

# GUESS WHAT! WE'VE GOT RIGHTS?!

**BUILDING RESISTANCE TO POLICE  
BRUTALITY AND ABUSES**



**COLLECTIVE OPPOSED TO POLICE BRUTALITY**

# **GUESS WHAT! WE'VE GOT RIGHTS?!**

## **BUILDING RESISTANCE TO POLICE BRUTALITY AND ABUSES**

This pamphlet was produced in 1998 by the COBP (French acronym of Collective Opposed to Police Brutality) with the collaboration of lawyers Pascal Lescarbeau and Julius Gray and with the assistance of GRIP-McGill. It was updated in 2008 with the help of lawyer Daredjane Assathiany and the CLASSE's legal committee, and as well in 2017 by the COBP.

Any reproduction, sharing, use or distribution of information contained in this document is highly encouraged.



Montreal 2017

# NOTES

# NOTES

# TABLE OF CONTENTS

IDENTIFYING YOURSELF.....	P.1-2
ARRESTS.....	P.3-6
SEARCHES.....	P.7-9
INTERROGATIONS.....	P.10-11
SEIZURES.....	P.12-13
DEMONSTRATIONS.....	P.14-22
“LESS LETHAL” WEAPONS.....	P.23-26
RECOURSES AGAINST POLICE ABUSES.....	P.27-28
VICTIM OF POLICE BRUTALITY.....	P.29
CONTEST A TICKET.....	P.30
PROFILING.....	P.31-32
SOCIAL CLEANSING.....	P.32-33
STM AGENTS.....	P.34
MINORS.....	P.35-36
USEFUL ADRESSES.....	P.37-38



# IDENTIFYING YOURSELF

Your identity belongs to you alone. You have the obligation to reveal your identity to a police officer in the following exceptional situations:

- You are under arrest (or whenever you have committed an infraction and the police is giving you a ticket);
- You are driving a motor vehicle: the driver must show their driver's license and the vehicle registration (passengers are not obligated to identify themselves);
- You are a minor and are under the influence of alcohol or inside a movie theatre (in these cases you must show some I.D. to prove that you are over 18);
- You are circulating in a public place (park, street, etc.) at night: in this case, your refusal to identify yourself could get you charged with loitering according to certain regulations;
- You are riding public transportation with a reduced-fare card: in this case, police officers and security agents have the right to ask you for your "OPUS" card to verify your right to a reduce fare, but that's all!

Except for the exceptional cases, no one is obligated to talk to a police officer. If a police officer is making an intervention, you can play it cool and calmly walk away. If the police officer insists and either asks you to identify yourself or to follow him, you should ask him “Am I under arrest?” If you are not, you can politely and firmly tell him that you don’t want to identify yourself or follow him.

On the other hand, police officers are obligated to identify themselves.



According to their Code of Professional Ethics, police officers are required to identify themselves and/or wear some kind of I.D. tag. Don’t hesitate to ask them to identify themselves, even if you don’t get the answer that you’re expecting.

Standing up for your rights can provoke two kinds of reactions from the police:

!? **Astonishment.** The police aren’t used to dealing with people who are aware of their rights, so it’s possible that they decide to let you go with no further questions.

!!! **Frustration.** The police may feel provoked and decide to arrest you because of that.

# ARRESTS

Police cannot detain you or arrest you unless you are accused of a crime. If you are neither accused of a crime nor arrested, and the police still ask you to identify yourself, you can just ignore them (see exceptions on page 6). If the police insist, you can ask if you are accused of a crime or an infraction, or under arrest. If you are not accused or under arrest, you should insist that the police stop harassing you. If the police do not inform you that you are under arrest, but continue detaining you, you must insist on the fact that you wish to leave.

The police can BRIEFLY detain someone if they have reasonable grounds to believe that this person is involved in a crime or to give him a ticket. If it's the case, the police must explain clearly that they are detaining you for questioning or to tell you what offense you've committed. You have no obligation to answer the police's questions if you are being detained for questioning.

## Identification cards

Canadian law doesn't require citizens to carry an I.D. card, but having one could prevent you from having to make a trip to the police station following an arrest.

## Being under arrest

What am I accused of?

If you are under arrest, the police are legally required to inform you what you are being accused of. Ask the police what are the charges.

The most common accusations are: mischief, assaulting a police officer, obstructing the work of a police officer, disturbing the peace and illegal assembly.

When under arrest, you must provide:

- Your first and last name
- Your complete address
- Your date of birth

In most cases, you'll have to sign a promise to appear. You must read it carefully before signing it, and ask for a copy.

