

JUDICIALIZATION OF HOMELESSNESS IN MONTRÉAL:

Alarming evidence of increased social
profiling (2012–2019)

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List of abbreviations and acronyms

BEP: Brigade des espaces publics

CDPDJ: Commission des droits de la personne et des droits de la jeunesse

CERP: Commission d'enquête sur les relations entre les Autochtones et certains services publics

FPJCM: First Peoples Justice Centre on Montréal

DUC: Programme de déclaration uniforme de la criminalité

MRITHI: Mobile Reference and Intervention Team for Homeless Individuals

STPE: Support Team for Psychosocial Emergencies

MTESS: Ministère du Travail, de l'Emploi et de la Solidarité sociale

PDQ: Poste de quartier

RAPSIM: Réseau d'aide aux personnes seules et itinérantes de Montréal

RRVM: Règlement concernant la paix et l'ordre de la Ville de Montréal

SPVM: Service de police de la Ville de Montréal

STM: Société de transport de Montréal

Highlights

This study is in line with previous studies that we have conducted on social profiling and the use of municipal by-laws to judicialize homelessness in Montréal since 1994. Specifically, we identified and analyzed **50,727 statements of offence issued in Montréal between 2012 and 2019** pursuant to municipal by-law [c. P-1](#) concerning peace and order and STM by-laws [R-036](#) and [R-105](#) against individuals who provided the address of an organization that offers services to the homeless when required to by a police officer. This data was thus extracted by the Municipal Court using the civic addresses of community organizations and rooming houses servicing the homeless. As such, the data only represents the tip of the iceberg of the judicialization of homelessness.

The study's findings are numerous, but they all point to a worsening of the situation with respect to social profiling by police officers of the Service de police de la Ville de Montréal (SPVM), despite various official statements and policies aimed at putting an end to profiling practices. We show that homeless individuals are victims of social profiling in the streets of Montréal where they are primarily targeted for their use of alcohol or drugs in the public space and public drunkenness.

The extent of juriciarizationjuriciarization and social profiling

- There were eight times more statements of offence issued against homeless individuals in 2018 than in 1994, increasing from 1,054 statements of offence in 1994 to 8,493 in 2018;
 - Between 2014 and 2017, in just over three years, the number of statements of offence issued more than doubled, from 3,841 to 9,580;
- 65.4% of the statements of offence were issued by SPVM officers (33,173 statements) and 34.6% of them were issued by STM officers between 2012 and 2019 (17,554 statements);
 - The proportion of statements of offence issued by the SPVM increased between 2012 and 2018, from 54.1% to 71.9%. In comparison, the proportion of those issued by STM officers decreased from 45.9% to 28.1%;
- Between 2012 and 2018, the proportion of statements of offence issued by the SPVM to homeless people for reasons of security and public order in relation to the total number of statements of offence issued under municipal by-laws in Montréal as per SPVM annual reports, increased from 20.7% to 39.8%;
 - This ratio reached an all-time high of 41% in 2017, the highest proportion since 2004;
- There has been an increase and worsening in social profiling practices and the targeting of homeless people by the SPVM, with homeless individuals receiving nearly 40% of all statements of offence issued in Montréal under municipal and STM regulations.

Places and seasonality of juriciarization

- More than 68% of statements of offence were issued in the borough of Ville-Marie, 7.4% in Plateau Mont-Royal, 5.9% in Mercier-Hochelaga and 5.6% in the Sud-Ouest;

- Statements of offence under Municipal By-law c. P-1 are issued mainly in the summer, from August to September, while statements of offence under STM by-laws are issued mainly in the winter, from September to March.

Grounds for juriciarization

- 82.8% of the statements of offence issued pursuant to municipal by-law c. P-1 concerned the use of alcohol or drugs as well as public intoxication/drunkenness. In the remaining 10.2% of the cases, the tickets concerned loitering, obstruction of traffic or refusal to move;
- 54.5% of the statements of offences under STM regulations concerned the non-payment of transit fares. In the other cases, the reasons were varied, such as lying on a bench or on the ground in the Montreal metro (12.6%), smoking (8.3%), consuming alcoholic beverages (7.2%) or obstructing traffic (3%).

Characteristics of the persons who are judicialized

- Year after year, in more than 80% of the cases, the statements of offences are handed over to men, but the proportion of women in court is increasing;
- In 55.3% of the cases, the persons receiving the statements of offences were over 40 years of age, and in 34.5% of the cases, between 25 and 39 years of age;
- 11% of individuals were over-criminalized or over-judicialized by having received 10 or more statements of offence (amounting to 1,260 individuals);
 - Between 2012 and 2019, the number of people thus over-judicialized increased in number and they also received a greater number of statements of offence.

The juriciarization of Indigenous people in a situation of homelessness

- More than 4% of the analyzed statements of offences were issued to individuals who reported the address of an organization serving Indigenous people who are homeless;
 - The proportion of statements of offence received by Indigenous women is particularly high;
- Between 2012 and 2018, five times as many statements of offence were received by Indigenous individuals, increasing from 135 statements of offence to 547 in 2018;
- Compared to all the data studied, the proportion of c. P-1 statements of offence issued in connection with alcohol use and intoxication to Indigenous people is particularly high, i.e. 93%.

The cost of juriciarization

- Between 2012 and 2019, homeless individuals who received statements of offence and were accounted for in this study accumulated an initial debt (fine and up-front costs) of more than \$17 million;
- More than \$1 million has been spent on issuing statements of offence to these individuals, based on a conservative estimate of police salaries.

1. Setting the context

Our research on the juriciarization of homelessness in Montréal has made it possible to analyze the statements of offence issued under municipal by-laws and the by-laws of the Société de transport de Montréal (STM) since 1994.

This report constitutes the fourth wave of analysis of this data and covers statements of offence issued between January 1, 2012 and June 30, 2019. In fact, we have obtained extracts of such data from the Municipal Court of Montréal on three previous occasions, in 2005, 2007 and 2011 (Bellot and Sylvestre, 2017).

Each research report on the juriciarization of homelessness has shown us how costly, counterproductive and ineffective these juriciarization practices are. In 2009, they were denounced by the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) as well as many organizations as social profiling practices. The Quebec government's National Policy to Fight Homelessness and the Interdepartmental Action Plan on Homelessness 2015-2020 recommend that the judiciary should not be used to intervene with homeless populations.

In the context of mobilization and knowledge transfer activities from previous studies, both the Service de police de la Ville de Montréal (SPVM) and the STM have mentioned the lack of services and support available to them to respond more adequately to the needs of homeless people, particularly in cases of public intoxication. Since 2012, various services have been put in place in the community, including drinking and sobering-up places, places in drug addiction emergency services, acceptance of intoxicated persons in various day centre and shelter resources, as well as heat breaks in winter and air-conditioned rest stops in summer. At the SPVM, the expansion of the mobile reference and intervention team for homeless individuals (MRITHI), the establishment of a support team for psychosocial emergencies (STPE), the holding of training sessions, and the implementation of two strategic plans on social and racial profiling in 2012 and 2018 are among the measures put forward.

However, we will see, through our analyses of this 4th wave of data, that while there was some decline in juriciarization from 2012 to 2016, **since 2016, juriciarization has risen sharply, surpassing even the highest peaks seen in the issuance of statements of offence in previous studies.**

2. Is repression a necessity?

Against the backdrop of prevailing prosperity, success and performance, homelessness is a problem in our societies. The image of misery, suffering and human distress cannot be tolerated on our streets. It must be hidden. To do so, the homeless person has become over time a disturbing, dangerous person, at least *persona non grata*, on the streets of our cities. The social interpellation of homelessness organized around its disturbing character reinforces the idea that it must be invisible at all costs. Lacking the means, time and resources to meet the needs of these extremely vulnerable people, we must nevertheless act to get them off “our” streets. Repression then becomes the first recourse and the judicial solution, the preferred means to condemn living conditions, a way of life, a personal situation that one no longer wants to see.

It is in this context that repressive practices have developed in Montreal since the mid-1990s, as in most North American cities.

Work on the penal management of homelessness is part of a larger framework of studies on the criminalization of social problems, where criminal law is seen as an element and source of legitimization of power relations (Laberge and Landreville, 2000). Within this framework, the question is to see how the use of criminal law contributes to defining and realizing the apparent difficulty of “living together” in our societies. Built around the issues of insecurity and incivility, this use bears witness to the relationship between the State and its various functions. Thus, for Mary (2003), penalization is explained above all by the fact that the State is withdrawing from its function of security and public order, abandoning economic security and social protection.

The orientation towards a penal management of homelessness has indeed become one of the preferred modalities of action in an explicit or implicit way. However, this avenue has also been the subject of numerous challenges and criticisms, particularly with regard to its ineffectiveness, its counter-productive and discriminatory nature. Numerous community alternatives have been put in place to avoid recourse to the courts. The SPVM, like the STM, has committed on numerous occasions to changing their practices and avoiding the issuance of statements of offence, particularly since these practices were defined as social profiling practices by the [CDPDJ in 2009](#).

In a [report](#) submitted to the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress (CERP - Commission Viens), dated March 2018, the SPVM presented various elements relating to its interventions with people experiencing homelessness. In this report, the SPVM states that its patrollers are called upon nearly 14,600 times a year to intervene with people experiencing homelessness. It also reports that, according to analyses of its intervention samples, 90% of these interventions are concluded in a non-repressive manner, either by an informal resolution or by transportation to an emergency service or resource. Only 10% of the interventions would result in an arrest or the issuance of a statement of offence, i.e. approximately 1,460 per year. The data analyzed in this research reveals that the SPVM issued at least 1,804 statements of offence to homeless individuals in 2014 and 3,477 in 2017. **These data indicate that the proportion of law enforcement interventions assessed by**

the SPVM may therefore be underestimated¹. Furthermore, the SPVM report does not at any time offer any thoughts on juriciarization and social profiling, even though it is a report on the SPVM's practices with respect to people who are homeless. Only the *Plan stratégique en matière de profilage racial et social, 2018-2021* is mentioned for the future.

