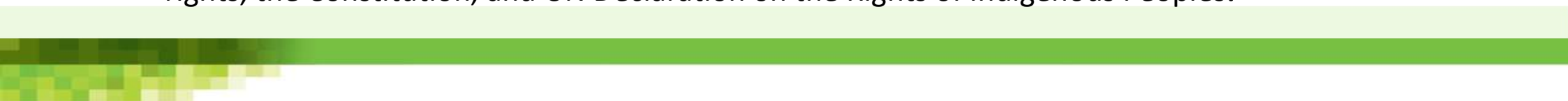
Inuit students at the Joseph Bernier School, Chesterfield Inlet, 1956. Diocese of Churchill-Hudson Bay.

TRC Calls to Action, UNDRIP, & Treaty

1. The **United Nations Declaration on the Rights of Indigenous Peoples** is the framework for reconciliation at all levels and across all sectors of Canadian society.
2. First Nations, Inuit, and Métis peoples, as the original peoples of this country and as self-determining peoples, have **Treaty, constitutional, and human rights** that must be recognized and respected.
3. Reconciliation is a process of healing of relationships that requires **public truth sharing, apology, and commemoration** that acknowledge and redress past harms.
6. All Canadians, **as Treaty peoples, share responsibility** for establishing and maintaining mutually respectful relationships.

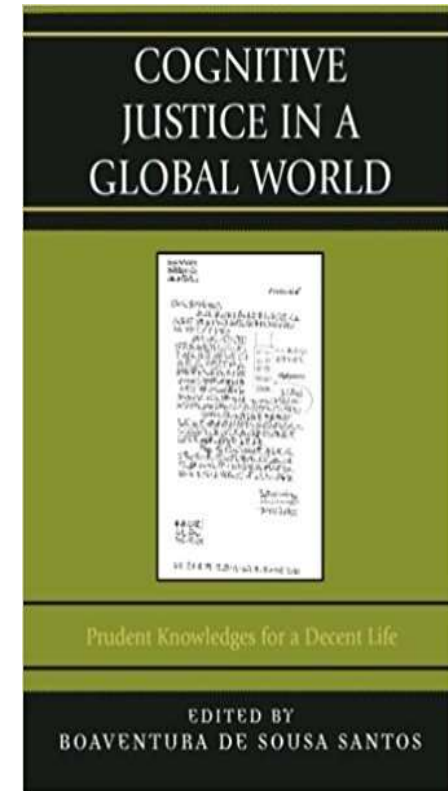
Links: [UNDRIP](#), [Calls to Action](#), [Treaty](#)

TRC (2015b) Calls to Action

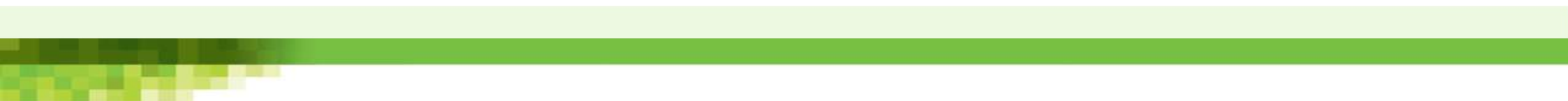
- 30 & 38. Eliminate the overrepresentation of Aboriginal people and youth in custody over the next decade (annual reports on progress).
 - 31. “Implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.”
 - 32. Enact statutory exemptions from “mandatory minimum sentences” (including for FASD)
 - 34. “Better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD)”: community powers and resources for diagnosis, “community, correctional, and parole resources to maximize the ability of people with FASD to live in the community,” and evaluation mechanisms to track.
 - 35. “Eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.”
 - 39-42. Reduce the rate of criminal victimization of Aboriginal people (collect data, fund programs, public inquiry, and implement Aboriginal justice system) “consistent with the Treaty and Aboriginal rights, the Constitution, and UN Declaration on the Rights of Indigenous Peoples.”
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From Cognitive Imperialism to Cognitive Justice

