

Dalhousie University

Final Report:

Coverdale Courtwork Society Practicum Placement

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What Is Coverdale?

Coverdale Courtwork Society has been serving the Halifax community since 1976.

Coverdale is a non-profit organization that provides services and programming for women, transgender and non-binary persons, and Two-Spirit persons involved in the criminal justice system. The organization offers counselling and legal support to persons navigating the court and prison systems. Coverdale's mandate, according to its website, is as follows:

- I. To provide a continuum of care that acknowledges and addresses the needs of women, girls, trans, non-binary and Two-Spirit persons;
- II. To contact persons experiencing the justice system;
- III. To be present at the courts each day (Halifax/Dartmouth/Mental Health/Youth);
- IV. To provide information and emotional support during the court process;
- V. To visit the federal and provincial institutions, providing counselling, programs, information and assistance in release planning;
- VI. To promote self-esteem, self-awareness and inner strength for personal healing, growth and change;
- VII. To act as a link between women, girls, trans, non-binary and Two-Spirit persons and the community through advocacy and referral services;
- VIII. And to lower the incidence of crime involvement through education and prevention programs.

Coverdale fulfills this mandate through the commitment of its Executive Director, Ashley Avery; its Program Coordinator, Hilary Murphy; its Court Support Worker, Roberta Morrison; its Board of Directors; its affiliated social workers; and its many volunteers.

What Programs Does Coverdale Offer?

Coverdale offers a number of programs to its clients. The Coverdale team delivers all of its programs using a trauma-informed approach, meaning that the staff understand the impact of

trauma on their clients and frame the organization's programming accordingly. In every program, the team strives to pursue their clients' strengths and autonomy. Coverdale champions compassion and recognizes that trust is earned. The organization's workshops include:

- I. Healing Trauma;
- II. Understanding Anger;
- III. Empowering Beliefs;
- IV. And Facilitating Individual Rehabilitation & Successful Transition.

Coverdale also carries out visits to women who are incarcerated in both the Central Nova Scotia Correctional Facility (CNSCF) and Nova Institution. These visits ensure that women in prison maintain access to community services so that they can be adequately supported upon their release.

Coverdale's office, located on Quinpool Road, functions as a drop-in centre for clients. The centre houses a large supply of clothing and personal care products, from which clients are able and encouraged to take. Smaller programs often take place at the drop-in centre, like craft-making and do-it-yourself activities. The centre is a space wherein clients can build friendships with one another and with staff; it facilitates self-growth and skill development.

Coverdale also partakes in community education initiatives by sitting on panels and attending conferences about women's experiences in the justice system. Coverdale often collaborates with the Elizabeth Fry Society on such initiatives.

What Did I Do at Coverdale?

My role at Coverdale took many forms. Initially, I acted as an assistant; I helped with administrative tasks in the office. On one occasion, I organized a mail-out to several of the foundations with which Coverdale often collaborates. I addressed bundles of community

resource posters to Opportunity Place, Healthy Minds, SchoolsPlus, Stepping Stone, Mainline Needle Exchange, Mobile Outreach Street Health, Adsum, and Elizabeth Fry Society. On another occasion, I read through a PSR (Pre-Sentence Report) to make sure the probation officer used the correct pronouns in reference to the offender (a trans woman). I found two uses of “he” in the report—an oversight that is often made in legal documents.

Part of my role at Coverdale was to collect data from intake court at the Halifax Provincial Court on Spring Garden Road. My task was to take note of any microaggressions (brief verbal, behavioural, or environmental indignities, whether intentional or unintentional, that communicate hostile slights toward marginalized groups). Despite intake court being open to the public, the atmosphere in the courtroom was not comfortable. I noticed that most of the lawyers present were men and that they behaved in an arrogant manner—often speaking out of turn and laughing amongst themselves. However, I found the judge to be quite considerate; she took care to break down legal jargon to the defendants so that they could understand the proceedings.

I also had the privilege of sitting in on a meeting between Ashley and the Executive Directors of other local organizations: Emma Halpern (E. Fry Society Mainland); Darlene MacEachern (E. Fry Society Cape Breton); and Paula Marshall (Mi’kmaq Legal Support Network). The meeting addressed the province’s unwillingness to distribute funding equally across the province; Cape Breton receives significantly fewer resources (in proportion to its population) than Halifax. Currently, many Cape Breton inhabitants travel to Halifax for access to services, but they should be able to stay home rather than having to feel like “fishes out of water.” Most of Nova Scotia’s Indigenous population live in or around Cape Breton, but their access to programming is limited. Paula described the government’s distribution of funding as

“wanting the path of least resistance but forgetting who it’s for and where it started.” Ashley, Emma, Darlene, and Paula also discussed the limitations of the province’s bail beds program. According to Darlene, the courts do not recognize that bail beds should be occupied only by the women who *really* need them. Also, the E.D.s agreed that women in transition houses should be reevaluated every two months to determine if they are fit to return to the community. Otherwise, women grow acclimated to living in transition houses and are far less likely to reintegrate into the community successfully. This would also free up beds in the houses.