In this [report](#) submitted by the SPVM to CERP - Commission Viens, the mandate and achievements of the EMRII are described. This team of seven patrollers and four stakeholders from the health and social services network was created in 2009 and covers the entire territory of the SPVM. EMRII's mandate is "to carry out outreach work to reach homeless or at-risk people who are regularly the subject of police interventions...". The EMRII intervenes sporadically about fifteen times a week to provide support to other police officers. Designed as a second-line team, EMRII's work is based on a case management and intensive follow-up approach. As such, for the SPVM, the fact that the team conducted 209 intensive follow-ups between its creation and January 1, 2018, is a testament to the complexity and complexity of the situations of the people it deals with. In July 2017, the SPVM informed the CERP - Commission Viens in another [document](#) that 10 intensive follow-ups were underway with Indigenous people experiencing homelessness.

The document also refers to the Support Team for Psychosocial Emergencies (ESUP), which "carries out 1,900 interventions annually with people who are mentally disturbed or in crisis." This joint team of five police officers and four social workers was created in 2012. The document does not specify how many people in a situation of homelessness or at risk have been reached by this team.

Despite various diversion initiatives, the issuance of statements of offence to people who are homeless continues.

The purpose of this report is therefore to report on the repressive practices and their evolution with respect to the homeless population in Montreal from 2012 to 2019, as well as to highlight these results in conjunction with our previous studies dating back to 1994. The implementation of various research projects over the past 20 years, as well as the participation in a partnership strategy with the communities of practice aimed at considering and developing alternatives to juriciarization, form the backdrop to this report. Built in the form of a report card, it is also an opportunity to see the challenges that remain in the use of repressive measures to respond to social problems.

The results of this research make it possible to outline the phenomenon of the legalization of homeless people, to understand its evolution and to grasp the consequences of these practices for these people, but also for the penal system in general.

¹ Note the limitations of comparing these data: more than one report could be issued during a police intervention, to the same person or to several different people. The annual average of 1,460 interventions evaluated by the SPVM is for "restrictive measures (arrest and statement of offence)", which could also include arrests leading to the laying of criminal charges.

3. Methodology

A request for the data extraction relating to statements of offence issued in Montréal under the terms of [municipal by-law c. P-1 concerning peace and order](#) and STM by-laws [R-036](#) and [R-105](#) between January 1, 2012, and June 30, 2019, from a list of civic addresses of organizations working in the area of homelessness was carried out (see [Annex 1: List of homelessness organizations](#)), as well as those of six rooming houses. Thus, the methodology differs somewhat from that used in the three previous studies, which included all municipal by-laws. In this study, we used only By-law c. P-1 Peace and Order By-law, as the vast majority of the statements of offence issued in the previous studies fell under this by-law. This also allows us to make subsequent comparisons with other cities, as most municipalities have a similar Peace and Order By-law to deal with homelessness.

It is therefore important to mention that statements of offence issued under other municipal by-laws are not included in our analyses, even though many stakeholders or homeless people report having seen or received statements of offence of this type. This is the case, for example, for [c. P-12.2](#) (by-law on cleanliness, which includes the offences of using street furniture for a purpose other than that for which it is intended, spreading liquid and littering), [CA 24-085](#) (by-law on civic conduct, which includes the offence of defiling the public domain and the paving of the borough of Ville-Marie) or [c. B-3](#) (by-law on noise, which includes the offence of emitting audible noise such as shouting, clamouring, singing, altercations, etc.).

In addition, this time we requested the extraction of statements of offence where the words “SDF,” “homeless” or “without a PERMANENT address” were entered as the address for the person under investigation. 1,287 statements of offence in the database had this mention as the address declared by the person under investigation.

Another new feature in Wave 4 was the request for additional information on the location of the offence. Although we were unable to retrieve this specific data, we did obtain information on the district where the statement of offence was issued.

As noted in our previous studies, the methodology used in this report does not allow us to capture the entire phenomenon of the criminalization of homelessness. Since we use the street addresses of community organizations reported by the individual who is being prosecuted when the statement of offence is issued, the data can only represent the tip of the iceberg in terms of the criminalization of homelessness. In fact, the reports of homeless people declaring, for example, the address of a family member, a friend or temporary accommodation cannot be detected.

4. The periphery of homelessness juriciarization in Montreal

The three previous studies on legalization practices in Montreal from January 1, 1994 to December 31, 2010 studied **64,491 statements of offence** issued to homeless people who gave the address of an organization when submitting statements of offence issued under municipal by-laws or those of the Société de Transport de Montréal (Bellot and Sylvestre, 2017).

The analyses in this report on judicial practices in Montreal from January 1, 2012 to June 30, 2019 made it possible to study **50,727 statements of offence** issued to homeless people who provided the address of an organization when they were issued statements of offence (see [Annex 1: List of homelessness organizations](#)) or for whom the words "SDF", "homeless" or "without an address" were entered as the address on the statement of offence. For the rest of our analysis, we will refer to them as "people in a situation of homelessness".

Despite the methodological differences between the three previous studies and this one, the comparison is still possible since regulation c. P-1 on Peace and Order covers the vast majority of the findings analyzed in the previous studies. The addition of the homeless or other category did not significantly change the number of offence findings studied.

4.1. The Evolution of the Juriciarization of Homelessness from 1994 to 2019

Table 1 shows the changes in the number of statements of offence issued to homeless persons from 1994 to 2019 under the municipal (RRVM) and Société de transport de Montréal (STM) by-laws. Statements of offence issued under certain provincial laws (Other), such as the [Tobacco Control Act](#) (formerly the Tobacco Act), could only be analyzed for certain years.

Table 1: Numbers and percentages of statements issued to people experiencing homelessness in Montréal according to regulations, from 1994 to 2019

Year	Offence Categories						Total
	Municipal By-laws (RRVM)		STM by-laws		Others		
	N	%	N	%	N	%	
1994	566	53,7	488	46,3	--	--	1 054
1995	751	54,5	628	45,5	--	--	1 379
1996	735	48,4	779	51,3	4	0,3	1 518
1997	596	49,5	580	48,2	28	2,3	1 204
1998	1 177	73,2	369	22,9	62	3,9	1 608
1999	1 693	80,4	363	17,2	49	2,3	2 105
2000	953	50,7	920	49,0	6	0,3	1 879
2001	1 515	61,4	954	38,6	--	--	2 469
2002	1 609	53,2	1 416	46,8	--	--	3 025

2003	2 219	56,2	1 730	43,8	--	--	3 949
2004	3 225	45,2	3 911	54,8	--	--	7 136
2005	2 382	37,9	3 911	62,1	--	--	6 293
2006	2 230	46,3	2 493	51,7	95	2,0	4 818
2007	2 834	46,4	3 175	52,0	99	1,6	6 108
2008	2 305	37,4	3 774	61,2	85	1,4	6 164
2009	2 962	41,0	4 153	57,5	105	1,5	7 220
2010	2 439	37,2	4 055	61,8	68	1,0	6 562
2011*	---	---	---	----	----	---	----
Sub-total	30 191	46,8	33 699	52,3	601	0,9	64 491
2012**	2 001	31,7	4 318	68,3	---	---	6 319
2013	1 957	39,9	2 952	60,1	---	---	4 909
2014	1 804	47,0	2 037	53,0	---	---	3 841
2015	2 444	41,6	3 427	58,4	----	----	5 871
2016	2 888	36,8	4 957	63,2	----	----	7 845
2017	3 477	36,3	6 103	63,7	----	----	9 580
2018	2 950	34,7	5 543	65,3	----	----	8 493
2019***	1 043	27,0	2 826	73,0	----	----	3 869
Sub-total	18 564	36,6	32 163	63,4	---	----	50 727
Total	48 755	42,3	65 862	57,2	601	0,5	115 218

* For reliability reasons, the year 2011 has been removed from the data series.

** Due to new data extraction rules, it was not possible to extract findings issued under other provincial legislation after 2012.

*** The year 2019 is incomplete, the data covers only the first 6 months.

The data analysis in Table 1 provides the following findings:

- Over the 25 years studied, more than 115,000 statements of offence were issued to homeless people in Montréal, including 48,755 under municipal by-laws and 65,862 under STM by-laws;
- **Eight times more statements of offence** were made in 2018 (the latest year for which complete data are available) than in 1994, increasing from **1,054 in 1994 to 8,493 in 2018**;
- STM regulations are increasingly being used for judicial purposes. In 1994, statements of offence issued under STM regulations represented 46.3% of the statements of offence issued. In 2018, they represent 65.3%;
- The years 2013 and 2014 show a notable decrease in statements of offence issued in relation to previous and subsequent years, with 4,909 statements of offence and 3,841 statements of offence;
- Between the years 2012 and 2019, 18,564 statements of offence were issued under municipal by-laws and 32,163 under STM by-laws. **In only three years, between 2014 and 2017, the number of tickets issued more than doubled, from 3,841 to 9,580**;

Figure 1: Percentage of reports issued to homeless people in Montréal under RRVM and STM by-laws, from 1994 to 2019