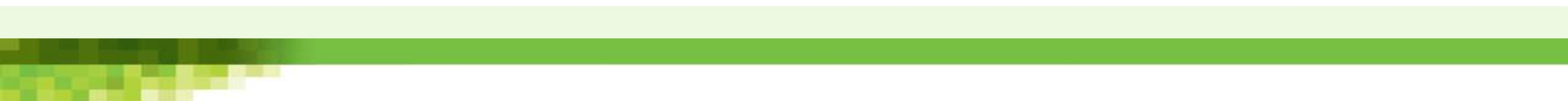
- “Social transformation,” even human and planetary survival, depends on “knowledge democracy” and the diverse ways of knowing that have sustained the world’s cultural and biological diversity (Hall & Tandon, 2014)
- “Cognitive justice recognises the right of different forms of knowledge to co-exist, but adds that this plurality needs to go beyond tolerance or liberalism to an active recognition of the need for diversity. It **demands recognition of knowledges, not only as methods but as ways of life**. . . . embedded in ecology of knowledges where each knowledge has its place, its claim to a cosmology, its sense as a form of life. In this sense knowledge is not something to be abstracted from a culture as a life form; it is connected to livelihood, a life cycle, a lifestyle; **it determines life chances** (Visvanathan, 2009).



Education for Post-release/ Employment for Justice

- Demand exceeds access to training; programming neither cost-effective nor supportive of public safety (Public Safety Dept report, 2012)
 - Only 15% of the total offender population works in a CORCAN facility (John Howard Society, 2013)
 - Even the well-trained with criminal records face barriers (John Howard Society, 2013)
 - Current programming flawed: gender issues, dearth of substance abuse programs, few employment and work release programs, failure to address Aboriginal women's needs, inconsistent support post-release (Office of the Auditor General, 2003).
 - Trapped by poverty, Indigenous women are often forced to turn to economic crime or the sex trade, leading inevitably to incarceration in the CCJS (Maidment 2006).
 - Criminality—and a record—adds another layer of marginalization in settings where the incriminating record of colonial and neocolonial state as agent of white settler self-esteem, flighty investment capital, and the anti-regulation animus of extractive industries is ignored.
 - “The economy” has worked as an engine of dispossession, pollution, and inequality.
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A Social Economy of Safety

- Social enterprise and social co-ops effective in addressing social exclusion, work and social integration, resocialization and desistance (Borzaga, 1996; Majee & Hoyt, 2011; Spear & Bidet, 2005; Weaver, 2011, 2016).
 - Co-ops can help meet post-2015 sustainable development goals and improve global work conditions while fostering “democratic knowledge and practices and social inclusion,” protecting the environment, reducing poverty, and promoting gender equality, good governance, and lifelong learning (ILO-ICA, 2014, pp. 4-8).
 - A social economy of safety and receptivity is needed more than ever on the way to redistribution and reconciliation.
 - Prison co-ops in Canada (Corriveau, 2007; John Howard Society, 2013) and in Europe have supported reintegration and reduced recidivism and underlined the social process of re-education/ rehabilitation (Nicholson, 2011; Nicholson, Mills, & Nash, 2013; John Howard Society, 2013).
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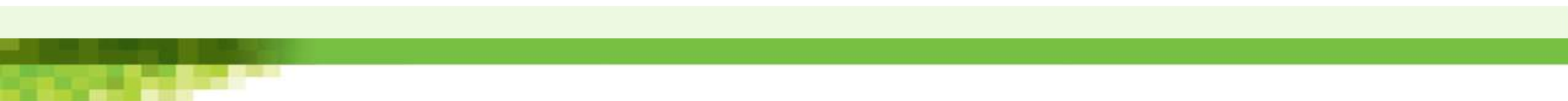
Preparing for Reintegration (Findlay et al., 2013)

- Women felt prison work did not support reintegration: “No, Not sweeping and mopping, no. Getting paid \$3 here (laughs).”
- Thirteen (n=16) believed a prison-based co-operative could benefit them both during their sentence and upon their release.
- They appreciated the fact that co-op priorities focused on members’ interests and well-being rather than on profit.
- “I would like that. Like instead of one big boss has the final word, everybody does. Well that’s good. I like the co-operatives; they co-operate with everybody and that’s interesting.”
- “So they all [the members] work together, you know? That’s the way everything should be. They work together on something, and that way everybody is happy with the decision and everybody is involved with it and no one is left out and no one is mad about it and there’s no fights.”