### The golden rule: the right to silence

Except for the information mentioned above, you must keep silent. If you are detained you shouldn't say anything else to the police. In response to further questioning, just say "I have nothing to say" or "I'll only speak in the presence of a lawyer". Any information mentioned to the police can be used against you and your friends.



### Taking notes of an arrest

Police officers are required to identify themselves. Memorize their names and their badge number that they're usually wearing on their vest. If the police officer refuses to identify themselves, you

should try to memorize their physical appearance (frame, hair color, any distinctive features), the police vehicle number (the two first digits usually indicate the police station) and the time of the arrest.

If a friend is being arrested, you need to note the identity of the cop who is making the arrest. To help you friend, take the names of the witnesses of the arrest and the people who might have filmed the event or have taken pictures.



## Arrest without a warrant

You can be arrested without a warrant in the following situations:

- You're caught red-handed;
- The police have "reasonable grounds to believe" that you've just, or are about to commit a criminal act;
- If it's the only way to prevent you from perpetuating the infraction;
- If the police have grounds to believe that there is a warrant against you (unpaid tickets, for example).

## Arrest with a warrant

A warrant of arrest is an authorization that the police obtain from a judge. If you ask to see the warrant, the police are required by law to show it. A warrant must have the name of the person it is directed against, the infraction's description and it must be signed and dated by a judge.

Be careful, there is a difference between a collector's warrant and an arrest warrant. A collector's warrant is a paper to sign when you have unpaid tickets. You have to go at the municipal court to make payment arrangements or community work. If you don't show up to the date wrote on your paper, the person falls under arrest warrant.

# SEARCHES

**A search before an arrest is usually illegal.**

The only situations during which police officers are authorized to search you without having arrested you are:

- If they have “reasonable grounds to believe” that you possess a weapon or drugs;
- If they’re detaining you for inquiry (they need “reasonable grounds to believe that you’ve committed a crime”). In that case, the police can, for security reasons, proceed to a search by pat search. As soon as they don’t have any further reasons to fear for their security, they should stop the search.



“Reasonable grounds to believe” or “to suspect” are really vague concepts that leave a lot of space for abusive searches. But they don’t permit police to perform searches based on profiling, because you’re dressed a certain way, or because you’re hanging out with people they don’t like.

### Abusive search

If you aren’t under arrest and the police still want to search you, you shouldn’t feel any obligation to cooperate. Before emptying your pockets or allowing the police to open your bag, you should state that you don’t agree and that the police are abusing their power.

### What to do?

During a search, it’s useful to note the name and badge numbers of the police officers, or to ask them to identify themselves. They are required to do so. That way, it’s easier to make a complaint or to sue the offending police officers.

### Search after arrest

If you are arrested, the police can search you and examine your belongings. They need a good reason to arrest you; just wanting to search you isn’t a legitimate reason. During the arrest, they can only search you to make sure that you don’t represent a threat to the police or yourself, or to find incriminating evidence.

Police are more and more claiming the right to search people who are “disturbing the peace” (article 31 of the Criminal Code) without necessarily arresting anyone. This practice is doubtful and needs to be denounced.

## **Only a police officer of the same sex can search you.**

There are generally 3 kinds of searches:

- Pat search: only legitimate to verify if you have a weapon when you’re detained for inquiry (see above);
- Summary search: search made of your clothing, they check your pockets contents and your personal belongings;
- Strip search (when the police consider that it’s “necessary” for security or to preserve evidence): you must undress yourself entirely and your clothes and personal belongings are all searched.

The police have the right to seize visible evidence in your immediate surroundings during the arrest.

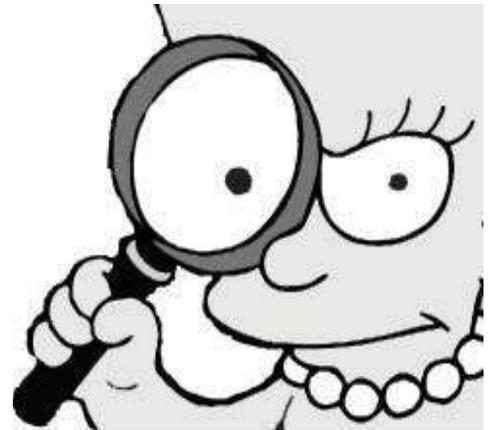
**If you think you’ve been searched in an abusive way, it’s possible to complain and even ask for compensation, even if you don’t know the identity of the police officers. Being victim of an abusive search can sometimes result in the charges against you being dropped.**

# INTERROGATIONS

You should remain silent. Don't say anything to the police and/or speak only in the presence of a lawyer and don't express any emotion or let them know what you're feeling. While you are under arrest, the police have one goal: get as much information as they can out of you. It's better to say nothing. Don't be intimidated and act as if you haven't even heard them. The police have sophisticated interrogation methods and will try to apply them.