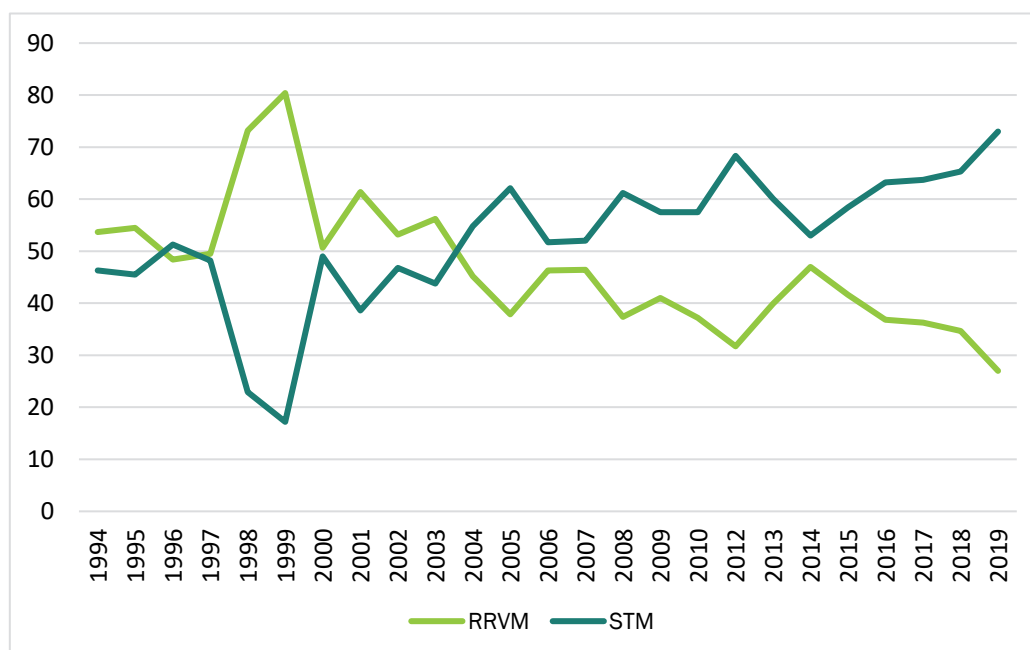


Figure 1 provides a better picture of the year-to-year swings in the types of by-laws that warrant the issuance of tickets to homeless people. There is a significant increase in the percentage of tickets issued under municipal by-laws from 1997 to 1999, followed by a general decrease until 2019. On the contrary, the percentage of tickets issued under STM by-laws has generally increased, apart from a considerable decrease from 1997 to 1999. Year after year since 2003, more than half of all tickets are issued under STM by-laws, and this gap continues to widen. These significant oscillations raise questions about the causes of the legalization, since it does not appear to be related to an increase in the phenomenon of homelessness or its transformations with respect to the occupation of different types of public spaces (street, metro, etc.).

It should be noted, however, that the reform of the Société de transport de Montréal's security service has modified the roles and responsibilities of various stakeholders as of June 1, 2007. Prior to this date, only STM security service officers were responsible for the application of STM regulations. Since then, police officers attached to the SPVM's Neighbourhood Station 50 have been assigned directly to the Montréal public transit system, to complement the work of the security service officers. According to the [SPVM website](#), there are 115 police officers at this time.

Since 2007, the SPVM police officers have been empowered to issue statements of offence for reasons of security and public order under By-law [R-036](#). The STM officers, for their part, can issue statements of offence, notably for non-payment of transit fares under by-law [R-105](#).

In order to illustrate these changes in responsibilities, Table 2 below presents the actors who issue statements of offence rather than the regulations used to issue statements of offence. It shows that, for the period from 2012 to 2019, SPVM police officers issued 65.4% of the total number of statements of offence to homeless persons (33,173 statements of offence under municipal by-laws

and STM By-law [R-036](#)) while STM security officers issued 34.6%, or 17,554 statements of offence (under By-law [R-105](#)).

Table 2: Numbers and percentages of statements of offence issued by STM and SPVM officers, from 2012 to 2019

SPVM (RRVM + R-036)		STM (R-105)	
N	%	N	%
33 173	65,4	17 554	34,6

Table 3 below shows the breakdown of statements of offence issued by SPVM and STM officers by year. This table shows the increase in the number of statements of offence issued by SPVM officers, from 3,416 in 2012 to nearly 7,000 in 2017, with a decrease in 2018 of 6,106 statements of offence issued. Whereas in 2012, 54.1% of the statements of offence were issued by SPVM officers, in 2018, it was 71.9%. Conversely, 2012 was the year with the most tickets issued by STM officers. The other years are marked by relative decreases, more or less significant depending on the year. Year after year, STM officers issued proportionally fewer tickets, going from 45.9% to 28.1% in 2018.

Table 3: Numbers and percentages of statements of offence issued by STM and SPVM officers, from 2012 to 2019

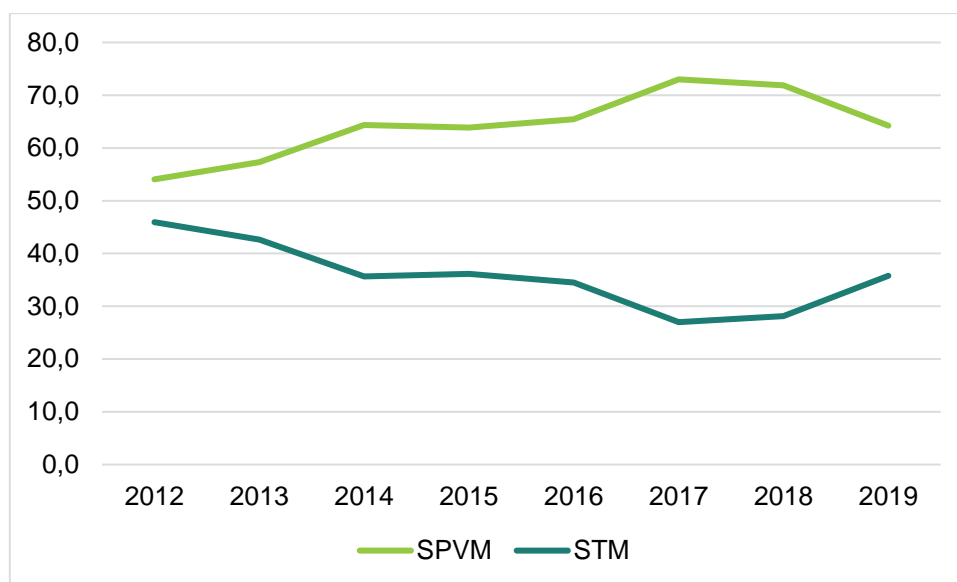
Year	SPVM (RRVM + R-036)		STM (R-105)	
	N	%	N	%
2012	3 416	54,1	2 903	45,9
2013	2 815	57,3	2 094	42,7
2014	2 471	64,3	1 370	35,7
2015	3 750	63,9	2 121	36,1
2016	5 136	65,5	2 709	34,5
2017	6 994	73,0	2 586	27,0
2018	6 106	71,9	2 387	28,1
2019*	2 485	64,2	1 384	35,8

* The year 2019 is incomplete, the data covers only the first 6 months.

Figure 2 presents the percentage curves of statements of offence issued by SPVM police officers and STM safety officers. It shows the steady **increase in the number of statements of offence issued to homeless persons by SPVM police officers and the relative decrease in those issued by STM**

safety officers between 2012 and 2019. These data also make it possible to consider the extent of the legal action taken by SPVM officers in the metro.

Figure 2: Percentage of statements of offence issued by SPVM and STM officers, from 2012 to 2019



4.2. Geographical breakdown of statements of offence issued between 2012 and 2019

Homeless people, like the community organizations that help them (RAPSIM, [5^e portrait](#)), report receiving more statements of offence in the central boroughs of the city of Montréal.

Table 4 presents the number of statements of offence issued to homeless people by borough and by year. Not surprisingly, it is in the **Ville-Marie borough that more than 68% (34,711) of the statements of offence were issued between 2012 and 2019.** This concentration of statements of offence in the Ville-Marie borough has remained constant over the 25 years covered by our studies and attests to the absence of any real transformation of practices in the downtown area by the SPVM and the STM.

Three other boroughs have a significant percentage. They are, in order, the Plateau Mont-Royal borough, for 7.4% of the total number of statements of offence (3,732), the Mercier-Hochelaga borough, for 5.9% of the total number of statements of offence (2,978) and the Sud-Ouest borough, for 5.6% of the total number of statements of offence (2,863).

Table 4: Number of statements of offence issued by borough, from 2012 to 2019

Boroughs	Year								Total	
	2012	2013	2014	2015	2016	2017	2018	2019*	N	%
Ahuntsic/Cartierville	131	86	78	139	130	154	109	42	869	1,7
Anjou	3	6	1	8	2	3	4	0	27	0,1
Baie d'Urfé	0	0	0	0	0	0	1	0	1	0,0
Beaconsfield	1	0	0	0	0	0	0	0	1	0,0
Côte-des-Neiges/Notre-Dame-de-Grâce	158	130	106	186	185	238	268	120	1 391	2,7
Cote Saint-Luc	0	3	0	1	2	0	2	0	8	0,0
Dorval	7	7	4	3	3	9	5	3	41	0,1
Kirkland	1	0	0	0	0	0	0	0	1	0,0
Lachine	2	4	3	10	1	2	2	3	27	0,1
Lasalle	20	3	15	9	13	7	20	4	91	0,2
Mercier/Hochelaga-Maisonneuve	378	334	277	362	372	538	476	241	2 978	5,9
Mont-Royal	0	0	1	0	2	5	6	3	17	0,0
Montréal-Est	3	2	1	1	3	3	1	0	14	0,0
Montréal-Nord	3	13	6	13	6	11	8	5	65	0,1
Montréal-Ouest	0	1	0	4	3	0	3	0	11	0,0
Outremont	7	2	3	5	5	0	7	2	31	0,1
Pierrefonds/Roxboro	0	0	1	2	2	1	4	0	10	0,0
Plateau Mont-Royal	590	409	236	375	567	626	686	243	3 732	7,4
Pointe-Claire	4	1	1	3	5	2	1	0	17	0,0
Rivière-des-Prairies/Pointe-aux-Trembles	7	6	7	6	9	6	19	8	68	0,1
Rosemont/Petite-Patrie	127	92	87	117	154	144	181	54	956	1,9
Saint-Laurent	10	16	18	23	30	46	50	15	208	0,4
Saint-Léonard	2	6	4	4	3	4	3	1	27	0,1
Sud-Ouest	370	290	221	339	401	520	463	259	2 863	5,6
Verdun	46	26	25	112	93	135	107	70	614	1,2
Ville-Marie	4 150	3 221	2 525	3 934	5 558	6 856	5 812	2 655	34 711	68,0
Villeray/Saint-Michel/Parc-Extension	296	250	218	214	287	254	245	131	1 895	3,7
Westmount	3	1	3	1	9	16	10	10	53	0,1
Total	6 319	4 909	3 841	5 871	7 845	9 580	8 493	3 869	50 727	100

* The year 2019 is incomplete, the data covers only the first 6 months.