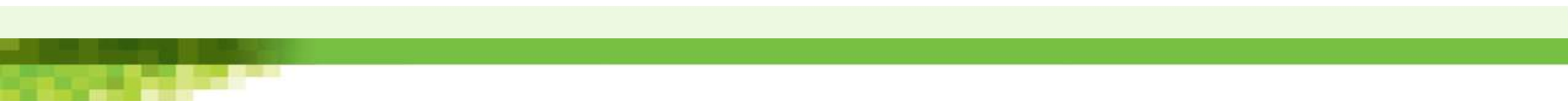


Photo of Pine Grove Correctional Centre: Terry Malone
https://www.vice.com/en_ca/article/5gj8vb/why-indigenous-women-are-canadas-fastest-growing-prison-population

Finding Your Voice (Findlay et al., 2013)

- “Well, everybody gets a say as a group and not just one person gets to bully everybody around. My voice, *what I choose*, is heard, and it matters. . . .”
 - “Yes, I think so. I think it’ll help us to have our voice heard, and a little bit of power back.”
 - The co-operative would be beneficial “because the girls would be doing something together.”
 - “For job opportunities, that will help and for low income and housing As I know, a lot of women are struggling to find housing. . . . Some of them are scared to leave here now because they don’t have a place to live when they get out. You know and that’s pitiful, you know; everyone should have a home.”
 - “It would give me potential skills for jobs outside [Pine Grove] and also give me training on how to deal with other people in different ways than here, ‘F this and F that,’ you know? Be a social person, better behavior.”
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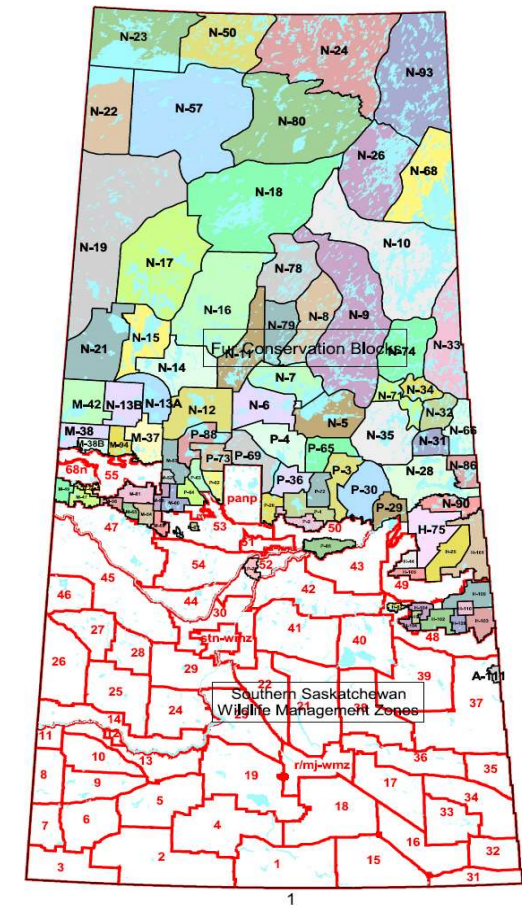
Appreciating the Gifts (Findlay et al., 2013)

- “I really think that would be good because, believe it or not, a lot of women are gifted with a lot of gifts and they make the choice not to express it when they’re out there. Who knows, maybe it’s drugs or alcohol or money issues or finance. But when they’re in here [Pine Grove]. . . .that’s how they express themselves through their gifts.”
 - Punitive justice freezes personal histories in hopelessness.
 - Voice and choice, self-determination, self-worth, lifelong learning, and strong social bonds were important in an empowering and legitimate business allowing the women “to leave their criminal identity behind.”
 - The cogency and resolve in the women’s voices underline recovery of voice as a key part of relearning positive selfhood—and an ongoing need to decolonize institutions and thinking.
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Multiplying Social Economy Histories

