



Red Coalition Press Conference



Thank you for attending our press conference this morning. I am thrilled to be joining the Board of Directors of the Red Coalition and look forward to contributing my efforts to the goal of eradicating systemic racism and racial profiling from our society. We take this opportunity to again affirm that systemic racism and racial profiling is real, that it manifests itself in Quebec society, and that it has no place in the Quebec of today and more importantly, in the Québec of tomorrow that we want for our children and grandchildren.

Few question the need to eliminate this social injustice and the need for real action that leads to real change real soon. In a democracy committed to the rule of law and human rights we expect government to lead the path of reform by enacting laws and adopting policies that will bring us change. Regrettably, governmental response to the demands for real change have been woefully inadequate. Although politicians and public officials use high minded words to denounce racial profiling and promise reform, what they deliver is plenty of nothing. If you think that I am exaggerating, consider our recent history.

1. BODY CAMERAS

On June 2, 2020, one week after the killing of George Floyd, Mayor Valérie Plante, added Montréal's voice to the chorus of North American politicians expressing righteous indignation over this senseless crime. Mayor Plante stated that Montréal police would be equipped with body cameras and I quote "as soon as possible".

**REMARKS OF ME RALPH MASTROMONACO - AUGUST 30, 2023
FOR RELEASE TO THE PRESS AND THE PUBLIC (continued)**

Over three years have passed since that press conference- no body cameras in sight in Montréal. While Montréal has engaged in three years of inaction, the RCMP and the city of Toronto have equipped their police officers with body cameras, joining the ranks of other North American police forces that have considered body cameras standard police gear for years. Body cameras are not a panacea to eradicating racial profiling. But there is no denying that this equipment would modify the behaviour of police officers in their dealings with the public. There is no denying that body cameras enhance the transparency of police dealings with the public.

On June 7, 2023 an Ontario judge dismissed a criminal case because a Toronto police officer deliberately turned off his body camera while arresting a suspect. In addition, Toronto Police Force guidelines stipulate sanctions for police officers who inappropriately turn off their body cameras while on duty. The Toronto police are clearly more committed to transparency with the population they serve than the Montréal police.

2. LUAMBA V. PG QUÉBEC

On October 25, 2022, Superior Court Justice Michel Yergeau rendered judgment in the case of Luamba v. The PG Québec. This judgment dealt a major blow to vehicular racial profiling by invalidating Section 636 of the Québec Highway Safety Code. The law that allows police to stop any motorist, anytime, anywhere without being required to provide any reason for the stop.

A law that has given legal cover to “driving while black” interceptions of too many innocent racialized persons. A law supported by a 1990 split decision of the Supreme Court of Canada called Ladouceur. In his 1990 dissenting opinion Supreme Court Justice Sopinka aptly predicted that upholding this kind of legislation would breed racially motivated police stops. The terms “systemic racism” or “racial profiling” did not exist in 1990. Instead of complying with the Luamba judgment and accepting that after 32 years it was high time that Ladouceur be overturned, the Québec government appealed the judgment, assuring us years of further delay and more driving while black police interceptions. Because in the words of Premier Legault, ‘we have to let the police do their job’.

3. RANDOM STREET STOPS

On June 22nd Montreal Police Chief Fady Dagher rejected the recommendation, contained in the final report of a study requested by the Montreal police on the matter of police stops and racial profiling, that a moratorium be declared on any police stop that is not justified by the investigation of a specific crime or by the reasonable suspicion of illegal activity. Police Chief Dagher has stated that the real solution to the injustice of racial profiling lies in changing police culture. There is no doubt that policing in Montréal needs to be reinvented. Embracing the goal of culture change, though laudable, should not become the rote response to those advocating for change now. Real change requires real action. Rejecting a moratorium on random street stops and solely focusing on culture change ensures that the pace of reform will continue to be glacial at best.

4. THE FAILURE OF GOVERNMENT

Our National Assembly is supposed to be the place where laws are enacted, and policies adopted to create a more just society. All too often however politics gets in the way of justice and our law lags behind the society it is intended to serve. When that happens the vulnerable, the marginalized, and all those left behind must seek their measure of justice in our courts.

5. REDRESSING THE POWER IMBALANCE

When racialized persons are intercepted by police in the street, a clear power imbalance prevails during such contacts. That power imbalance continues into our courts and the justice system as police and police departments benefit from well-funded legal representation. Our justice system is complicated, slow, and expensive. It is skewed in favor of wearing down victims of racial profiling who seek justice.

6. THE LARP PROJECT

TODAY, THE RED COALITION ANNOUNCES THE LAUNCH OF A UNIQUE INITIATIVE:

LAWYERS AGAINST RACIAL PROFILING. (LARP)

AVOCATS CONTRE LE PROFILAGE RACIAL

This project is the brainchild of Joel De Bellefeuille, the founder and executive director of the Red Coalition that I believe is in no small way related to his lived experience with our justice system. The main objective of this project is to redress this power imbalance by encouraging victims of racial profiling to come forward, to speak up and speak out and by providing victims of racial profiling with vigorous legal representation. To help victims of racial profiling to obtain the measure of justice in our courts that our governments are failing to provide in our laws and public policies. This morning we are reaching out to Québec lawyers who support the cause of ending racial profiling to join Lawyers Against Racial Profiling.

7. FORMER SUPREME COURT JUSTICE ROSALIE SILBERMAN ABELLA - QUOTATION

In making this appeal to my consœurs and confrères I would like to quote certain passages from a speech by former Supreme Court Justice Rosalie Silberman Abella delivered when she received the 2023 Ruth Bader Ginsburg Medal of Honor from the World Jurist Association :

And I quote :

“We’re in a mean-spirited moral free-for-all, a climate polluted by bombastic insensitivity, antisemitism, racism, sexism, islamophobia, homophobia, and discrimination generally. Too often, law and justice are in a dysfunctional relationship. Too often, hate kills, truth is homeless, and lives don’t matter. We need to put justice back in charge, and to do that, we need to put compassion back in the service of law and law in the service of humanity.

We need the rule of justice, not just the rule of law.

Otherwise, what's the point of law?

Or lawyers?

What good is the rule of law if there's no justice?

And to make justice happen, we can never forget how the world looks to those who are vulnerable. It's what I consider to be the law's majestic purpose and the legal profession's noble mandate."

- END OF QUOTATION.

I have never heard a more luminous statement about the law's true purpose- namely, to ensure justice for all, especially the vulnerable and less fortunate members of our society.

Justice Abella's remarks resonate and inspire because it is a heartfelt reminder to myself, and a countless many of why we became lawyers. I encourage lawyers to join Lawyers Against Racial Profiling to help us build a more just society, and in the words of Justice Abella, to pursue the law's majestic purpose and the legal profession's noble mandate.

8. CONTINUING LEGAL EDUCATION COURSES

As a compliment to the Lawyers Against Racial Profiling initiative the Red Coalition intends to offer continuing legal education courses that would be recognized by the Barreau du Québec and that would count towards our mandatory 30 hour bi-annual obligation.

These courses will be available to all lawyers but would be of particular interest to lawyers adhering to the LARP project who may be retained in files that present systemic racism or racial profiling issues.

I again thank everyone including the members of the media who play such an important role in raising public awareness to the social justice issues we are talking about this morning.

Thank you.

Ralph Mastromonaco
www.mastromonaco.ca