The meeting also addressed the \$4.7 million which Ottawa’s Gun and Gang Action Fund gave to Nova Scotia in 2017 to reduce gang violence in our province. The Nova Scotia government is seeking input from the Mi’kmaq Legal Support Network and the E. Fry Society on the role that probation officers should play in the project. Darlene and Paula felt emphatically that there is *no* role for probation officers in the initiative; they thought that the government was trying to give significance and power to P.O.s because they are “otherwise useless—they supposedly do restorative justice but really they just make demands.” The Action Fund organized a meeting to discuss the details of their strategy, and asked for Darlene’s proposal, but did not invite Darlene to the meeting. The E.D.s agreed that they would demand that Darlene be present at the meeting and would make clear to the Fund that they had met and would like to proceed in collaboration with one another. It was very moving and empowering to witness Emma, Darlene, Ashley, and Paula vow to act in solidarity with each other’s organizations.

What Was My Project?

My main role at Coverdale was as a researcher. Slightly before my practicum placement began, the Pilot Fund for Gender Equality granted Coverdale \$18,000 for a research project that

would examine the experiences of 2SLGBTQ+ persons, with a particular focus on trans persons, with Nova Scotia's justice system. I conducted research for the project, while Ashley organized interviews with individuals with lived experience. She disseminated recruitment posters to various organizations across the province in order to attract a diverse pool of interviewees. One unfortunate and sad reality of taking on projects of this nature is the unpredictability of participants. One person with whom Ashley had been working closely went back to prison before he could complete his contribution to the project. According to Ashley, he had been incarcerated for seven years and was released recently, and was not adjusting well to life in the community. Ashley suspected that he went back to prison intentionally because it was "all that he knew." Interviews with other community members are ongoing.

The first step in my research was to create a literature review; I gathered information on the treatment of trans persons in courts and prisons across Canada and the United States. Frustratingly—but unsurprisingly—there is far less information available regarding 2SLGBTQ+ persons' experiences with the Canadian justice system than there is regarding their experiences with the American system, both in terms of statistical data and academic scholarship. Ashley then asked me to collect resources relating to the following categories: data and policy; homelessness; policing; education; health; employment; and feminist debates. I will briefly summarize my findings below:

Literature Review

It is difficult to ascertain the exact number of 2SLGBTQ+ individuals in Canada, largely because the Canadian census asks Canadians to disclose the nature of their partnerships, but not their sexual orientation. It thus records data on the number of same-sex couples in the country,

but not on the number of single 2SLGBTQ+ persons. Studies “using census data also engage in methodological bisexual erasure. This is because bisexuals are classified as either heterosexual or lesbian/gay depending on the sex of their partner” (Waite and Denier 110). The census does not record any information about transgender persons. These gaps make claims of 2SLGBTQ+ overrepresentation in the justice system challenging to quantify.

Trans women’s experiences in the carceral system are overwhelmingly and systematically negative. One way of considering this problem is through the concept of the “Prison Industrial Complex,” a term coined by Angela Davis in 1997. The PIC holds female prisoners to the standards of the “cult of domesticity,” which expect women to be docile and passive. Trans women often do not meet these criteria, and are thus subjected to various forms of mistreatment. Imprisonment “often leads to the termination of hormone therapy treatments, limited access to transition surgery, abuse (physical and emotional) by guards and other inmates, and sexual violence by both guards and inmates” (Masikini 4). A 2015 report by Black & Pink using data collected from 1118 American LGBTQ+ prisoners found the following:

Only 21% of respondents are allowed access to underwear and cosmetic needs that match their gender... Of those who report having been sexually assaulted by a prisoner, 76% also report that prison staff intentionally placed them in situations where they would be at high risk of sexually assault from another prisoner. The vast majority of respondents experienced discrimination and verbal harassment by prison staff and more than a third were physically assaulted by prison staff. (Lydon et al. 5)

Data and Policy

The Correctional Service of Canada's policy reflects Bill 140 (the Transgendered Persons Protection Act). The CSC's policy dictates that a transgender inmate will be placed in the prison which reflects their self-identified gender identity. However, the CSC often violates this policy. Jamie Boulachanis, a trans prisoner, was denied transfer to a women's institution in 2019 on the grounds that her "greater physical capabilities would increase her escape risk in ways that could not be managed at a women's prison" (Matychuk 2). Justice Sebastian Grammond argued that were Ms. Boulachanis a cisgender woman with the same physical capabilities, she would be placed automatically in a women's prison. He thus granted Ms. Boulachanis's application for an interlocutory injunction.