## Good cop, bad cop

The "good cop" plays a role: they're polite and understanding. The "bad cop" is aggressive and threatening. The idea is that the "good cop" gains the confidence of the suspect.



## Promises

The police will promise you they'll drop you charges if you cooperate. These promises are only lies and manipulation; nothing requires them to respect these false promises.

## Identification of objects

The cop may ask you to identify objects that belong to you or others. They can also ask you to identify people in photos that you may or may not know. It is wisest to simply state that you have nothing to declare.

## Identification and fake witnesses

During identification, a witness can pretend they recognize someone. The police use this fake testimony to tap information from the suspect. Don't let yourself get fooled by this strategy and if you haven't yet spoken to a lawyer, insist on your right to communicate with one of your choice.

## Lies

The police will sometimes make you believe that your friends have spoken, that they've said something about you or someone else detained. It's preferable, as always, to remain silent.

## Intimidation

Police officers can use all kinds of threats to scare you, to make you crack. They lie or abuse their powers and therefore expose themselves to civil suits or criminal charges (though it is extremely difficult for the person making the complaint). It's better to stay calm, you won't stay long in prison and you have friends outside.



# SEIZURES

If you receive a visit from the police, you shouldn't let them enter your house. You can go outside or, talk to them through the door and ask them why they're there. You must be firm, but polite.

Be careful: If someone is being chased by cops – for committing an offense – and is hiding at your place (for example the cops saw that person going inside), the cop will be able to get in without any need for a warrant. This is what we call an intermittent offense. Also, the police may enter a home without a warrant if it has reason to believe that a person is in danger. It does not come with a power of search.

## Warrant

To be able to enter into a residence, the police need a search warrant signed by a judge and stating the reasons and the limit of the search. You should ask to see the warrant, and read it closely.



Try to remember as many details as possible (signatures for example). If everything seems legit, you're required to let them enter. Cops can search your roommate's rooms and your computer data if it's included in the warrant.

### What to do?

If you obstruct the search, you could be accused of obstructing their work. It's better to use your right to silence, to not say anything, and to not answer their questions. You shouldn't let yourself be intimidated by their comments. They can pretend to have information; let them lie, invent stories. You must watch the cops closely and not let them walk alone in your home. You can follow them by keeping a safe distance to ensure that they do not exceed the limits prescribed in the warrant. Keep a detailed report of what they've taken, done and said.

### Thinking ahead

If you have papers, information or documentation that could interest the police, make sure to have at least one copy in a secure place. If you expect a seizure in the middle or long term, you should plan ahead and move everything that could interest the police. Keep in mind that the State can create evidence and use illegal methods. If you've been searched, it might be a good thing to alert your friends personally because your means of communication could be tapped.

# DEMONSTRATIONS

Depending on the kind of demonstration or action, it's best not to talk on the phone or in areas likely to be listened to. It is also suggested to close all cell phones (even removing the battery) and computers at these meetings.

## Being identifiable or not

The identification section of the SPVM, the urban brigade and the undercover agents are following the demonstrations, rallies etc. for the sole purpose of identifying protesters, activists and organizers, in order to garnish their photo album of activists and also to arrest them for all kinds of reasons, such as breaking conditions.

Bill C-309, adopted by the Federal government, states that wearing a mask to conceal your identity while taking part in an unlawful assembly is now illegal and constitutes an indictable offense (max. 5 years).

Also, police officers gather crucial information via social media. It is therefore strongly recommended to avoid sharing incriminating pictures, using incriminating photos as your profile picture or tagging friends on incriminating photos on Facebook.

## **MUNICIPAL LAWS, BY-LAWS AND REGULATIONS**

### Municipal by-law P6

-Section 3.2 which prohibit the wearing of a mask while taking part in a public assembly was declared invalid by the Superior Court in June 2016.

-Section 2.1 states that the “exact location and itinerary, as the case may be, of an assembly, parade or other gathering must be disclosed, prior to the event, to the director of Police or to the officer in charge”. However, a decision rendered by the Superior Court now states that SPONTANEOUS demonstrations are not obligated to disclose their itinerary.