Moreover, even if comparisons are difficult, insofar as the data do not represent exactly the same elements², the [data presented to CERP - Commission Viens](#) by the SPVM for the years 2015 and 2016 make it possible to identify the neighbourhood stations (PDQ) where officers issue the most statements of offence, all regulations combined. The PDQs 20 (Ville-

² The data presented by the SPVM to CERP - Commission Viens concerns all statements of offence issued under all municipal by-laws, from neighbourhood stations rather than boroughs, for the entire population.

Marie West), 21 (Ville-Marie East), 38 (Plateau-Mont-Royal), and 50 (Montréal metro) are the stations where officers issue more than 1,000 statements of offence per year. Thus, in the territory of PDQ 20 (Ville-Marie West), 1,022 statements of offence were issued in 2015 and 1,322 in 2016. In PDQ 21 (Ville-Marie East), 2,426 statements of offence were issued in 2015 and 2,702 in 2016. In the territory of PDQ 38 (Plateau-Mont-Royal), 2,019 statements of offence were issued in 2015 and 2,009 in 2016. Finally, in the PDQ 50 (Montréal metro), 1,514 statements of offence were issued in 2015 and 2,008 in 2016.

This data also highlights the particularly important role of the Brigade des espaces publics (BEP), created in 2009, in the juriciarization of homelessness. According to the [SPVM website](#), this brigade, composed of 24 patrollers and 50 cadets, "works primarily to meet the need for law enforcement services and to address reprehensible behaviour in the downtown area. All the members of this brigade have received training on homelessness, Indigenous people, awareness of terrorist threats, managing peaceful crowds on bicycles, new drug trends and intervention with people in crisis."

According to a [document](#) filed by the SPVM with CERP - Commission Viens, this brigade, which works mainly during the summer, handed over in 2015 more than 10% of the total number of statements of offence issued under all Montréal municipal by-laws (1,356 statements of offence out of a total of 13,072). In 2016, this proportion was 13.5% (2,046 statements of offence out of a total of 15,210). However, in 2016, BEP officers made up only 0.5% of the police force (according to the [rapport annuel 2016 du SPVM](#), 4,547 police officers were on duty on December 31). In 2016, **an average of 3.3 statements of offence were issued by SPVM officers, while a BEP officer issued 85.3 statements of offence, i.e. more than 25 times as many.**

4.3. Seasonal breakdown of issued statements of offence

Considering the importance of the seasons in the lives of homeless people, particularly those who live on the street or frequently occupy public space, the analysis of the seasonal distribution of the issuance of statements of offence is a way of understanding how the repressive logic adapts to the places frequented by homeless people, particularly in environments where they try to find refuge.

Table 5 details the number of statements of offence issued per month and per year from 2012 to 2019. It shows that, despite some annual variations, more than 10% of the statements of offence issued under by-law c. P-1 (RRVM) are issued during the months of May, June, July, August and sometimes September. During the months of December, January, February and March, the monthly issuance percentage is almost always less than 5%. As for the statements of offence issued under the STM regulations, data shows that they are generally during the cold months of January, February, March and April (as well as for certain years, November and December) and that more than 10% of the statements of offence are issued. During the months of June, July, August and September, the percentage of statements of offence issued is at its lowest.

Table 5: Change in average monthly traffic tickets issued to homeless individuals from 2012 to 2019

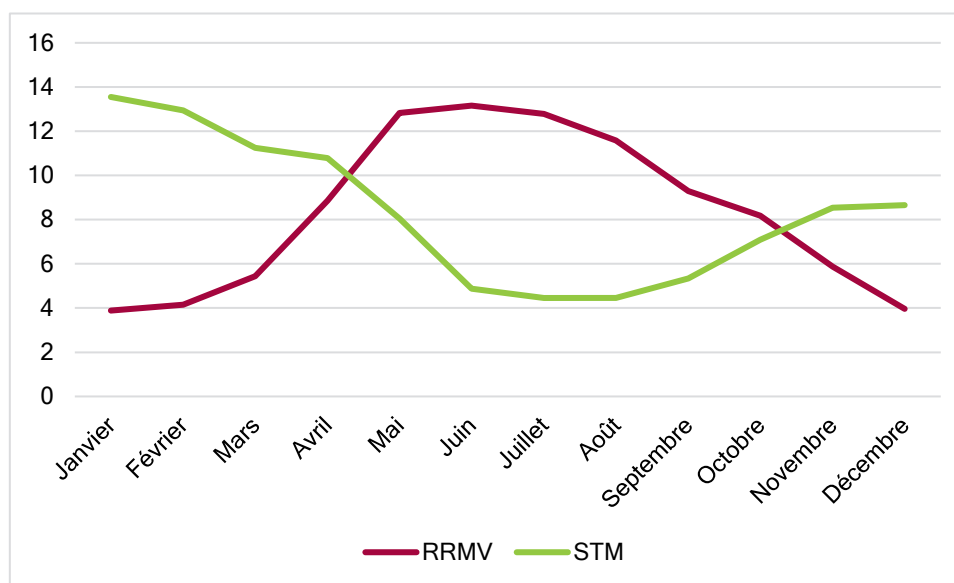
	Month	2012		2013		2014		2015		2016		2017		2018		2019*	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Peace and order by-law c. P-1 (RRVM)	Jan.	65	3,2	60	3,1	108	6,0	45	1,8	135	4,7	136	3,9	132	4,5	113	10,8
	Fév.	98	4,9	70	3,6	91	5,0	59	2,4	114	3,9	163	4,7	133	4,5	128	12,3
	Mars	113	5,6	103	5,3	116	6,4	83	3,4	146	5,1	194	5,6	199	6,7	148	14,2
	Avril	193	9,6	148	7,6	218	12,1	176	7,2	183	6,3	351	10,1	269	9,1	176	16,9
	Mai	222	11,1	259	13,2	264	14,6	331	13,5	371	12,8	343	9,9	431	14,6	248	23,8
	Juin	247	12,3	255	13,0	273	15,1	304	12,4	339	11,7	474	13,6	407	13,8	230	22,1
	Juil.	326	16,3	266	13,6	189	10,5	390	16,0	324	11,2	425	12,2	286	9,7	0	0,0
	Août	250	12,5	248	12,7	162	9,0	296	12,1	339	11,7	410	11,8	332	11,3	0	0,0
	Sept.	157	7,8	178	9,1	108	6,0	248	10,1	332	11,5	376	10,8	284	9,6	0	0,0
	Oct.	157	7,8	205	10,5	105	5,8	199	8,1	276	9,6	297	8,5	202	6,8	0	0,0
	Nov.	99	4,9	104	5,3	87	4,8	193	7,9	213	7,4	192	5,5	154	5,2	0	0,0
	Déc.	74	3,7	61	3,1	83	4,6	120	4,9	116	4,0	116	3,3	121	4,1	0	0,0
	Total	2 001	100	1 957	100	1 804	100	2 444	100	2 888	100	3 477	100	2 950	100	1 043	100
STM	Jan.	603	14,0	426	14,4	336	16,5	263	7,7	586	11,8	745	12,2	1012	18,3	645	22,8
	Fév.	556	12,9	410	13,9	262	12,9	385	11,2	583	11,8	777	12,7	846	15,3	748	26,5
	Mars	480	11,1	340	11,5	193	9,5	391	11,4	542	10,9	719	11,8	692	12,5	570	20,2
	Avril	472	10,9	408	13,8	212	10,4	326	9,5	469	9,5	646	10,6	597	10,8	462	16,3
	Mai	370	8,6	244	8,3	201	9,9	289	8,4	351	7,1	629	10,3	214	3,9	265	9,4
	Juin	200	4,6	150	5,1	76	3,7	210	6,1	245	4,9	311	5,1	252	4,5	136	4,8
	Juil.	224	5,2	118	4,0	55	2,7	183	5,3	267	5,4	279	4,6	224	4,0	0	0,0
	Août	228	5,3	117	4,0	38	1,9	194	5,7	290	5,9	228	3,7	269	4,9	0	0,0
	Sept.	284	6,6	174	5,9	67	3,3	214	6,2	293	5,9	256	4,2	291	5,2	0	0,0
	Oct.	232	5,4	182	6,2	152	7,5	325	9,5	388	7,8	413	6,8	363	6,5	0	0,0
	Nov.	294	6,8	178	6,0	221	10,8	348	10,2	460	9,3	583	9,6	396	7,1	0	0,0
	Déc.	375	8,7	205	6,9	224	11,0	299	8,7	483	9,7	517	8,5	387	7,0	0	0,0
	Total	4 318	100	2 952	100	2 037	100	3 427	100	4 957	100	6 103	100	5 543	100	2 826	100

* The year 2019 is incomplete, the data covers only the first 6 months.

