

MY BRIEF TO THE OFFICE CONSULTATION PUBLIQUE DE MONTREAL

Re. "Consultation Publique sur le Racisme et la Discrimination Systemiques

Dans les competences de la Ville de Montreal"

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OCTOBER 29,2019

Citizen of the Borough of Pierrefonds/Roxboro

Dedicated to the Memory of Anthony Griffin

I was aware as a young boy that you and others were treated differently depending on many factors. Some of these were in your control (e.g. the way that you acted) but others were not (e.g. your social class and the colour of your skin). At my public school, I was exposed to all different types of students from lower, middle and upper class backgrounds; it was a real melting pot but the majority were from WASP (i.e. white, Anglo-Saxon, Protestant) and Jewish (Ashkenazy) origins with a few Black and Chinese kids. Some of my friends fell into the latter categories and I remember my Mother asking me once.. "How come you don't have friends of my own?". When I got older, I understood better what that meant!! Why did I not have just white friends? Well, I did not. My family was lower, middle-class. I remember being asked by the Principal once to escort a younger child home to his parents who lived on the poorest and most violent street in N.D.G. I saw the poverty in that large family and their look of anguish on their faces; life for them was HARD. These experiences of mine were better than any formal education could give you—this was the REAL SCHOOL OF LIFE, hard knocks and all. It exposed me to seeing others and to being sympathetic for the situation in which they were living. It made me into a Defender for the Underdog!! I became a community activist.

The murder of nineteen year old Anthony Griffin on the morning of November 11, 1987 by Constable Allan Gosset, a sixteen year veteran of the Montreal Police, was a terrible tragedy and shook the community. How could this happen here, on my street, in the former Rosedale Elementary School parking lot that had been taken over by the Police and converted into Station #15?? How could a young unarmed man, in his prime, get shot in the head, while facing his adversary? For failing to pay his \$27. Taxi fare or having 150 packs of cigarettes on him? No, it was obvious that something much bigger was at play here! How could Gosset be only charged with Manslaughter (specifically, the careless use of a firearm) and not Murder in the second degree? His trial began on February 15, 1988 and on February 24, 1988, he was found... "Not Guilty of Manslaughter". The Griffin family filed a \$1.6 Million lawsuit but was ultimately awarded \$25,000. For the life of their only son.

On July 8, 1988, Montreal Police Chief Bourget fired Allan Gosset but Gosset challenged this action and was re-instated in Aug. 1989 but did not stay long. In 1991, the Quebec Court of Appeal ordered a new trial citing that the Judge had erred in instructing the jury. This verdict was challenged by Gosset and ended up before the Supreme Court of Canada which upheld the Quebec Court of Appeal's ruling to order a new trial. (R. Versus Gosset, Sept. 9, 1993). In April of 1994, Gosset was acquitted of Manslaughter for the second time. His lawyer was Serge Menard who later on became the Quebec Public Security Minister!!! Lea Cousineau, who was Vice-Chairman of the Montreal Urban Community Public Security Commission (which oversaw the Police) stated... "Racism exists throughout the system. In this case, there was obviously, an error made. We need to get to the roots of the problem." (Macleans Magazine, Nov.30,1987). By that date of Nov.30th, 43 people had sued the Montreal Police! Chief Police Roland Bourget said that... "I'll stake my reputation on the belief that it was not a racially motivated incident." But Gosset had prior history since the Quebec Human Rights Commission had sued him in 1982 over the beating of another black man after Gosset and his female partner had stopped his car. The M.U.C. settled that case out of court for \$2,450.