-Section 6 provides that “every person must immediately comply with the order of a peace officer to leave the scene of an assembly, parade or gathering held in violation of this by-law”. This by-law is used during demonstrations to proceed to mass arrests.

### Municipal by-law P1

This by-law pertains to peace and order on public property and is often used to proceed to targeted arrests, prior to, during or following a demonstration: “No person may impede or obstruct pedestrian and vehicular traffic by standing still, prowling or loitering on public thoroughfares and places, and by refusing to move on, by order of a peace officer, without valid cause”.

### Municipal by-law concerning audible noise (B-3 section 9)

This by-law is often used against individuals using a megaphone during a demonstration or occupation: “the following noises, where they can be heard from outside, are specifically prohibited [...]: noise produced by sound equipment, whether it is inside a building or installed or used outside”.

### Unlawful assembly (C.c.-63)

These two sections of the Criminal Code can be used during a demonstration or occupation of land or offices to proceed to mass arrests: (1): “An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they will disturb the peace tumultuously, or will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously. (2): “Persons who are lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in a manner that would have made the assembly unlawful if they had assembled in that manner for that purpose”.

### Intimidation of a justice system participant (C.c.-423)

The police use this section of the Criminal Code arbitrarily against activists in all sorts of situations and is liable to imprisonment for a term of not more than five years: “[...] intimidates or attempts to intimidate that person or a relative of that person by threats of violence or other injury will be done to or punishment inflicted on him or her or a relative of his or hers [...]”.

### Obstructing an officer (C.c.-129)

This section of the Criminal Code is often used by police officers in situations such as when an individual records a police intervention from what the police believe to be a too short distance or an individual resisting arrest: “Everyone who resists or willfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid such an officer”.

### Assaulting a peace officer (C.c.-170)

This section reads as follows: “Everyone commits an offence who assaults a public officer or peace officer engaged in the execution of his duty or a person acting in aid of such an officer; or assaults a person with intent to resist or prevent the lawful arrest or detention of him or another person”. This section can be used during demonstrations, occupations or when someone is resisting arrest.

### Mischief (C.c-430)

This section of the Criminal Code can be used in many situations: demonstrations, when occupying offices, banner drops or “redecorating” storefronts or offices. The section reads as follows: “Everyone commits mischief that willfully destroys or damages property; renders property dangerous, useless, inoperative or ineffective; obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property”.

## TYPES OF ARRESTS

### Mass arrests

The tactic is to surround the protesters, in a method known as “kettling”. The police have been using this tactic more and more, especially lately using the pretext that the protestors did not divulge their itinerary (required now under P6 by-law) This tactic is supposed to “discourage” the black bloc and sometimes stops the protest from even starting. The protesters are surrounded for hours and hours, without food, without water or access to toilets, and then are handcuffed, photographed and brought to Operational Centers in STM busses, only to be released with or without a ticket.

### Arrests, detention and preventive search

The police will make arrests and preventive searches using section 31 of the Criminal Code, which reads as follows: “Every peace officer who witnesses a breach of the peace and everyone who lawfully assists the peace officer is justified in arresting any person who he finds committing the breach of the peace or who, on reasonable grounds, he believe is about to join in or renew the breach of peace”. These arrests are often carried out in an arbitrary fashion, following the sole discretion of the police who apply a type of profiling to carry out these “preventive” arrests (wearing a red square, black clothing etc.) Most of the time, the arrested people are released with or without charges and/or a ticket. Police often use these abusive powers of arrest before or at the beginning of protests. If this happens to you, it is very important to verbalise that you do not consent and consider the search illegal. Then we can try to exclude evidence obtained in violation of your rights during the trial, if there is one.

## Targeted arrests

This type of arrest is used by police to supposedly “target and stop those who are a potential danger in a demonstration”. The idea is quite simple: the police will single out the “rotten apples” at the demo, intercept them and then detain them temporarily using the same section 31 of the Criminal Code mentioned previously. Another method is to mark these people with fluorescent paint balls, then follow them in the demo to intercept them and arrest, whether there was wrongdoing on their part or not.

## Political profiling after demos

At the end of the protest, the police will often waste their time following demonstrators and exercise their power to intimidate them. Examples: going through a red light, spitting on the ground, throwing a cigarette butt on the ground, the lack of reflectors on a bike, having issued an audible noise, having held a banner or a sign etc. They will use any possible reason to hand out violations and at the same time fill their notebooks and databases with the identification and information of as many activists as possible. The usual criminal charges brought against the protestors are assault and obstructing police. So never let your guard down and do not leave a protest alone.