Figure 3 then confirms for the period 2012 to 2019 that the tickets issued under By-law c. P-1 are issued mainly during the summer period, from April to September. Conversely, notices of violation issued under STM by-laws are issued mainly from September to March, a significant increase during the winter period.

This seasonal distribution shows the extent to which **repressive practices follow people who are homeless in the places they frequent, from the public space in summer to the metro in winter**, without regard to their specific needs for respite in winter.

Figure 3: Percentage change in the average monthly percentage of statements of offence issued to homeless individuals from 2012 to 2019



4.4. Amplifying profiling practices

In November 2009, the Commission des droits de la personne et des droits de la jeunesse du Québec produced a notice showing how the repressive practices used in Montréal were part of the production of a social profiling of people experiencing homelessness. Relying heavily on our studies, the Commission demonstrated that the over-juricization of homeless people was a direct consequence of the targeting of homeless people in the SPVM's internal standards and policies. Profiling has been observed in a number of ways.

The Commission notes that the disproportionate number of infringement reports is an important indicator of social profiling. By comparing the data from our respective research and that of the SPVM (p. 42), the Commission estimated that travelling populations received at least 30% of the statements of offence issued for the entire territory served by the SPVM between 2004 and 2005. A similar methodology was used to document these trends for subsequent years in order to illustrate trends in social profiling, while integrating the statements issued by the SPVM in the metro.

Thus, for analysis purposes, this table presents the proportion of observations issued by the SPVM under municipal and STM by-laws to people who are homeless for reasons of security and public order, and not those issued by STM security officers for non-payment of transit fares.

Table 6: Changes in ratios between the total number of statements of offence issued by the SPVM in Montréal and the total number of statements of offence issued to homeless people for reasons of security and public order, from 2004 to 2019.

Year	Total statements issued by the SPVM according to annual reports	Statements received by people experiencing homelessness for reasons of safety/public order	
		N	%

2004	10 397	3 225	31,0
2005	12 079	2 382	19,7
2006	13 045	2 230	17,1
2007	21 276	5 437	25,5
2008	20 443	5 179	25,3
2009	21 627	5 068	23,4
2010	17 861	4 210	23,5
2011	-----	-----	-----
2012	16 457	3 416	20,7
2013	14 072	2 815	20,1
2014	11 383	2 471	21,7
2015	11 678	3 750	32,0
2016	14 556	5 136	35,2
2017	17 010	6 994	41,0
2018	15 333	6 106	39,8
**2019	11 959	2 485	20,0

* There are 132 missing data.

** The year 2019 is incomplete, the data covers only the first 6 months.

Table 6 shows a relative decrease in the ratio of traffic tickets issued to homeless persons between the years 2005 and 2006 and in 2013. Despite this lower proportion, homeless people received more than 20% of all statements of offence issued by the SPVM in Montréal during these years. However, starting in 2014, this ratio will increase and reach **a proportion unmatched in 25 years of studies on the judicialization of homelessness: in 2017, at least 41% of the statements of offence issued by the SPVM were directed at people who are homeless.** In 2018, this ratio remained almost as high at 39.8%. Remember that the data collected represents only the tip of the iceberg, i.e. many people who are homeless may have been prosecuted without appearing in our data.

As a result, there has been a significant increase in discriminatory social profiling practices in recent years. Homeless people are victims of social profiling to such an extent that they are targeted by approximately 40% of the statements of offence issued.

Thus, despite the joint teams put in place and the SPVM's commitments in the fight against social profiling, it must be noted that the repression of homelessness is, and remains, a common practice of the SPVM, and even a practice that is reinforced by the actions of both the usual patrollers and the agents assigned to the Public Spaces Brigade (BEP). Although the data are not fully comparable, it should be mentioned that the BEP works mainly in the central neighborhoods and that homeless people are also prosecuted mainly in these neighborhoods.

4.5. Offences charged to people who are homeless

After having established the evolution of the number of statements of offence issued to homeless people, we are now looking at the reasons for the offences they are accused of.

A multitude of offences are used to prosecute people under municipal and STM by-laws. Thus, these offences range from drinking alcohol to the fact of having thrown ashes on public ground, to hindering or obstructing traffic by being barefoot in the metro. Nevertheless, we have focused on the main offences charged. Table 7 presents the statements of offence classified in 10 categories of

offences most often charged against people who are homeless in Montréal between 2012 and 2019. More than 90.8% of the statements of offence issued between 2012 and 2019 fall within these 10 categories. In fact, out of a total of 50,727 statements of offence issued during this period, 46,041 statements of offence correspond to these categories.

As in previous studies, the most common violations of City of Montréal by-laws for which tickets are issued are those related to the use of alcohol in the public space, drunkenness and loitering. From 2012 to 2019, 82.8% of the statements of offence issued under By-law c. P-1 respecting peace and order relate to the use of alcohol or drugs and public intoxication. This result is consistent over time and confirms the analyses carried out in our previous studies. **The judicialization of homelessness is essentially due to the repression of consumption and intoxication**, despite the creation of drinking places in various services, the wider acceptance of intoxicated persons in resources, the implementation of supervised injection sites and the deployment of hot and cold spots. The category of loitering offence is the third most frequent, representing more than 10.2% of the total number of infraction reports. Here again, it is surprising, in light of the criticisms of the judiciary as a form of social profiling and despite the plans to combat racial and social profiling, that 10.2% of the statements of offence issued directly target the presence of homeless people on the streets of Montréal.

For the STM's by-laws, it is the categories of offence of not paying one's fare (54.5%), lying on a bench or on the ground (12.6%) or smoking in the metro (8.3%), consuming alcoholic beverages (7.2%) and obstructing traffic (3%) that are the most frequent, as shown in Table 7.

Study after study, the preponderance of these offences still reflects the fact that in Montréal, the judiciary is mainly focused on the presence of homeless people in the public space and certain associated issues, such as alcohol or drug use. Alcohol-related offences were also strongly represented in our study on the judicialization of homelessness in Val-d'Or ([Bellot et Sylvestre, 2016](#)). In other Canadian cities, such as Quebec City or Toronto, we had shown that judicialization focused on street survival strategies such as squeegeeing and searching for food ([Bernier et al., 2011](#); Chesnay et al., 2013).

Table 7: Numbers and Percentages of Top 10 Most Frequent Offence Categories, by Type of By-law, 2012-2019

By-Law Category	Infraction	N	%
Peace and Order by-law c. P-1 (RRVM)	Having consumed alcoholic beverages on public property or in a park	7 708	41,5
	Having been found lying, loitering drunk or drugged on a public street or square	7 673	41,3
	Loitering / hindering traffic / refusing to circulate in the public square	1 887	10,2
	Refusing to stop a violation when requested to do so by a peace officer	885	4,8

	Using skates/bicycle/skateboard/vehicle to play in a public place subject to a regulation	336	1,8
	Other infractions	75	0,4
	Total	18 564	100
STM by-laws	Obtained or attempted to obtain a trip without paying for it	17 543	54,5
	Lying/hanging on bench/seat/floor	4 042	12,6
	Smoking/lit tobacco	2 672	8,3
	Consuming alcoholic beverages	2 318	7,2
	Hindering circulation	977	3,0
	Other infractions	4 611	14,3
	Total	32 163	100

Table 8 then presents the number of traffic tickets issued per year from 2012 to 2019 by category of infractions. It can be seen that, year after year, the majority of statements of offence issued to individuals under c. P-1 are for offences related to consumption and intoxication in the public space, i.e. in 77.8% (2014) to 85.6% of cases (2012). However, the proportion of tickets issued for loitering increases steadily between 2012 and 2017, from 8.4% to 15.7%. The proportion of tickets issued for refusing to stop a violation has generally remained stable at less than 5%, except in 2013 and 2014 where there is a sharp increase to 8.8% and 11.5%.

As for the reasons for statements of offence issued under the STM's by-laws, the table shows that the number of statements of offence issued for non-payment of fares has decreased significantly, from 75.8% in 2012 to 51.1% in 2018. While in 2012, only 4.4% of tickets were issued for lying or extending, six times as many tickets were issued for this reason in 2017, reaching a proportion of 29.5%. While the other reasons remained relatively stable, the number of reports issued for obstructing the movement of people doubled between 2012 and 2018, from 2.8% to 5.7%. It can therefore be seen that **the juriciarization in the metro is increasingly aimed at the very presence of people who are homeless.**

Table 8: Numbers and Percentages of Top 10 Most Frequent Offence Categories, by By-law, 2012 to 2019

By-Law Category	Infraction	2012		2013		2014		2015		2016		2017		2018		2019*	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Peace and Order by-law c. P-1 (RRVM)	Having consumed alcoholic beverages on public property or in a park	799	40,1	734	37,9	587	32,7	1 119	45,9	1 245	43,3	1 611	46,5	1 239	42,1	374	36,0
	Having been found lying, loitering drunk or drugged on a public street or square	906	45,5	794	40,9	810	45,1	928	38,1	1 110	38,6	1 201	34,6	1 370	46,5	554	53,3
	Loitering / hindering traffic / refusing to circulate in the public square	167	8,4	176	9,1	142	7,9	253	10,4	383	13,3	545	15,7	175	5,9	46	4,4
	Refusing to stop a violation when requested to do so by a peace officer	78	3,9	170	8,8	206	11,5	85	3,5	104	3,6	73	2,1	118	4,0	51	4,9
	Using skates/bicycle/skateboard/vehicle to play in a public place subject to a regulation	41	2,1	65	3,4	51	2,8	51	2,1	34	1,2	38	1,1	42	1,4	14	1,3
	Total	1 991	100,0	1 939	100,0	1 796	100,0	2 436	100,0	2 876	100,0	3 468	100,0	2 944	100,0	1 039	100,0
STM	Obtained or attempted to obtain a trip without paying for it	2 898	75,8	2 093	80,0	1 370	77,5	2 121	73,1	2 708	63,5	2 583	49,5	2 386	51,1	1 384	60,3
	Lying/hanging on bench/seat/floor	168	4,4	105	4,0	104	5,9	284	9,8	595	13,9	1 539	29,5	1 003	21,5	244	10,6
	Smoking/lit tobacco	346	9,1	222	8,5	157	8,9	236	8,1	372	8,7	422	8,1	549	11,8	368	16,0
	Consuming alcoholic beverages	304	8,0	158	6,0	100	5,7	207	7,1	464	10,9	459	8,8	464	9,9	162	7,1
	Hindering circulation	107	2,8	37	1,4	36	2,0	54	1,9	127	3,0	213	4,1	264	5,7	139	6,1
	Total	3 823	100,0	2 615	100,0	1 767	100,0	2 902	100,0	4 266	100,0	5 216	100,0	4 666	100,0	2 297	100,0