- Despite Treaty promises that “the same means of earning a livelihood would continue” protected under S.35 of the Constitution Act, 1982, law, policy, and regulation have undermined and impoverished trappers and their communities.
- “From an investment perspective, both our prison and parole/probation systems are business failures. . . . The ‘coercive mobility’ of cyclical imprisonment disrupts the fragile economic, social, and political bonds that are the basis for informal social control in a community” (Tucker & Vadora (2003); qtd. in Findlay and Weir, 2004, p. 131).
- Northern Saskatchewan Trappers Association (NSTA) converted into co-op (NSTAC) 2007 (mandate: monitor and guide, develop policy, deliver training, and lobby government)
 - Redefining/ revisioning NSTAC for hope, healing, and health
 - Building human capacity through regaining traditional knowledge/ *Pimâcihowin*: making a good living
 - Renewing holistic balance of skills and dependencies linking human survival to sustainable, responsible, respectful stewardship
 - Remembering proud history of sustainable knowledge economy, co-operation, and fair trade
 - Developing renewed sense of legitimacy & new solidarities

Figure 1. Fur Management Zones.



NSTAC Trapline Justice

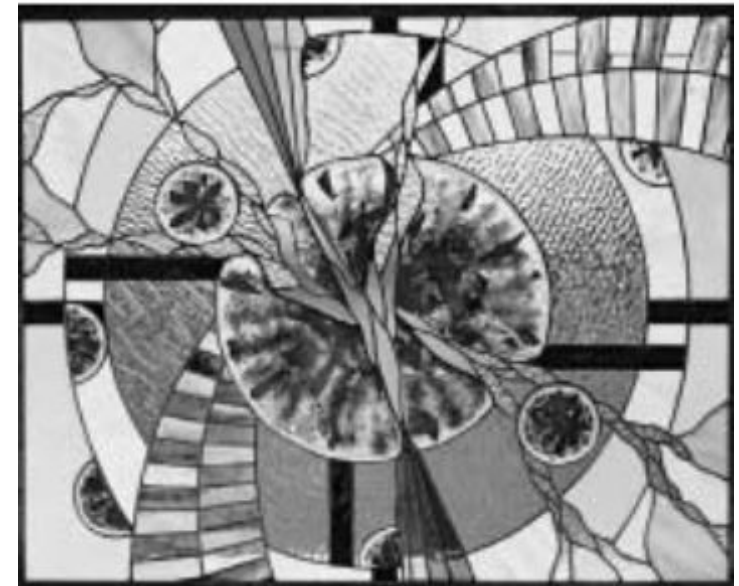
- When they get in trouble, when they break the law, well of course they send them to jail or give them a sentence. But send them to a camp where they can learn about their culture – how to trap, how to hunt and all that what was done in the old days. If they start learning about the Indian people's ways, maybe they can learn about who they are.—Trapper
- So this is what we hope to offset [system as opposed to individual and community benefits] also as we train these young offenders to become something, to be proud of something knowing that they have a title.—Trapper
- For 2007 pilot program (funded by Northern Affairs of First Nations and Métis Relations), two adult offenders & five young offenders on trapline with veteran trappers for therapeutic, healthy, land-based learning.
- Well received by participants, police, courts, and probation, but not yet repeated because of ongoing colonial legacies.



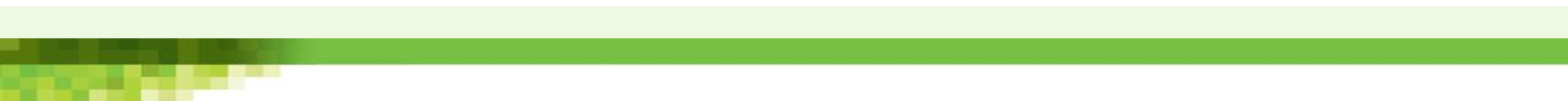
InsideArt Co-operative

(Corriveau, 2007)