Homelessness

Homelessness is one of the many factors that contributes to the high number of incarcerated 2SLGBTQ+ individuals. Homeless 2SLGBTQ+ youth face unique challenges, but the Canadian shelter system does not appropriately address their needs. At present, "there are no specialized emergency shelters for LGBTQ youth in Canada" ("Young" 26). Canada's shelters, specially Toronto's, do not train their staff to deal with the conflicts that arise between heterosexual, cisgender youth and queer, transgender or non-binary youth in shelters. Staff members "often do not intervene in situations of homophobia and transphobia... As a result, LGBTQ2S youth avoid the shelter system, and staff end up knowing even less about how to meet their needs and how to interact with them" ("Preventing" 89).

Policing

2SLGBTQ+ persons interact with police officers differently from the general population. A "quarter of trans people in Canada, most of them people of colour, have reported being

harassed by police” (Cader and Amofah). In a 2014 survey conducted by Statistics Canada, 62% of heterosexual participants felt their local police force treated people fairly, whereas only 55% of homosexual participants and 47% of bisexual participants felt this way.

Police procedures involving sexual assault tend to further marginalize trans individuals. In “Best Practices in Policing and and LGBTQ Communities in Ontario,” Kyle Kirkup writes: “Trans people may be very distressed by having to reveal their genitals for a medical exam or rape kit... Every effort should be made to allow a trans survivor to choose the gender of the person conducting the examination” (52). In the same document, the sex work coalition POWER notes that police often subject 2SLGBTQ+ sex workers to discriminatory practices, including “public strip-searches, strip-searches by opposite-sex officers, illegal confinement, confiscation or destruction of property, and ‘starlight tours’” (60). POWER also cautions police officers to consider the following: “Because street-based sex workers often reside, shop, socialize, and access services in the same areas as they work, receiving a boundary restriction as part of a ‘promise to appear’ can have very significant consequences” (60).

Education

Very little data exist on the education levels of 2SLGBTQ+ individuals. It is estimated, however, that “71% of transgender adults have some level of post-secondary education” (Sadakova). More so than their peers, 2SLGBTQ+ often struggle in the education system. A 2011 study found that “30.2% of LGBT students, compared to 11% of non-LGBT students, reported skipping because they felt unsafe at school or on the way to school” (“Research on LGBTQ Youth”). This suggests a potential reason for 2SLGBTQ+ youths entering the justice system.

Health

2SLGBTQ+ persons have a higher risk than general population of contracting sexually transmitted and blood-borne infections. The Standing Committee on Health determined in a 2019 study that “there are no licensed home or self-testing kits for STBBIs in Canada, even though these tests have proven effective in other countries” (19).

2SLGBTQ+ patients often encounter discrimination in the healthcare system. The same study as above found that, consequently, “up to 60% of LGBTQIA people do not talk to their health care provider about their sexual orientation. Between 20% and 30% of trans people who needed emergency services did not go to the hospital” (33). Primarily owing to their experiences with discrimination and violence, trans persons are more likely to have depression and/or suicidal thoughts. More than “half of trans people in Ontario have levels of depressive symptoms consistent with clinical depression, while 43% had a history of attempting suicide, including 10% within the past year” (Bauer and Sheim 6).

Employment

Trans persons face discrimination in the workplace as well. In a 2011 Trans PULSE report, “13% [of the women who were interviewed] reported getting fired because they were trans” (Sadakova). After transitioning, “male-to-female trans workers can see their earnings drop by nearly a third” (Nath). Additionally, an Ontario-wide study entitled “Transforming Justice” determined that “at least one in five transgender respondents experienced setbacks over the past three years, including improper employment terminations, unfair disciplinary procedures, persistent harassment and unpaid wages” (Nath). To help combat these problems, Biko Beuttah,

a trans woman, launched Trans Workforce, “the nation’s first job fair held specifically for transgender job seekers” (Nath).

Feminist Debates

The presence of trans women in Canadian women’s prisons has become a subject of feminist debate. Trans-exclusionary radical feminists (TERFs) maintain that incarcerating trans women with cis women threatens both the rights and safety of “real” women. In an opinion piece for the National Observer, Meghan Murphy objects to 2016’s Bill C-16, which added gender expression and gender identity as protected grounds in the *Canadian Human Rights Act*, and thus enabled trans prisoners to the prison that matches their gender. She writes:

As unpopular as this fact has become, a man or boy who wishes to identify as a woman or girl, perhaps taking on stereotypically feminine body language, hairstyles, and clothing, is still male. He still has male sex organs, which means girls and women will continue to see him as a threat and feel uncomfortable with his presence in, say, change rooms. Is it now the responsibility of women and girls to leave their own spaces if they feel unsafe?... Because a boy claims he ‘feels like a girl on the inside?’

This kind of transphobic commentary is not uncommon. It indicates a gross misunderstanding of both gender identity and of the carceral system.

Conclusion

My placement with Coverdale was highly illuminating. I learned through my research that despite major strides in policy, Canada continues to fail its 2SLGBTQ+ communities, especially within the context of the criminal justice system. I am impressed and inspired by the Coverdale team’s commitment to the wellbeing of their clients and of the Nova Scotian

community at large. While our province's at-risk community members continue to face immense challenges, Coverdale helps ease their navigation of the justice system with compassion and resolve.

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