

CHARTER RIGHTS ACTIVITY

With a partner

1. Read the article which outlines a significant case involving *Charter* rights.
2. Complete the following organizer :

LIST THE FACTS

*Make a list of the **RELEVANT** facts. Summarize the facts details of the case:*

- In Montreal, a man named Joel Debellefeuille has been pulled over several times by the police officers because the colour of his skin
- In July 2009, he was pulled over by a member of the Longueuil police force and he discovered that the officer pulled him over due to the mismatching of his Quebecois name and his dark skin tone
- he was with his wife and step-daughter and 2 other family friends, all of whom are white
- Joe refused to show identification to the police and was left with a \$438 ticket
- “Debellefeuille is a Quebecois name and not that of another region” said the police
- The matter was taken to the Quebec’s human rights commission and police ethics board
- RACIAL PROFILING**: the use of race or ethnicity as grounds for suspecting someone of having committed an offense.
- racial profiling has been a hot-button issue in Canada for years, affecting most big city police forces such as Toronto and Montreal
- Longueuil police do not have policies on racial profiling or dealing with visible minorities
- Officers weren’t able to justify the reasons of stopping him and he felt insulted
- police said they saw his wife throw a cigarette butt from the car even though no one was smoking in the vehicle
- “Mr. Bellefeuille, it’s a privilege to drive a vehicle here in Quebec. When an officer asks you to show them your ID, you’re supposed to show it. If it had been me that stopped you, I would have to put your ass in jail tonight. You’re lucky. ”

IDENTIFY THE SPECIFIC LAWS from the CHARTER OF RIGHTS AND FREEDOMS APPLICABLE TO THE CASE

-s.15 (1) Freedom of Discrimination based on Equality Rights
 -the right of the police to pull anyone over due to authority and part of security and their job (not recorded in the Charter)

ARGUMENTS/FACTS IN SUPPORT OF THE INDIVIDUAL WHOSE RIGHTS HAVE BEEN VIOLATED

- The police did not have a justifiable reason for pulling him over
- The police discriminated against him and insulted him (racism)
- The police threatened him

ARGUMENTS/FACTS IN SUPPORT OF THE ALLEGED VIOLATORS OF RIGHTS

- The police have the right to pull anyone over if they are suspicious
- Part of the job to ensure safety and rights

FINAL DECISION OF THE COURTS – What do you think it should be? Why?

The court should support Debellefeuille because his rights were violated by the police. Also, the police were very racist and racial profiled Joel. The use of race or ethnicity as grounds for suspecting someone of having committed an offense is unjust. No one should be judged or suspected due to their race, skin tone or any other physical appearances. The police have the right and authority to pull him over, however, once the police start discriminating against him, then their rights are limited. Therefore, the police should be warned and policies should be made regarding to racial profiling. Also
 Debellefeuille should be charged free of the tickets.

**WHAT DID THE COURTS ACTUALLY DECIDE?
 WHAT PRECEDENT DID THE COURTS SET?**

Judge Tremblay blasted the officer for racially profiling Debellefeuille.

"The fact of falsely or ignorantly believing that the family name 'Debellefeuille' can't be the surname of someone with black skin can only show a flagrant lack of knowledge about Quebec society," he wrote in his decision.

"Racially profiling someone is a grave breach of their rights under the Charter" of Rights and Freedoms, he continued.

Tremblay threw out all the evidence against Debellefeuille and acquitted him on the remaining charge of failing to identify himself.

Debellefeuille said he hopes the case motivates others who have been racially profiled to stand up for what's right.

Both police officers involved in the incident are being hauled in front of a disciplinary hearing.

News, CBC. "Judge Tosses Case against Racially Profiled Driver." *CBCnews*. CBC/Radio Canada, 28 Sept. 2012. Web. 26 Oct. 2016.

<<http://www.cbc.ca/news/canada/montreal/judge-tosses-case-against-racially-profiled-driver-1.1135296>>.

3. Present your findings to the class