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Opinion: Time to shed a light on systemic racism in our jails

What is required is not only an investigation into the death of Nicous D'Andre Spring, but one that would also examine his death in light of the broader picture.

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"The deplorable conditions at Bordeaux including inadequate physical and mental health services, the use of excessive force, difficulties for lawyers to exercise frictionless access to their clients, and human indignities have been an open secret for years," lawyer Ralph Mastromonaco writes.

PHOTO BY DAVE SIDAWAY /
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Imagine being the parent of a 21-year-old son dealing with mental health issues. He is arrested, charged with a crime, detained, brought before a judge who orders his release. He is nonetheless kept in custody and dies in circumstances that suggest the use of excessive force. Could you believe that this senseless loss of life did not occur in a faraway totalitarian state, that this egregious injustice happened in Montreal? Can you imagine the pain and grief of family and loved ones? Of course not.

Outrage has been expressed by many, but that will not right this wrong. High-minded words will not prevent similar events in the future. A free society dedicated to the rule of law and respect for human rights must act, not just talk.

What happened at Bordeaux prison requires more than our government putting into motion routine responses taken from the "incident" playbook that gets the political optics right.

An "internal administrative review" has begun. Certain individuals have been suspended pending investigation, including a criminal investigation. A public coroner's inquiry will take place. These processes are all focused on holding individuals accountable for what happened. This is woefully inadequate.

What is required is not only an investigation into the particulars of what happened to Spring, but one that would also examine his death in light of the broader picture of systemic racism. The reality of racialized and Indigenous persons being disproportionately subjected to arrest, detention, conviction, incarceration and use-of-force responses is well known. And it's a reality corroborated by social science data and acknowledged by just about everyone except Quebec's premier. It also seems clear that Spring was, at another level, a victim of the ineptitude of a justice system that is falling apart. Chief Justice Marie-Anne Paquette of our Superior Court recently lamented that our justice system is being held together by duct tape. Quebec is one of the world's richest societies but provides an archaic and underfunded justice system to serve the governed.

Spring was arrested and detained at Bordeaux. According to our Constitution, he was presumed to be innocent and had a right to reasonable bail. A judge ordered his release. Nevertheless, he was not given his freedom, but was unlawfully detained and died, on Christmas Eve, in a context of violence.

The deplorable conditions at Bordeaux including inadequate physical and mental health services, the use of excessive force, difficulties for lawyers to exercise frictionless access to their clients, and human indignities have been an open secret for years. In 2022 the federal Correctional Investigator of Canada revealed that systemic concerns including endemic racial discrimination, stereotyping and bias remain pervasive and persistent, and appear to be worsening. Black inmates were found to be more likely to be involved in "use of force" incidents, assessed as "high risk" and held in solitary confinement, the torture that since 2019 has been politically rebranded as "structured response units."

Why would we think that things are better in Quebec prisons?

Quebec government data indicates that 132 people have died in Quebec provincial institutions since April 1, 2017, only 43 of them from natural causes. In 2013, Van Duc Tran, a 53-year-old Asian-origin allophone, died awaiting trial at Bordeaux. While experiencing acute respiratory failure, he received unsupervised solitary confinement instead of medical attention. Refusal of medical treatment was the coroner's cause-of-death conclusion.

It is time for Bordeaux, where approximately 70 per cent of its population is presumed innocent while awaiting trial, and other Quebec prisons, to face a special public inquiry. One that will investigate the presence and impact of systemic racial and ethnic discrimination on prison populations as well as corrections officers and staff working at Quebec prisons. Systemic racism is not exclusively prejudicial to the detained.

It is time for us to look behind the walls.

Ralph Mastromonaco practises criminal law in Montreal and is active with the Red Coalition, a Montreal group fighting systemic racism.