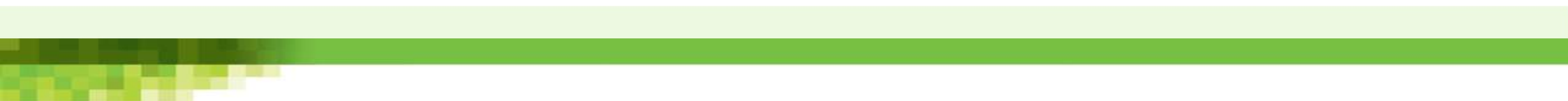
- Arts marketing co-operative for federally sentenced men serving fifteen years in Mountain Institution, Agassiz, BC
- Built on Corriveau's business basics course at Mountain Institution and funded by Co-operative Development Initiative
- Explored the potential of a co-op to return inmates to the community as "taxpayers, relying less on the social safety net" (p. 5).
 - Turning "historically excluded folk into decision makers" (p. 6)
 - Inmates who had never seen the Internet, feared ATMs, had to learn about market preferences (artistic-commercial tensions), and build business capacity
 - Institutional timelines and bureaucracy
 - Tensions with expert advisers and about long-term sustainability
- Cindy Harris documented "the outstanding improvement in confidence and communication."
- "Since the co-op, it feels like a new beginning. I will keep this whether the co-op lives or dies" (cited in Corriveau 2007, 8).



Building a “Community of Learning”

- “[C]ell studies are a poor substitute for the community of learning. . . . [A] prison classroom has a normalizing and civilizing influence” (OCI, 2018, p. 7).
 - 75% of federally sentenced have not completed high school (OCI, 2018).
 - Education=“greater opportunities for employment, financial security, increased ties to the community upon release, and reduced reoffending” (OCI, 2018, p. 70).
 - OCI (2018) recommends the Walls to Bridges (W2B) program (so successful at Grand Valley Institution for Women) should be implemented across the country “to increase inmate access and capacity to pursue post-secondary studies through partnerships with local universities and colleges” (p. 73).
 - 733 students have taken W2B classes, and 9 jails/prisons/halfway houses have partnered with 8 universities (Pollack & Hutchison, 2018)
 - “classes were transformative in several ways: they dispelled stereotypes, motivated students toward social action and fostered a powerful learning community” (Pollack& Hutchison, 2018, p. 4).
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Building Community through Walls to Bridges

- What role can community-based learning play in unblocking the imagination for “radical transformation” of power and privilege and of “participants’ relationships with each other and with the institutional and social contexts being straddled”? (Davis, 2018, pp. 213-214)
 - Davis explores in the context of the Canadian Walls to Bridges Collective (building on the US Inside-Out Prison Exchange Program) she helped found—and its “co-learning” program engaging incarcerated or paroled students and university or college-based students in credit postsecondary courses in sites from prisons to classrooms.
 - Grounded in “dialogue; collaboration; meta-reflection; experiential, whole self learning; anti-racist and feminist analysis and practices; and respectful engagement with Indigenous pedagogy and Indigenous researchers and learners” (Davis, 2018, p. 216).
 - If the result is not to be “paralytic anger at injustice” but “orienting, productive, and enabling outrage,” Davis finds “the quality of the space of dialogue, *how* emotion and stories are welcomed and met” is critical in sustained engagement for change, for reimagining and transforming institutional and social contexts (p. 221).
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“We went in as strangers, and left as friends”

- Buhler, Settee, & Van Styvendale (2015) document their *Wahkohtowin* (Cree for kinship) class on justice (and injustice) designed with Stan Tu’Inukuafe, social worker at Oskayak High School and founder of STR8UP and delivered at Station 20 West Community Enterprise Centre, “a site of struggle, collective action, and awareness raising” (p. 99).
 - 6 university students (3 Indigenous), 4 Oskayak students, and 5 STR8UP members (former gang members, including 2 inmates of federal Willow Cree Healing Lodge)
 - “each cluster internally complicated by intersections of race, class, and gender” (p.101)
- Students reported “a profound experience of ‘community’” causing critical reflection on “structures that create and reinforce inequality and estrangement and impact quality of life” (p. 96).
 - Challenging “service learning” and legal-literary binary, and Indigenizing pedagogy
 - Illuminating “colonial and class structures,” “structural violence and institutional racism”
 - “disrupting notions of university-community binary” and “hegemonic discourses about ‘strangers’” for “ethical encounters” (Ahmed, 2000; cited p. 103)
 - Overcoming cultures of secrecy and silence, censorship and surveillance
 - “creating a space where students began to practice solidarity and imagine a quality of life based on equality and justice for all”