## Street medic

We see more and more teams of medics in the protests. These people have a basic training in first aid and their mandate is to provide care for those injured by the police. They are identified by a red cross. So if you need immediate assistance, you just need to yell MEDIC and they will rescue you.

## WHAT TO BRING

### Pen and paper or an audio recorder

So you can note in details any incident happening during the event. For example, if there are arrests: the name of the people arrested, their phone numbers or emails, the people to contact, how the arrest was conducted, the behaviour of the cops, the identification numbers of the police cars, the description of the officers and, if possible, their names and badge numbers, the names and contacts of any witness of the arrest.

### Cameras and video cameras

These are essential. Cops don't like being caught in the act and it gives us the chance to have evidence and identification. Pictures and videos can serve to defend arrested individuals or help them file a complaint against a police officer; it is always preferable to hand over the audiovisual proof to the concerned parties, rather than broadcast them on the web, given that they may or may not be incriminating. Make sure that photos and videos don't fall into the wrong hands. Please do not put any videos and photos on social media (you just help cops identifying you and others).

### **YOU CAN...**

- Photograph the registration plates of the undercover police vehicles**
- Photograph the police officers, people who could be one, potentials agitators**
- Photograph any incident (arrest, brutality, etc.)**

## Clothing

Wear comfortable clothing adapted for the season and for the circumstances. Make sure you have good shoes to walk and run and if possible, bring a change of clothes in a waterproof bag. For maximum protection against chemical agents used by cops (gas, pepper spray, etc.), wear clothing that is tight at the ankles and wrists, and wear gloves. Cover your skin as much as you can and have waterproof clothing (avoid cotton, polar and wool because those tissues can absorb chemical agents).

Wear tight glasses (skiing or swimming), security glasses or full protection masks (unbreakable) or a scarf soaked with vinegar, cider or lemon juice.

## Hydration and food

Before leaving for a protest, you must drink enough water. Ideally, you have to drink 2 to 4 liters of water a day. Be proactive and bring enough food.

## **DO NOT BRING**

Your address book or any other paper that could give out any information to the police. This also applies for the information contained in your cell phone. Everything that they could consider as a weapon (even sporting equipment). Any drugs. Your ID, except the ones that you've decided to bring with you.

## Undercovers

If you uncover an undercover police officer, do not reveal their identity on your own, you could be charged with obstructing police work, but rather, discreetly communicate the information to the people you know, so they don't feel they've been uncovered. Then you can in group, circle them and while jumping, singing and pointing them. Generally, they won't last long. Don't forget the person next to you could be a cop. Be careful about what you are saying. Lastly, if an undercover proceeds to an arrest, he or she is obligated to identify themselves.

## Voluntary dispersion

In the end of a demonstration, we are more vulnerable. We should always disperse in groups, because the police targets individuals and it's usually at that moment that they'll try to arrest them.



# “LESS LETHAL” WEAPONS

## Pepper spray

Since January 1996, an SPVM directive says that they can use the pepper spray against people verbally or physically resisting their arrest, before the use of force.

If you are sprayed with pepper spray:

- Don't rub your eyes;
- Rinse the irritated parts abundantly with water;
- Don't panic, the burning feeling should go away as time passes.

A spray bottle with 50% water and 50% antacid (such as liquid Maalox, available in drugstores) is useful to relieve irritated eyes caused by pepper spray and gaz.

**Pepper spray has been implicated in the deaths of four people in Montreal between 1996 and 2000.**

## Tear gas

**-HC:** Crowd dispersion smoke; that white smoke is inoffensive and non-toxic, but still has a certain psychological effect.

**-CN:** Conventional tear gas; easy to recognize by its apple smell, the CN causes burning sensations to the eyes and skin and a mucous membrane irritation.

**-CS:** Replacement tear gas; ten times more toxic than the CN, it has the same effects. This gas has a strong smell of pepper and can provoke nausea and vomiting.

### **What to do?**

- Don't panic, the panic amplifies the effects of gasses, that will otherwise only last 10 to 15 minutes;
- Go in a well aired place, facing the wind and keep your eyes open, without rubbing them;
- Rinse your face and all body parts exposed to the gas with water. Adding a bit of salt or sodium bicarbonate (baking soda) will make it more efficient.