* The year 2019 is incomplete, the data covers only the first 6 months

5. Portrait of judicialized individuals

5.1. Socio-demographic characteristics of the individuals in the justice system

The analysis of the socio-demographic characteristics of the homeless individuals in the justice system is based on gender and age data. Indeed, the gender of the person to whom the statement of offence is given, as perceived by the officer, is recorded on the statement of offence. The person must declare his or her date of birth, which makes it possible to break down the statements of offence issued according to age.

Table 9 presents the evolution of statements of offence issued between 2012 and 2019 according to the type of person in court, as designated by the responsible peace officer.

Table 9: Numbers and percentages of statements of offence issued, by gender, from 2012 to 2019

Year	Man		Woman		Unknown		Total
	N	%	N	%	N	%	
2012	5 571	88,2	746	11,8	2	0,0	6 319
2013	4 254	86,7	651	13,3	4	0,0	4 909
2014	3 327	86,6	502	13,1	12	0,0	3 841
2015	5 070	86,4	800	13,6	1	0,0	5 871
2016	6 649	84,8	1 193	15,2	3	0,0	7 845
2017	7 999	83,5	1 576	16,5	5	0,0	9 580
2018	7 060	83,1	1 426	16,8	7	0,0	8 493
2019*	3 258	84,2	608	15,7	3	0,0	3 869

* The year 2019 is incomplete, the data covers only the first 6 months.

The data shows that the findings are **mostly given to homeless men**, with percentages ranging from 83.1% to 88.2% depending on the year. However, it is important to note that during the period in question, between 2012 and 2019, the findings are increasingly given to homeless women, the percentage going from 11.8% in 2012 to 16.8% in 2018. However, the reasons for the offence do not differ significantly according to the gender of those who received the statements of offence.

Table 10 presents the change in statements of offence issued between 2012-2019 according to the age of the people who were prosecuted. These data show that statements of offence are most often issued to **people over 40 years of age**, this age group representing more than 55.3% of all statements of offence issued. Then, in 34.5% of cases, statements of offence were issued to persons between 25 and 39 years of age and in 9.7% of cases, to persons under 25 years of age. Over the period, the number of cases brought before the courts decreased for youth under 25 years of age, while it increased for the other two age groups.

Table 10: Numbers and percentages of statements of offence issued according to age groups, from 2012 to 2019

Year		Age group			Total
		< 25 years	25 to 39 years	> = 40 years	
2012	N	1 021	2 043	3 197	6 319
	%	16,2	32,3	50,6	100
2013	N	706	1 596	2 540	4 909
	%	14,4	32,5	51,7	100
2014	N	558	1 202	2 048	3 841
	%	14,5	31,3	53,3	100
2015	N	625	1 999	3 235	5 871
	%	1,6	34,0	55,1	100
2016	N	673	2 857	4 290	7 845
	%	8,6	36,4	54,7	100
2017	N	603	3 296	5 647	9 580
	%	6,3	34,4	58,9	100
2018	N	514	3 019	4 914	8 493
	%	6,1	35,5	57,9	100
2019*	N	204	1 469	2 164	3 869
	%	5,3	38,0	55,9	100
Total	N	4 904	17 481	28 035	50 727
	%	9,7	34,5	55,3	100

* The year 2019 is incomplete, the data covers only the first 6 months.

5.2. The juriciarization of Indigenous people in a situation of homelessness

The Montréal Municipal Court data does not contain information on the perceived or declared ethnocultural origin of persons prosecuted on the basis of statements of offence. It is therefore not possible to identify which of the statements of offence extracted from the Montréal Municipal Court system were issued to people from Indigenous people, Black people and other racialized communities.

However, in its [response](#) to CERP - Commission Viens, the SPVM confirmed that it collects information on perceived ethno-racial or ethno-cultural origin in accordance with the codification established in the Uniform Crime Reporting Survey (UCR2) established by the Ministère de la Sécurité publique du Québec. These data are then used by Statistics Canada to establish, for example, crime rates. He presented the various forms for which this information is collected. In its [final hearing](#) in December 2018, the SPVM explained more clearly that the ethno-racial information from the M-IRIS police system could be included in the DUC2, in particular to produce statistics on the “races” of persons arrested. However, the SPVM does not appear to collect ethno-racial data, including data on perceived Indigenous people, in the SÉCI operating system, which records the statements of offence issued. However, the SPVM has stated that it is looking for a solution so that it can produce ethnocultural data when arrests are made and statements of offence are issued.

That being said, in the [Armony et al. report](#) (2018, p. 62), the researchers claim to have obtained “All entries in the SPVM system on municipal by-law contraventions and criminal incidents for the years 2014, 2015, 2016 and 2017. The information is the same as for the stops (gender, age group, ‘race’ and place of residence of the person, type of location of the event), plus information on the type of offence.” The authors conclude that Indigenous people received 9% of the notices of violation of municipal by-laws analyzed (5,184 notices), i.e., 13 times more than their proportion in the population (Armony et al., 2018, pp. 80 and 102). They are also disproportionately affected in relation to their weight in the population (six times more in 2017), particularly Indigenous people (11 times more) (Armony et al., 2018, p. 80). The number of reports submitted is even higher than the number of Indigenous people questioned by the SPVM during the same period, i.e., 2,369.

In addition, the Armony et al. report (2018, p. 103) presents in a table entitled “Annual Indicators of Over-interpretation of Municipal (RM) By-law Infractions (ISRI) by “Racial” Belonging, a total of 20,618 racialized persons questioned under municipal by-laws in 2017, while the SPVM’s [annual report](#) for the same year reports a total of 17,010 statements of offence issued under municipal by-laws. Given the inconsistencies between the SPVM’s position and that of the researchers regarding the fact that ethnoracial data is collected for statements of offence issued under municipal by-laws, understanding these results remains difficult.

Given the regrettable absence of ethnoracial and/or ethnocultural data for statements of offence issued in accordance with municipal and Montréal transit corporation by-laws, we have opted for an indirect measure of the racial profiling that Indigenous people experiencing homelessness may experience. While our general data reveals the tip of the iceberg, this is even more the case for the analyses presented in this section.

We therefore conducted a specific analysis of the statements of offence issued to individuals who provided the civic address of four Aboriginal organizations working in the area of homelessness when the statement of offence was issued by a peace officer: Projets Autochtones du Québec, Native Friendship Centre of Montréal, Open Door and Native Montréal (see [Annex 2: list of indigenous organizations](#)). We assume here that the people who used these civic addresses are Indigenous people, without being able to verify that these people are self-reporting. As a result, any homeless person who considers themselves an Indigenous person, but who did not use the address of one of these organizations, could not be detected and is not included in our analysis. This is a major limitation due to the lack of ethnoracial and/or ethnocultural data collected in relation to the offence reports. Furthermore, this fact does not allow us to conduct analyses concerning the legalization of people from Black communities and other racialized communities who are homeless.

Despite these limitations, it must be said that the data analyzed reveals a worrisome situation for homeless people reporting the address of an Indigenous organization, as it indicates a double discrimination, articulating social profiling and racial profiling.

Table 11 shows that individuals who reported the address of an Indigenous organization when they submitted their statement of offence received 2,425 statements of offence from 2012 to 2019. Of these, 1,803 statements of offence were issued to males (74.4% of all statements of offence issued)

and 611 statements of offence were issued to females (25.2% of all statements of offence issued). Thus, **people reporting the address of an Indigenous organization received more than 4% of all statements of offence analyzed.** In addition, the proportion of statements of offence given to women reporting the address of an Aboriginal organization (25.2%) is particularly high compared to the statements of offence given to homeless women who did not report the address of an Indigenous organization, since this percentage is more generally around 12 to 15%. Thus, women who report the address of an Indigenous organization seem to be subject to increased legal action, despite the known and recognized importance of their vulnerability and marginalization.

Table 11: Numbers and percentages of reports given to individuals reporting the address of an Indigenous organization, by gender, from 2012 to 2019

	Men		Women		Unknown		Total
	N	%	N	%	N	%	
Statement with address of a homelessness organization	43 188	85,1	7 502	14,8	37	0,1	50 727
Statement with address of an Indigenous organization	1 803	74,4	611	25,2	11	0,5	2 425

In addition, looking at changes over the study period (2012 to 2019), the data shows a significant increase in the issuance of statements of offence for individuals reporting an address to an Indigenous people's organization, from 135 statements of offence in 2012 to 547 statements of offence in 2018. As a result, **the issuance of statements of offence increased almost fivefold over the study period**, as shown in Table 12. This reflects an increased targeting of individuals reporting the address of an Indigenous organization from 2012 to 2019.