But the Griffon case had sparked outrage and while Gosset was suspended without pay while awaiting the results of an independent inquiry, minority community leaders and others demanded that Herbert Marx, the province's Justice Minister and Solicitor General, hold an independent inquiry. I attended the Demonstration in N.D.G. that went from Trenholme Park to Station #15 on Rosedale/Mariette with about 1,000 angry, upset people. The government established the Bellemare Commission which eventually made 70 recommendations in 1996. But did anything change? "The capacity of commissions of inquiry to effectively modify an organization's structure and working methods is limited by the willingness of elected politicians to apply laws and rules

to a police culture that may not readily accept either criticism or change.” (“The Contours of Police Integrity”. Klockers, Carl; Ivkovic, Sanga; Haberfeld, M.R. editors, Sage Publications. California 2004. P.43).

Between 1987 to 2008, forty three(43) persons were killed by the Montreal Police. Some of these victims were:

Marcellus Francois and Trevor Kelly in 1991

Richard Barnabe “ 1993

Paolo Romanelli; Martin Suazo; Philippe Ferraro in 1995

Mohammed Bennis in 2005

Fredy Villaneuva in 2008

Afterwards, there was Mario Hamel in 2011 as well as an innocent passer-by(who turned out to be a St. Luc Hospital worker).

Alain Magloire in 2014

Pierre Coriolan “ 2017

Nicholas Gibbs “ 2018. In no way, is this an exhaustive list but one composed for brevity’s sake.

Some of the more recent cases of racial profiling reported by the media and/ or CRARR (I.e.Centre for Research-Action on Race Relations) are:

A) Terell Jacobs and Nathan Picard. 2013. Walking while Black in Longueuil. They won a Damage suit of \$86,000. Against Longueuil

Police in Dec. 2018. (Montreal Gazette Jan.7, 2019)

B) Joel De Bellefeuille. 2012 and 2015. Driving while Black (his BMW), also by Longueuil Police. Legal actions are pending.

(Montreal Gazette June 6, 2017)

C) Andrew Denis-Lynch. March 2017. Dancing while Black in Cote-des-Neiges. (Montreal Gazette March 20, 2017)

D) Juliano Gray. March 2019. Playing Basketball and not paying metro fare while Black. Beaten on the ground by two Metro Police in Villa Maria Metro Station.

E) Hezu Kpowbie. Sept. 2019. Being a good Dad while Black as he watched his son play with a friend in the park in Repentigny.

Ordered to the ground, handcuffed by Repentigny Police. Related to this, CRARR is representing five(5) Black men from Repentigny in a total of ten(10) cases against the Repentigny Police. These are before the Commission on Human Rights and The Police Ethics Commission.

I would have to say that we, in Montreal, have a huge unresolved problem with our Police Department and officers. Despite all these incidents over the years and all the Commissions and the recommendations flowing from these (and all of the public outrage) , it seems obvious that little has changed. The police continue to target minority and marginalized groups and this often leads to the killing of some individuals (usually males) from these groups. They seem ill-prepared to deal with anyone with mental health issues and shoot to kill when confronted with any type of weapon (no matter how small). When did we ever hear of someone getting shot in the arm or leg to dis-arm them. No, they are not trained for this!! SHOOT TO KILL...Who has the POWER? Who has the COURAGE to say,...ENOUGH IS ENOUGH? Like I like to say to the politicians, "You are working for me; I am paying your salary" and this should apply to the Police...they are working for us.

A recent Pilot Project equipped seventy- eight(78) police officers with body cameras from May 2016—April 2017 at a cost of over \$3.4 million. The 235 page report that came out of this pilot project stated that to implement and maintain these cameras would be too expensive (i.e. \$17.4 million to equip 3,000. officers plus \$24 million per year to maintain). Alex Norris, an elected official and Chair of the Public Security Commission stated that it is..."not worth the investment." The police (89% of them) said that they felt that they were being watched. They said that a positive from the use of cameras would be better evidence for Court but on the negative side, the citizens would be less candid, there would be an administrative burden and that officers would spend more time in court than present. The Official Opposition stated that Mayor Plante was making a bad decision to not implement Bodycams; the city should have held public consultations and that since it was an election promise, they should go ahead with them. They also questioned the costly expense, why so high when other cities have done it for reasonable costs. Fo Niemi , the Director of CRARR, said that this Project did not have the participation of the citizens and groups and deferred too much again to the Police doing the consulting (with themselves). He thought that Cameras would be useful as a technological tool. A study of 600 Montrealers by Axon reported that 89% were favourable to the use of body cameras by the Police. (Metro. July 3, 2018.)