### The taser

Taser pistols are weapons that can send electrical charges up to 50 000 volts that instantly paralyzes the targeted person. The victim's body is electrified for at least five seconds by up to 80 electric waves that paralyse the nerve center. The information transmitted between the brain and the body parts are instantly blocked. The muscles then violently contract, provoking intense muscular suffering and pain screams. The victim is paralyzed for a few seconds and then falls to the ground. They stay conscious, but powerless. If most victims emerge unscathed, some others get bad burns, or even die.

**More than 380 deaths by taser have been record in Canada and United States since the beginning of its use. In Montreal, Quilem Registre died at the hospital the 18<sup>th</sup> of October 2007 after receiving 6 electric charges during a police intervention in the St-Michel neighborhood. In Quebec, Claudio Castagnetta also died from the use of taser during their arrest. They spent the night in a police cell even though they clearly needed medical care. They died the next day at the hospital. In both cases, the police got away with it. Even the UN committee against torture considers the electric impulsion gun as torture instrument.**

### Flash bombs

Flash bombs are used since 2008 by the SPVM to disperse protestors and crowds. The most common ones are the “rubber ball grenades” that make a deafening noise when they explode and they project an irritating powder. Cops have a tendency of throwing these grenades directly into a crowd when it’s supposed to be thrown above the crowd. During a protest on March 7<sup>th</sup> 2012, a protester got hit in the face by a grenade fragment and lost his eye. Many other injuries related to that weapon were reported.

## Rubber bullet gun

The rubber bullet gun is the most dangerous tool in terms of crowd control. Its use by the police forces is quite recent in Canada and was supposed to be a last non lethal recourse in case of dangerous situations threatening the life of police officers. However, this murderous and randomized weapon is used to disperse people during demonstrations, which is quite a contradiction. Indeed, from a short distance with a precise shot, this weapon shouldn't be used because the impact can be deadly. But, in a distance considered "safe" by the manufacturer, the shot turns imprecise and still can be deathly. Rubber bullet guns have caused a number of deaths and serious wounds such as skull fractures, loss of sight or voice, damage to internal tissue and organs and even permanent incapacity of certain body parts.

- **In Montreal, in 1995, Philippe Ferrero was killed by a rubber bullet shot by an SPVM cop from a distance of three meters.**
- **During the Summit of Americas in 2001, Éric Lafférière was hit in the throat by a rubber bullet that cost him the use of his voice.**
- **In Montreal, in 2016, Bony Jean-Pierre was shot by an SPVM cop with a rubber bullet at the head. He died at the hospital a few days later.**

# RECOURSES AGAINST POLICE ABUSE

## The Police Ethics Commission

You have one year from the event or the knowledge of the event to file a complaint at the police ethics commission. You just have to file a complaint form, available on the website of the police ethics boards ([www.deontologie-policiere.gouv.qc.ca/](http://www.deontologie-policiere.gouv.qc.ca/)). It's free. But you have to give your version of the event. So if you are accused in the same event, you will have to give your defense to the police. Also, mediation is mandatory and 80% of complaints are rejected. If the complaint is retained, the officers may have a note in their file or even be suspended without pay.

## Rights Commission

You can file a complaint at the « Commission des Droits de la Personne et des Droits de la Jeunesse » when you think that you were victim of discrimination for a motive that is prohibited by the Quebec Charter of Rights. It's free and if you win you can have a monetary compensation.

For more info: [www.cdpdj.qc.ca/en/](http://www.cdpdj.qc.ca/en/)

## Small claims

It costs less than 200\$ (depending on the claimed amount) to address your cause to the small claims and you can ask up to 15 000\$. You must represent yourself. The process takes less than a year.

## Civil suit

You can begin a civil suit to the Superior Court to ask an amount higher than 15 000\$. Taking civil action can be hard on morale, so being well guided during all the process is often suggested. It is usually better to hire a lawyer to represent you. The entire process takes between 3 and 5 years.

## Destruction of records and fingerprints

It is possible, after a certain time (see below), to do a request to the SPVM for the physical destruction of the record and fingerprints. Information with the two procedures are available on the following websites:

- [aadm.ca/spvm-destruction-dempreintes/](http://aadm.ca/spvm-destruction-dempreintes/)
- [www.spvm.qc.ca/upload/Fiches/Demande\\_de\\_destruction\\_de\\_dossier\\_FR/pdf](http://www.spvm.qc.ca/upload/Fiches/Demande_de_destruction_de_dossier_FR/pdf)

Time limit:

**-Absolute discharge:** You have to wait a year before making your requests.

**-Conditional discharge:** You must wait 3 years before making your requests.

**-Acknowledge:** You have to wait the expiry of the period provided in the commitment (if there was) before making your requests.