This practice, which reflects the dynamics of racial and social profiling, is an alarming issue, especially since the difficulties and needs of Indigenous people experiencing homelessness reflect situations of major vulnerability, even in comparison with the difficulties and needs of non-Indigenous people experiencing homelessness. Statements of offence were issued mainly in the borough of Ville Marie (1,638 statements of offence in total); the borough of Plateau Mont-Royal (404 statements of offence in total) and the borough of Sud-Ouest (192 statements of offence in total).

Table 12: Numbers and percentages of reports issued to individuals reporting the address of an Indigenous organization, 2012 to 2019

Year	Statement with address of a homelessness organization		Statement with address of an Indigenous organization	
	N	%	N	%

2012	6 319	12,5	135	5,6
2013	4 909	9,7	141	5,8
2014	3 841	7,6	150	6,2
2015	5 871	11,6	252	10,4
2016	7 845	15,5	449	18,5
2017	9 580	18,9	544	22,4
2018	8 493	16,7	547	22,6
2019*	3 869	7,6	207	8,5
Total	50 727	100	2 425	100

* The year 2019 is incomplete, the data covers only the first 6 months.

As for the motives for which these individuals are charged, Table 13 shows that they receive, compared to the total population in our study, more reports of offences related to alcohol consumption and intoxication. These reasons represent more than 93.1% of the offence reports given to persons reporting the address of an Indigenous organization, compared to 84.6% for the total population of our study. For statements of offence issued under STM regulations, individuals identified as Indigenous people received significantly fewer statements of offence for non-payment of a fare (39.9% versus 63.7% for the total population in our study). On the other hand, they received more statements of offence for reasons of safety and public order (62.4% versus 39.8% for the total population under study).

Table 13: Numbers and percentages of statements of offence issued to persons reporting the address of an Indigenous organization, by offence type, 2012-2019

By-law Category	Infraction	Statement with address of a homelessness organization		Statement with address of an Indigenous organization	
		N	%	N	%
Peace and Order by-law c. P-1 (RRVM)	Having consumed alcoholic beverages on public property or in a park	7 708	42,4	542	37,5
	Having been found lying, loitering drunk or drugged on a public street or square	7 673	42,2	803	55,6
	Loitering / hindering traffic / refusing to circulate in the public square	1 887	10,4	73	5,1
	Refusing to stop a violation when requested to do so by a peace officer	885	4,9	25	1,7
	Possession of wind-operated rifle/wind-operated pistol/sling shot/bow in a public place	39	0,2	1	0,1
	Total	18 192	100	1 444	100
STM	Obtained or attempted to obtain a trip without paying for it	17 543	63,7	347	39,9
	Lying/hanging on bench/seat/floor	4 042	14,7	247	28,4
	Smoking/lit tobacco	2 672	9,7	71	8,2
	Consume alcoholic beverages	2 318	8,4	155	17,8

	Hindering circulation	977	3,5	50	5,7
	Total	27 552	100	870	100

The data in Table 13 thus shows repressive practices towards people who report the address of an Indigenous organization, which are more oriented towards their behaviours and difficulties, particularly with regard to addiction issues. However, it should be noted that the issue of addictions among Indigenous people is part of many prejudices and stereotypes, even though Indigenous people are among the most abstinent populations in Canada (Reading et al., 2013). On the other hand, studies conclude that the juriciarization of addiction does not constitute a solution in terms of accompaniment and support for addicted individuals (Bellot and Sylvestre, 2016).

The implementation of repressive practices that reflect a double social and racial profiling, the specific targeting of homeless women identified as Indigenous people and the targeting of behaviours associated with alcohol use and public drunkenness are major issues in the area of profiling. This is all the more the case since these practices reinforce the differential and discriminatory treatment already experienced by the homeless Indigenous people in various sectors (employment, housing, language, access to health care and social services, etc.).

5.3. The evolution of over-juriciarization

In all of our previous studies, we have also looked at the most judicialized homeless people, i.e. people who have received more than 10 statements of offence (known as G10 or over-judicialized people) in order to determine if and how certain homeless people are particularly targeted³.

Table 14 shows the distribution of individuals in court based on the number of statements of offence received during the study period, from 2012 to 2019. These data are cumulative: we have grouped the statements of offence according to the names of the individuals to whom they were issued. **Thus, 11% of the individuals who were prosecuted, or 1,260 different individuals, each received more than 10 statements of offence during this period.** Of these 1,260 people, 344 received more than 25, or 3%.

Table 14: Breakdown in numbers and percentages of homeless persons brought before the courts according to the number of reports received, from 2012 to 2019

Nombre de constats reçus entre 2012 et 2019	N	%	% cumulé
1 seul constat	5 932	51,9	51,9
Entre 2 et 5 constats	3 343	29,3	81,2
Entre 6 et 9 constats	891	7,8	89
Entre 10 et 25 constats	916	8,0	97
Plus de 25 constats	344	3,0	100

³ It should be mentioned here that the databases of our various studies cannot be integrated because of the different strategies for anonymizing individuals. This is therefore only the tip of the iceberg, as it is not possible for us to consider the findings that individuals would have received before 2012.

Total	11 426	100	--
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The next table shows the evolution of annual over-juricization, i.e., those who received more than 10 statements of offence in a single year.

First, Table 15 shows the evolution of the number of persons having received more than 10 statements of offence (G10) per year during the given period. In 2012, 52 individuals had received more than 10 statements of offence in one year, representing 1.8% of the total number of individuals prosecuted that year. In 2018, 117 individuals received more than 10 statements of offence, representing 3.4% of the total number of individuals in court. This evolution thus shows that the number of persons over-judicialised annually doubled between 2012 and 2018, as did their proportion in the total number of persons judged per year. We have already noted at the beginning of the report the increase of repressive practices during the period studied, it is to conclude that beyond this increase, over-judicialization is also on the rise, again showing a strengthening of social profiling practices.

A strong increase can also be observed in the number of reports given to people who received more than 10 reports (G10). In fact, while in 2012, these individuals received 13.3% of all statements of offence issued that year, in 2018, they received 23.3%, representing 3.4% of the total number of individuals prosecuted that year.

Table 15: Trends in over-juricization based on the number of people in the G10 group from 2012 to 2019

Year	Total number of people	Number of people >10 statements	Percentage people >10 statements	Total number of statements	Total number of statements >10	Percentage statements / person >10 statements	Average statement / person	Average statements / person > 10 statements
2012	2 893	52	1,8	6 319	839	13,3	2,2	16,1
2013	2 430	31	1,3	4 909	444	9,0	2	14,3
2014	2 019	18	0,9	3 841	272	7,1	1,9	15,1
2015	2 781	36	1,3	5 871	565	9,6	2,1	15,7
2016	3 201	92	2,9	7 845	1 406	17,9	2,5	15,3
2017	3 499	145	4,1	9 580	2 574	26,9	2,7	17,8
2018	3 412	117	3,4	8 493	1 982	23,3	2,5	16,9
2019*	1 945	27	1,4	3 869	398	10,3	2	14,7

* The year 2019 is incomplete, the data covers only the first 6 months.

Finally, Table 15 shows that all of the homeless people in our database received an average of just over two statements of offence per year from 2012 to 2019. The over-judicially incarcerated (G10) received an average of 16 statements of offence per year. During the period studied, the man who was the most heavily prosecuted in our database received 178 statements of offence, mainly in the metro for non-payment of fare and use of alcohol, while the most heavily prosecuted woman received 72 statements of offence almost exclusively for use of alcohol and public intoxication.

These analyses show, on the one hand, that between 2012 and 2018, the group of over-judicialised people is increasing in number, but on the other hand, they also received a greater proportion of the statements of offence issued per year to people who are homeless. Not only have social profiling practices increased, but they are specifically targeting a homeless group of over 1,200 people. This number is interesting to put into perspective with the number of follow-ups carried out over the nine years of EMRII's existence (2009-2019), i.e. 209 intensive follow-ups according to a [document](#) filed with CERP - Commission Viens. While this outreach team offers an alternative to the people they accompany, it must be noted that the number of people who are over-judged and who could be taken care of is much higher than the capacity of this team. Therefore, it seems clear that the solution cannot be strictly that of accompanying over-judicialized homeless people, but certainly to avoid that homeless people are over-judicialized.

6. The cost of juriciarization

6.1. The Financial Burden of Statements of Offence for Homeless People

The issuance of statements of offence results in a considerable debt for homeless people in the Municipal Court, which will have to be translated into an agreement for payment or compensatory work, or participation in the PAJIC social program in order to potentially obtain their withdrawal. (Fortin et Raffestin, 2018).

Table 16 shows a fraction of the annual judicial debt of homeless persons in Municipal Court, which is the amount of fines and initial cost of statements of offence at the time of data extraction in December 2019. The data obtained did not allow for the accumulation of the various costs that can accumulate over the years when these individuals are unable to deal with their debt, such as the costs of requesting payment, issuing a writ of seizure or a warrant of committal. As a result, the total debt could be much higher in reality. Even if underestimated, **from 2012 to 2019, people who are homeless have a cumulative debt of more than \$17 million at the Municipal Court of Montréal.**

Table 16: Annual debt (fines and up-front fees) of homeless people at the Municipal Court of Montréal, from 2012 to 2019

Year	Fines (\$)	Initial fees (\$)	Total (\$)
2012	1 028 227,0	1 428 047,5	2 456 274,5
2013	796 323,0	1 099 370,8	1 895 693,8
2014	598 577,0	738 918,5	1 337 495,5
2015	929 115,0	1 155 794,2	2 084 909,2
2016	1 213 891,0	1 566 733,0	2 780 624,0
2017	1 412 690,0	1 719 446,0	3 132 136,0
2018	1 249 222,0	1 505 706,0	2 754 928,0
2019*	611 674,0	656 711,0	1 268 385,0

Total	7 839 719,0	9 870 726,9	17 710 445,9
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* The year 2019 is incomplete, the data covers only the first 6 months.