“Circles of Safety” in Winnipeg, Manitoba

- Manitoba has the highest rates of incarceration (240 per 100,000) and of segregation (10%) in Canada
- Drawing on the four “Circles of Safety” (university, community, social co-operatives, and corrections), Harris (2018) documents a Walls to Bridges (W2B) initiative—the “co-creation of knowledge with community and university partners” that has produced “deep understandings about social justice and community safety” (p. 197).
- Campus students go to the Women’s Correctional Centre, Headingley, to study in “a shared liminal space” with incarcerated students (p. 202).
- Building on learner life experience, using circle pedagogy, and adapting and extending Dewey’s principles of “continuity of experience and interaction of internal and external factors” (p. 204).
 - Depending on relationships with institutional partners (that can change)
 - Resisting co-optation to reward and punish system
 - Working closely with Think Tank of alumni and educators for “integrated education plan” and “circles of safety” (pp. 207-209)



Figure 1. Circles of Safety and Community Learning (Harris & Cyr, 2013)

Co-op Education in Stony Mountain Institute

- U of Winnipeg has taught Community Development and Co-operative Alternatives at Stony Mountain Institution for five years
- Facilitated by existing Peer Offender Prevention Services (POPS) developed by a correctional officer in 2009 (seven lifers offer 24/7 crisis support—23,000 incidents in 8 years)
- W2B dynamics break down “personal walls,” engaging “head, heart, spirit, and body, using Boalian (2000) “theatre of the oppressed” and enabling “reflection on the institutionalized logics of correctional facilities and universities” (Harris & Le, 2019)
- Low-tech (counter-cultural) approaches to co-op development & business plans
- W2B in Manitoba is establishing an educational co-operative: The Centre for Prison Education and Research.

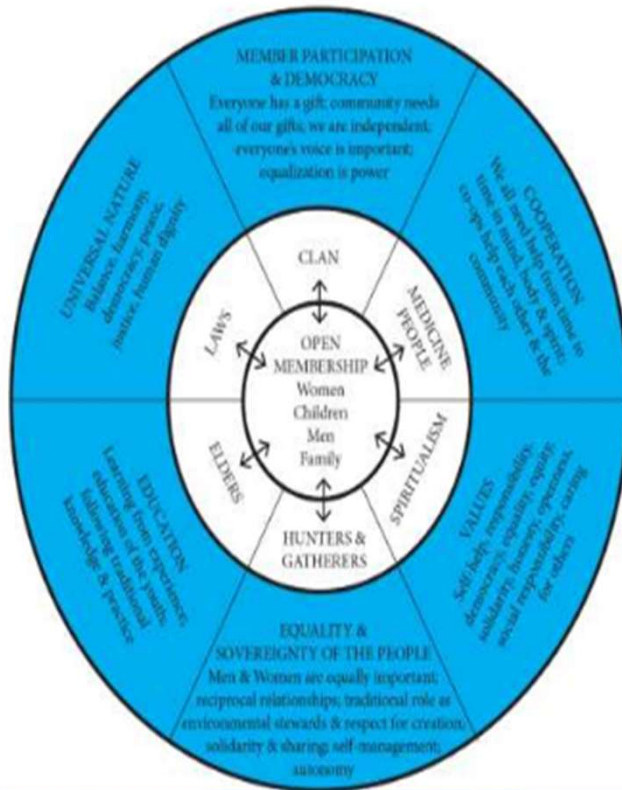


Ken Gigliotti, Winnipeg Free Press
<https://www.winnipegfreepress.com/local/provinces-prison-peer-support-program-garnering-national-attention-497867211.html>

