

'Everybody thinks they can walk in and steal'

Binesi Boulanger

A Winnipeg man named Arthur Desjarlais has been sentenced to 110 days in custody after pleading guilty to six separate thefts from Manitoba Liquor Marts over the span of a year.<sup>1</sup> The thefts occurred on December 2<sup>nd</sup> 2018, January 21<sup>st</sup> 2019, May 9<sup>th</sup> 2019, May 18<sup>th</sup> 2019, May 21<sup>st</sup> 2019 and May 30<sup>th</sup> 2019.<sup>2</sup> The January 21<sup>st</sup> 2019 theft included six bottles of alcohol being stolen by Desjarlais and others whereas the rest of the thefts were of two bottles of alcohol each time.<sup>3</sup> He was identified through the store's video surveillance for each theft.<sup>4</sup>

Manitoba Liquor Marts have seen a dramatic increase in thefts, reaching levels 300% higher than the rates of liquor store thefts in 2017.<sup>5</sup> These thefts have increasingly become more violent. On November 20<sup>th</sup>, 2019 a theft at a Tyndall Park Liquor Mart left multiple employees assaulted with one requiring hospitalization.<sup>6</sup> According to the Winnipeg Police Service, this increase in theft, and the violence associated with these incidents is linked to the increased use of methamphetamine as well as other substance abuse.<sup>7</sup>

Judge Chapman said during Desjarlais' sentencing that 'really, we're talking about stealing some bottles of liquor to drink. I'm afraid that we've been saying that for so many years that now everybody just thinks I can walk in and steal because the courts don't think it's that important. I don't think that's the message I can send out. I do think a jail sentence is appropriate.'<sup>8</sup> Crown Attorney James Wall echoed Chapman's statements saying that we need to send a message to thieves in this spike in liquor store thefts in Manitoba.<sup>9</sup>

Desjarlais' defence lawyer Laura Robinson told the court 'she's not seeking a formal Gladue report but noted there are Gladue factors the court should know about' going on to say that Desjarlais 'was physically abused by his mother as a child and ended up in foster care at age 11'.<sup>10</sup> His parents and grandparents attended residential school, as well 'three of his eight children have died', his daughter

---

<sup>1</sup> CTV News Winnipeg, News Article, "Winnipeg man receives jail time for six separate Liquor Mart thefts" (2 December 2019), online: *CTV News Winnipeg* <https://winnipeg.ctvnews.ca/winnipeg-man-receives-jail-time-for-six-separate-liquor-mart-thefts-1.4712073>

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> CBC News Winnipeg, News Article, "Liquor store theft rate 'high as its ever been' Manitoba Liquor and Lotteries" (29 September 2019), online: *CBC News Winnipeg* <https://www.cbc.ca/news/canada/manitoba/manitoba-liquor-lotteries-thefts-1.5301953>

<sup>6</sup> Global News, News Article, "Winnipeg Liquor Mart to close after brutal assault of employees; 'secure' entrance to be built" (20 November 2019), online: *Global News* <https://globalnews.ca/news/6197693/liquor-and-lotteries-to-speak-after-assault-at-tyndall-park-liquor-mart/>

<sup>7</sup> CBC Radio The Current, News Article, "No 'quick fix' for what's driving spate of Winnipeg liquor store thefts, expert says" (7 November 2019), online: *CBC Radio The Current* <https://www.cbc.ca/radio/thecurrent/the-current-for-nov-7-2019-1.5350104/no-quick-fix-for-what-s-driving-spate-of-winnipeg-liquor-store-thefts-expert-says-1.5351289>

<sup>8</sup> CTV *supra* note 1.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

was murdered and his son was killed in 'an impaired driving accident that an off-duty police officer's now pleaded guilty to'.<sup>11</sup> The loss of his children are insurmountable tragedies, this, coupled with his residential school legacy, and his childhood abuse is the root of the problem behind these thefts. What is ignored by Judge Chapman is that this man has fetal alcohol spectrum disorder, and needs access to help, resources, and treatment to manage the effects associated with his disability.

People with fetal alcohol effects (FAE) or fetal alcohol spectrum disorder (FASD) can experience a range of effects associated with their disability such as: 'difficulty interpreting and applying abstract concepts (for example, managing money and time), impulsivity and poor judgement, inability to predict outcomes (of their own or others' actions), difficulty shifting from one context to another, resistant to change, an inability to see another person's perspective' among others.<sup>12</sup> People with FAE are more likely to come into contact with the justice system due to the effects associated with their disability.<sup>13</sup> They are also likely to have 'dysmaturity' which means they lack development in areas such as 'social and self-care skills, and awareness and regulation of emotions'.<sup>14</sup> Desjarlais clearly struggles with the effects of FASD as evidenced through these thefts, but taking into account the way in which his disability affects his daily life and emotional development, it is equally apparent that jail time is not how to decrease his likelihood of reoffending.

The largest concern that should arise in this harsh sentence for these liquor store thefts is that the court actively chose to make an example of a man living with not only a disability, but also with severe loss and trauma stemming from the circumstances and events of his life. Arguments arise about Indigenous people getting 'special treatment' from the justice system through the Gladue sentencing principle; in reality courts should always take into account the circumstances of a person's life in sentencing, and where possible, aim to reduce recidivism rates rather than focus on punishment. The fact that Indigenous people have the Gladue sentencing principle is because of the country's collective ignorance when it comes to Indigenous issues, the trauma experienced by Indigenous people due the effects of colonization, and the negative historical relationship Indigenous people have with the justice system and law enforcement.

There have been violent offences committed in relation to liquor mart thefts, why was it necessary to use someone with FASD whose son died two years ago as your public example? This is a gross misstep on the part of our judicial system. Using someone with a disability to make a point to the public about an effect of Manitoba's health care crisis will not yield positive results, nor will it end this increase in thefts.

---

<sup>11</sup> *Ibid.*

<sup>12</sup> The Centre for Addiction and Mental Health, "Fetal Alcohol Spectrum Disorders (FASD)" (2 December 2019), online: *The Centre for Addiction and Mental Health* <[www.camh.ca/en/health-info/mental-illness-and-addiction-index/fetal-alcohol-spectrum-disorder](http://www.camh.ca/en/health-info/mental-illness-and-addiction-index/fetal-alcohol-spectrum-disorder)>.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*