## Legal aid

You need to be quite poor to have access to it. In Montreal, legal aid is only available if you risk jail time.

For more information: [www.ccjm.qc.ca/](http://www.ccjm.qc.ca/)

# VICTIM OF POLICE BRUTALITY

If you are a victim of police brutality, it's important to keep some evidence:

- Go see a doctor and ask them for a physical and mental medical report (wounds, bruises, anxiety, fear, depression etc.)
- Take pictures of your injuries
- Get people that can testify of your general state before and after your assault
- Note everything you can remember of the event: when, how many cops have mistreated you or were present, their physical description, their names and badge numbers if possible, and what they said to you.

The previous details can be used to make a complaint:

- In deontology against one or multiple cops (for violation of their police deontology code)
- Criminal: if the police refuse to accept your complaint at the police station, you must take it directly to the Graft criminal law courts (3<sup>rd</sup> floor in Montreal). The Director of criminal and penal pursuit will be forced to hold an inquiry.

We're not alone; there are people to help us out. We must take the time and have the courage to denounce police brutality. Our denunciation could help out other people. Send your testimony to the COBP website!

# CONTEST A TICKET

If you receive a ticket, you have 30 days after the event to contest it (see the back of your ticket):

- Make a check mark at the proper place “Pleading not guilty”
- Sign it and write the date
- If there is an explanation section, write “I want complete disclosure of the evidence”. Don’t write anything else.

Secure yourself by making a copy of your ticket and keep proof that you sent it (if you’re doing it by post mail) or bring it directly to an office of Accès Montreal.

## Version of events

It doesn’t matter if you have a lawyer or not, it is important to immediately write down your version of events after receiving your ticket in your own records. This one can be used in Court. You have to go to Court to convince the judge that you did not commit the offense that is held against you.

**-Even if you register your ticket on a lawyer’s website, you must still send it by post mail.**

**-You can contest a ticket even after 30 days. -**

**Tickets with false information are still valid.**

**-Tickets that are in a different language other than the one you speak can be cancelled and won’t be approved.**

# TYPES OF PROFILING

## Racial profiling

Racial profiling is any action taken by persons of authority in respect of a person or a group of people, for reasons of safety, security or public protection, that relies on factors such as race, color, national or ethnic origin or religion, without real cause or reasonable suspicion, which has the effect of exposing the person to a differential treatment exercised by persons in authority control. More of such complaints are brought to the Commission on Human Rights. Racial profiling is, after all, the result of intolerance, misunderstanding, lack of intercultural communication and preconceived ideas by the police.

## Social profiling

The point is to “cleanse” public space; social profiling is a form of discrimination that allows for the police and others representing power to impose fines on those who do not seem conformed enough to society, by a strict enforcement of municipal regulations for minor offenses. Marginalized, homeless, punks, gays, immigrants, etc... are all targets of “to serve and protect.” This type of profiling have the sole goal to give a “pretty image of the city” to tourists.

## Political profiling

Political profiling is another type of police discrimination, based on political identities, real or perceived. The Police Department of the City of Montreal (SPVM) was singled out for this type of discrimination by the Committee of Human Rights of the United Nations in 2005 for his practice of mass arrests at events associated with the extreme left. We have seen the application of profiling with the creation of the GAMMA squad (The Watch against Marginal and Anarchist Movements) under the Organized Crime Division of the Montreal police. With the GAMMA squad, the Police Department of the city of Montreal (SPVM) gives truth to the accusations of political discrimination levied against them. Fortunately, the squad was disbanded but we fear that political profiling is still more and more present and more and more discriminatory.

## **SOCIAL CLEANSING**

Social cleansing consists in different methods applied to repress or even completely eliminate the poorest social class (homeless, sex workers and other marginalized people are a few examples.) Among the methods often used, we can cite the abusive distribution of tickets and the ousting of buildings described as “unhealthy” or “dangerous” that often end up as condo projects and that kick the tenants out onto the street, who must then find a new affordable place to live.

## A FEW EXAMPLES OF TICKETS

To dirty the public domain: Ex. Spit on the floor. Between 30-60\$;

Bad use of the street furniture: Ex. To sit on a picnic table. 145\$;

Audible sound: Even though every sound is audible by definition. 438\$;

Missing bike reflector: For our own security (yeah right!) 38\$; Being in a closed park: After 11pm, to circulate or to be in a park. 148\$;

Impeding traffic for the purpose of offering sexual services: It's forbidden for sex workers to stop cars to communicate with their clients. Criminal charge;

Loitering: Ex. To sleep on a sidewalk. 50\$;

To be intoxicated or drunk in public places: It is forbidden to be drunk in the streets or parks. 100\$;

Trying to travel without paying the price: Jump the STM metro to get a free passage. 220\$;

Breaking the peace, security and public order troubles: Ex. To participate in a demonstration which did not divulge its itinerary. 638\$.