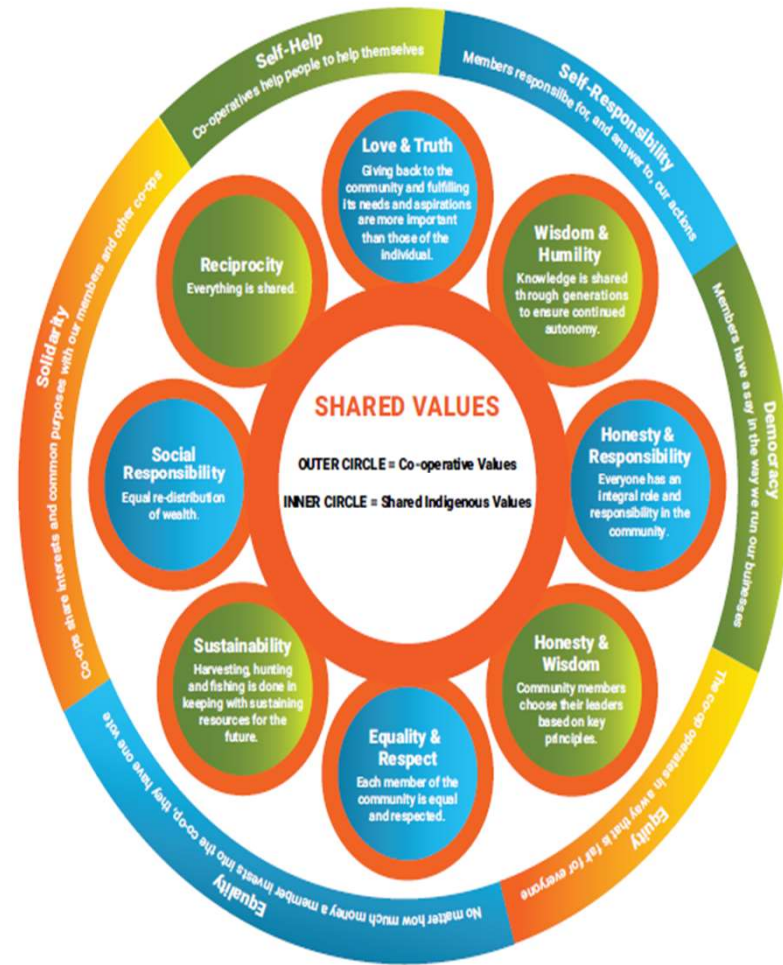
Indigenizing

- The *Calls to Action* (2015) link “the gap” between Indigenous and non-Indigenous Canadians to a new understanding of “the economy” and of education, with specific challenges directed to universities and to particular disciplines
- This will entail local translations and broad conceptual shifts, but the reinventing of neither the wheel nor the medicine wheel

CO-OP AND TRADITIONAL INDIGENOUS PRINCIPLES: SIMILAR IDEAS – DIFFERENT LANGUAGES

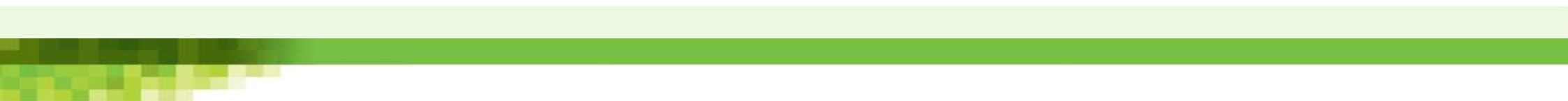


Harris & Cyr, 2016




Saskatchewan First Nations Economic
 Development Network & Saskatchewan
 Co-operative Association (2015)

Challenges and Opportunities

- Decolonizing the Canadian justice system (and its alliance with neoliberal monocultures and anti-Indigenous extractive industries)
 - System discretion
 - Champions and existing programs
 - Unique institutional (mono)cultures
 - Knowledge of the co-operative model
 - Boundary-policing binaries
 - People, passion, and place
 - Dialogic and embodied learning
 - Knowledge democracy
 - Learning communities
 - Imagining and enacting sustaining “circles of safety” and communities
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Lessons learned

- Colonial history & geography remain barriers, but reconciliation efforts are leading change.
 - Knowledge democracy is a critical path to displacing colonial binaries, disciplinary monocultures, and “epistemologies of ignorance” (Sullivan & Tuana, 2007) that have wasted so many lives (Bauman, 2004).
 - Co-op education and principles offer opportunities for economic, social, cultural, and cognitive democracy.
 - W2B community-engaged research and teaching is an important site of learning, relationship, identity formation, and community renewal.
 - Support of corrections and postsecondary senior leaders and front-line staff is key.
 - Place and space matter in collaborative community development that capitalizes on assets.
 - Recovery of voice and choice is key to reimagining who we are and rewriting life narratives.
 - “All Canadians, **as Treaty peoples, share responsibility** for establishing and maintaining mutually respectful relationships” (TRC, 2015a)
 - “The seventh generation cannot afford the social or financial consequences of the status quo” (Findlay & Weir, 2004, p.149)
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