An even more recent Report by independent academics that was commissioned by the City confirms what we already knew: Montreal Police engage in systemic racial profiling that targets Arab, black and Indigenous people!!! Blacks are four (4) times more likely to be stopped than Whites; Indigenous are four.six(4.6) times more likely to be stopped than Whites with Indigenous Women eleven(11) times more likely to be stopped than Whites; and finally, Arabs are two (2) times more likely to be stopped than Whites . Despite the fact that the crime level has stayed the same, Police stops have increased 143% between 2014-2017. The Police have NO POLICY on when they should stop someone!!! Three Recommendations that come out are 1) Have a policy of when to stop persons 2) Improve data collection and use it to make an Annual Public report on Racial Profiling 3) Overhaul practices/policies and training to includes measures against Racial Profiling.

The Quebec Bureau des enquetes independantes (a.k.a.the BEI) was formed in 2016 with the mandate to investigate violent encounters between officers and civilians. This is done to ensure independence and proper investigation. (Erik Laming. "BEI needs more teeth, greater transparency". Mtl Gazette, November 16, 2018, p.A9.). It is comprised of 16 investigators which includes 8 officials representing the police and eight civilian officials. However, many questions have arisen regarding the effectiveness and the bias of the BEI including ..."a lack of transparency during investigations. The BEI currently does not publish its findings after an investigation is completed... If police are not respecting procedures during an independent investigation, it raises questions about the legitimacy of the police watchdog. ...The BEI does not have the authority to cause disciplinary charges against agencies and officers who violate laws. This needs to change." (Laming, op.cit.) In other words, the police don't follow the rules set out and the BEI does not have the power to make them. A veritable mess when attempting to get to the TRUTH!!! The families of the victims are left out with no communication from the police. "The lack of systematic public information and documentation of police killings of civilians has frustrated family members of victims, community advocates, and scholars and researchers alike."(Jeff Shantz. The Georgia Strait. Jan.5, 2018.)

CONCLUSIONS

- 1) The City of Montreal should immediately implement the phasing in of the wearing of Body Cameras by the Police.

These will be worn at all times and kept on also at all times. A review of the new procedure/requirement will be done

In six months time by a Special Committee established by the City (it could be part of the Public Security Commission)

but its independence would be a priority.

- 2)The BEI would be completely reformed and would become a totally independent (of the Police) body comprised of

Civilians that would investigate these incidents of force against civilians. Unlike now, it would have TEETH to force

Officers to comply with it and could take disciplinary measures against those that do not. NO MORE POLICE

INVESTIGATING THE POLICE. A new and important part of the BEI's mandate would be to liason with the families/

friends/contacts of any victims to ensure that they are kept up to date on proceedings. Part of this process could

perhaps include the offering of counselling services and support. In other words, let's change to a human approach in

All of these proceedings!!

- 3) Much better police training regarding the use of force. Training related to dealing with racial and marginalized

Communities.

I would like to also conclude by thanking the initiators of this Consultation who used the 'right of initiative' under the Montreal Charter of Rights and Responsibilities to force the City to implement these proceedings, especially Balarama Holness and the people of 'Montreal in Action' and, of course, all of those who signed the Petition and took part in these proceedings. Let not all this effort be in vain. WE DEMAND REAL, POSITIVE, SYSTEMIC CHANGES IN POLICE INTERACTIONS AND COMPORMENT WITH RACIAL MINORITIES AND MARGINALIZED PEOPLE.

ROSS STITT