**1994:** 1054 tickets distributed to homeless. **2010:**

6562 tickets distributed to homeless. **2006-2010:**

30 551 tickets distributed to homeless. **Since 1994:**

15 000 000\$ in tickets and unpaid fees.

**Homeless:** 2% of Montreal's population = 25% of total tickets.

# STM AGENTS

They are trained for 14 weeks at the police academy and have powers similar to those of cops who enforce the regulations of the STM: inquiries, giving tickets, arrests, use of 'necessary' force.

## Identification

The duty to identify yourself (name, date of birth, address) also applies when an officer stops you for a breach of STM's regulations. Refusing to identify yourself could lead to the issuance of a ticket under the act on public transit company, or accusations of obstruction under the Criminal Code.

## Control

If you are stopped for a ticket (ex: hopping the subway), agents do not have the right to search you. However, if you are suspected of having committed a criminal act in the subway or on the bus, they can arrest you and proceed to a preventive search (see p.9) while waiting for the SPVM's cops to take over.

## Complaints

The code of conduct for STM's agents is a copy/paste of the code of police ethics. To file a complaint in the event of abuse, contact customer service at [www.stm.info](http://www.stm.info) section 'contact us' or the 514-786-4636 + option 6 + option 1.

# MINORS

Here is some information specifically related to minors. If you are over 12 and under 18 years of age, this applies to you.

## Place of detention

If you are arrested, you must not be detained in the same cell as adults. The police must place you in an area specifically designed for minors and must transfer you as soon as possible to a youth detention center.

## Contacting parents

If you're arrested, the police must contact your parents and inform them of your arrest as soon as possible. If you are unable to contact your parents, you may contact another adult instead. The police must ask you if you would like to have a lawyer or a parent present before taking your statement. If you receive official documents requiring your presence in Court, your parents will also be informed.

## In Court

In Quebec, the youth court is the Court of Quebec, Youth Division. This Court applies certain laws that only apply to minors like the Youth Criminal Justice Act and the Youth Protection Act. The procedures are similar to those of the adult Court except that the judge of the Youth Division may require the minor to be present throughout the trial.

**All minors have the right, without exception, to a legal aid lawyer.**

The law also state that, with few exceptions, your name must not appear in any public record or other record which may allow the media to access your identity. You have the rights to remain anonymous.

### Tickets

If you receive a ticket, make sure that the amount of the offense is the right amount for a minor. If you are getting kettled, cops can detain you until your parents are coming to get you if you don't have any identification cards.

### If you are found guilty?

If you are found guilty of an infraction, your police file will be transferred to the RCMP. This file constitutes your police record. After a while, if you commit no further infractions, your record may be archived or destroyed. For certain crimes (for example: murder, serious sexual assault, repeat of a serious violent offense), the court can impose an adult sentence if you are over 14 years of age.

# TOOL BOX

## USEFUL SITES:

C.R.A.P. Coalition against repression and police abuses <http://www.lacrap.org>

Rights and liberties League  
<http://liguedesdroits.ca>

People's and Youth's Commission  
<http://www.cdpdj.qc.ca>

RAPSIM (Homeless's help network)  
<http://www.rapsim.org>

Quebec's Police Deontology  
<http://www.deontologie-policiere.gouv.qc.ca>

Truth not Tasers – News about tasers in Canada and other countries <http://truthnottasers.blogspot.ca>

Contempt of Court  
<http://outrageautribunal.net>

## **USEFUL SITES:**

SCSD (Standing Committee for the Support of Demonstrators)

<http://manif.co>

ASSE's legal committee

[legal@asse-solidarite.qc.ca](mailto:legal@asse-solidarite.qc.ca)

CLAC's defense committee

[defense@clac-montreal.net](mailto:defense@clac-montreal.net)

Progressist lawyers's Association

<http://ajpquebec.org>

Legal Aid

<http://www.ccjm.qc.ca>



**COBP (Collective Opposed to Police Brutality)**

**514-395-9691**

**[cobp@riseup.net](mailto:cobp@riseup.net)**

**<http://cobp.resist.ca>**

