



HIGHLIGHTS

JUDICIALIZATION OF HOMELESSNESS IN MONTRÉAL: Alarming evidence of increased social profiling (2012–2019)

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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 Montreal 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 Montreal where they are primarily targeted for their use of alcohol or drugs in the public space and public drunkenness.

The extent of judicialization 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 Montreal 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 judicialization

- 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 judicialization

- 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 judicialization 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 costs of judicialization

- 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.

Conclusion and Recommendations

In conclusion, the study shows that, more than ever before, judicialization is part of the SPVM's current practices, in defiance of all policies against social and racial profiling. Despite the implementation of numerous psychosocial intervention services for alcohol and drug use (safe injection services, sobering up centres, support teams) and mixed teams within the SPVM, it is clear that, more than ever before, the police patrol officers of the SPVM are using extensively municipal by-laws to repress and control homelessness. However, it has now been largely demonstrated that the judicialization of homelessness is counterproductive, costly, inefficient and in violation of fundamental human rights. There is an urgent need to depart from such practices of social and racial profiling.

Therefore, we recommend that:

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

- **Recommendation #1:** The repeal of certain dispositions of municipal by-laws;
- **Recommendation #2:** A moratorium on the issuance of statements of offence and an amnesty for statements of offence issued;
- **Recommendation #3:** The implementation of concerted intervention protocols;
- **Recommendation #4 and #5:** The implementation and transparent dissemination of data relating to the ethno-racial origin and social status of persons in the justice system;
- **Recommendation #6:** The implementation of community monitoring mechanisms for police action;
- **Recommendation #7:** Substantial and sustainable funding for organizations servicing the homeless.

2- Strengthen social and community responses by:

- **Recommendation #8:** The establishment and strengthening of outreach teams of social workers to reach and support people who are homeless;
- **Recommendation #9:** The implementation of new services for supervised consumption and harm reduction, addiction management, reception and accompaniment of individuals, including through interventions rooted in the principle of cultural safety for Indigenous people;
- **Recommendation #10:** Through the development of day and evening center accommodation services allowing on-site consumption and intoxicated persons;
- **Recommendation #11:** Through the development of 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.