6.2. The cost of issuing statements of offence

Many actors in the police and judicial system are involved in the delivery and judicial processing of statements of offence, as the fines associated with these offences are rarely paid by homeless people in the time allotted, considering the reality of their living conditions (Sylvestre et al., 2011). While it is difficult to fully evaluate the cost of the legalization of homelessness as a whole, it is possible to conservatively estimate the cost of issuing statements of offence.

Our database contains 50,727 statements of offence issued between 2012 and 2019. Assuming that the issuance of a statement of offence lasts approximately 15 minutes and usually involves two patrollers, more than 25,363 hours ($50,727 \text{ statements of offence} \div 4 \times 2$) of salary were spent issuing statements of offence to people who are homeless in Montréal.

The average [police hourly rate](#) The average police hourly rate according to the Ministère du Travail, de l'Emploi et de la Solidarité sociale (MTESS) was \$41/hour between 2017 and 2019. As a result, **more than one million dollars (\$1,039,903) was spent on issuing statements of offence** for people who are homeless from 2012 to 2019⁴.

This impressive amount does not take into account the numerous judicial costs involved in the administration of statements of offence at the Montréal Municipal Court, both those of the judicial process and those of managing social programs such as the PAJIC program, which may ultimately remove the statements of offence of certain individuals. Since the coming into force of Bill 32 (now [L.Q. 2020, c. 12](#)), assented to on June 5, 2020, imprisonment for non-payment of a fine for persons who are unable to pay is no longer an option for certain designated offences. The fact remains that the costs of juriciarization for the criminal justice system are very high and argue in favour of the complete and immediate cessation of the issuance of statements of offence and the implementation of effective and supportive solutions for people experiencing homelessness.

⁴ It should be noted here that this amount is an estimate, since part of the statements of offence were issued by STM officers, who may have a different average hourly wage.

7. Conclusion and Recommendations

At the end of this fourth report on the juriciarization of homelessness in Montréal, it is clear that the situation is still alarming, considering the extent of juriciarization and profiling practices against homeless people and in particular Indigenous people who are homeless. Thus, far from having diminished, the repressive practices exercised by the SPVM and, to a lesser extent, by the STM, have increased, going against the grain of the National Policy to Combat Homelessness, the Inter-ministerial Action Plan on Homelessness 2015-2020, the various plans to combat social and racial profiling by the SPVM, but also the CDPDJ's opinion on social profiling.

Thus, in spite of the commitments made by the SPVM and the multiplication of specialized services, particularly to respond to issues of alcohol use, drunkenness and intoxication in the public space, it must be noted that the SPVM continues to favour the judicial system rather than resorting to the services it has itself requested.

This report once again highlights the high number of reports of offences related to the repression of alcohol use and public intoxication. In this context, as in many other situations involving public health and social services, the issuance of statements of offence is by no means an appropriate response. As our research has amply demonstrated, it is a costly, ineffective response in that it has no deterrent or even moderating effect, but rather discriminates against homeless people who use alcohol or drugs. In this regard, the focus should be on interventions that focus on providing safe spaces during alcohol and drug use, whether through supervised consumption sites, lodging and housing that can truly meet the needs of people who are homeless. As for the contexts and situations of dependency, it is interventions that focus on proximity, relationships, harm reduction and care that can best meet people's needs.

Moreover, this repression is disproportionately applied to Indigenous people in a situation of homelessness and more specifically to Indigenous women. Homeless people who have reported the address of an Indigenous people's organization are the target of racial and social profiling by the SPVM and are therefore subject to a double, or even triple in the case of women, strategy of discrimination. This situation is all the more worrisome since the judicial system opens the door to police abuse and violence during interventions and comes on top of a series of discriminations and prejudices towards these people in many sectors, putting their lives and safety at risk. These observations contribute to fuelling mistrust and tensions between police services and Indigenous and marginalized groups. However, it must be remembered that the primary mission of police services is to ensure the safety of all members of the community, including people who are homeless.

From this perspective, and considering the SPVM's inefficiency in modifying its practices despite numerous statements and policies to this effect, **we propose 12 recommendations under two main lines of action:**

1- Put an end to social and racial profiling practices:

- **Recommendation #1:** We recommend the repeal of regulatory provisions that lead to juriciarization. This includes decriminalizing the use of alcohol in the public space by amending municipal by-laws that prohibit the consumption of alcohol in public, in line with what prevails in many European and South American countries. This could have the effect of drastically reducing the number of statements of offence, since this is the most important source of legal action;
- **Recommendation #2:** We recommend a moratorium on the issuance of statements of offence to homeless people in Montréal and a general amnesty for all statements of offence imposed;
- **Recommendation #3:** We recommend that police, community, social and Indigenous people establish a protocol for concerted intervention with homeless people in order to prioritize the intervention of street workers, conflict resolution and social accompaniment. With regard to Indigenous people, we recommend working together with Montréal's Indigenous people's organizations in order to develop methods of dealing with social problems that are both culturally adapted and safe and that respect their legal traditions (Bellot and Sylvestre, 2016);
- **Recommendation #4:** We recommend the implementation of ethnoracial and/or ethnocultural data collection on the statements of offence issued, as well as their analysis and dissemination in an independent and transparent manner, in partnership with the communities concerned;
- **Recommendation #5:** We recommend the implementation of data collection on the social condition of persons to whom statements of offence are issued, as well as their analysis and dissemination in an independent and transparent manner, in partnership with the communities concerned;
- **Recommendation #6:** We recommend the implementation of new community monitoring and complaints mechanisms independent of the SPVM with respect to profiling practices, beyond those proposed by the CDPDJ and the CDPDJ, which are laborious and strictly individual processes;
- **Recommendation #7:** We recommend substantial and sustainable funding for organizations that accompany people experiencing homelessness to inform them and defend their rights in the challenge and complaint processes.

2- Strengthen social and community responses:

- **Recommendation #8:** Establish and strengthen outreach teams of social workers to reach and support people who are homeless, particularly in the context of alcohol use and public drunkenness;
- **Recommendation #9:** Establish new services for supervised consumption and harm reduction, addiction management, reception and accompaniment of individuals, including through interventions rooted in the cultural security of Indigenous people;
- **Recommendation #10:** Develop day and evening centre accommodation services that allow the use of alcohol on site and for people who are intoxicated;
- **Recommendation #11:** Develop support for housing and residential stability from a harm reduction perspective;
- **Recommendation #12:** By increasing social assistance benefits to cover basic needs, particularly for single people.

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Annex 1: list of homelessness organizations

Name(s) of community organization		Associated address(es)
Accueil Bonneau		427 rue de la Commune Est
		50 rue Bonneau
	Maison Eugénie-Bernier	1051 rue Saint-Denis
AQPAMM		1260 rue Sainte-Catherine Est
Armée du Salut/Salvation Army	Le Centre Booth	880 rue Guy
	L'abri d'espoir	2000 rue Notre-Dame Ouest
Auberge communautaire du Sud-Ouest		5947 boulevard Monk
Auberge du cœur	Le Tournant	1775 rue Wolfe
	Les habitations l'Escalier	2295 avenue Desjardins
Cactus Montréal		1300 rue Sanguinet
		1244 rue Berger
Café Ketch		4707 rue Saint-Denis
CAP St-Barnabé		1475 avenue Bennett
		1473 avenue Bennett
Centre Amaryllis		1462 rue Panet
Centre de jour St-James		1442 rue Panet
Centre Sida Secours - Sidalys		3702 rue Sainte Famille
Chambreclerc		2060 rue Clark
Chez Doris		1430 rue Chomedey
Clinique Droits Devant		105 rue Ontario Est
Dans la rue		1753 rue Saint-Hubert
		1664 rue Ontario Est
Dîners-St-Louis		1818 rue Gilford
Dopamine		3591 rue Sainte-Catherine Est
Face à Face		1857 boulevard Maisonneuve Ouest
La Maison Benoît Labre		308 rue Young
La rue des Femmes		1050 rue Jeanne-Mance
	Maison Jacqueline	1313 rue Wolfe
L'Avenue		2587 rue Leclaire
Le Sac à dos		110 rue Sainte-Catherine Est
L'Itinéraire		2101 rue Sainte-Catherine Est
Ma Chambre inc.		1626 rue Saint-Hubert
Maison Du Père		550 boulevard René-Lévesque Est
Maison Tangente		1481 avenue Desjardins
Méta d'Âme		2250 rue Florian
Mission Bon Accueil		1490 rue Saint-Antoine Ouest
Mission Old Brewery		915 rue Clark
	Pavillon Patricia Mackenzie	1301 boulevard de Maisonneuve Est
Multi Caf		3591 avenue Appleton
Plein Milieu		4677 rue Saint-Denis
Refuge des Jeunes		3767 rue Berri
		1836 rue Sainte-Catherine Est

Relais Méthadone		1015 rue Sainte-Catherine Est
Réseau Habitation Femmes		1064 avenue de l'Hôtel-de-Ville
Spectre de rue		1280 rue Ontario Est
		1347 rue Ontario Est
St. James United Church		1435 rue City Councillors
St. Michael's Mission		137 Avenue du Président-Kennedy
Stella		2065 rue Parthenais

Annex 2: list of Indigenous organizations

Name of Community Organization	Associated address(es)
Native Friendship Centre of Montreal	2001 boulevard Saint-Laurent
Native Montreal	2306 rue Sherbrooke Est
Projets Autochtones du Québec	90 rue de la Gauchetière Est
	169 rue de la Gauchetière Ouest
Open Door	4006 boulevard Dorchester