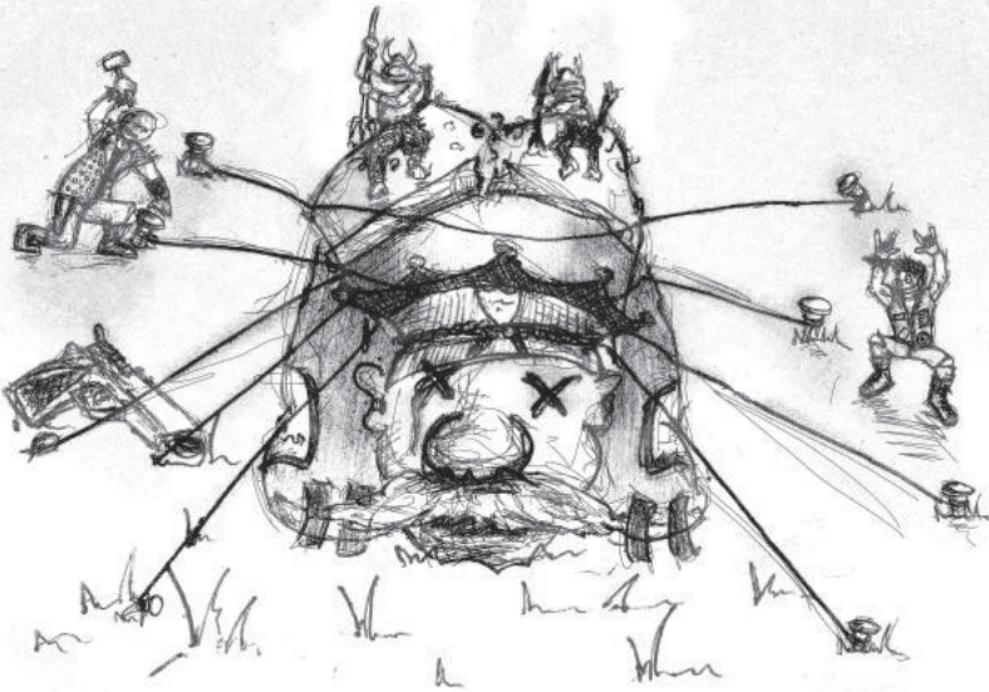


# GUESS WHAT ! WE'VE GOT RIGHTS ?!

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 Grey and with the assistance of GRIP-McGill. It was updated in 2008 with the help of lawyer Daredjane Assathiany and as well in 2016.

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# **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 are giving you a ticket);

You are driving a motor vehicle ; the driver must show their driver's license and the vehicle registration (warning: 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 for your "OPUS" card to verify your right to a reduced fare, but that's all!

Except for these 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 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 or arrest you unless you are accused of a crime. If you are not accused of a crime or 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 if you are 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 ID 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 and 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 officers refuse to identify themselves, you should try too 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. The accused must take the names of the witnesses of the arrest and the people who might have filmed the event or have taken pictures.



## Arrests without a warrant

You can be arrested without 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

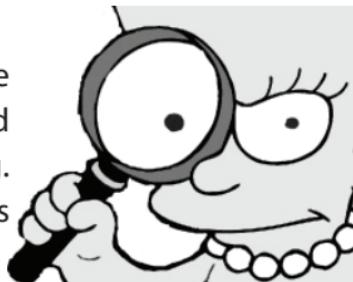
A warrant of arrest is an authorization that the police obtain from a judge. If you ask to see the warrant, the police are required by law to show it. A warrant must have the name of the person it is directed against and the infraction's description and it must be dated and signed by a judge.

# 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 your charges if you cooperate. These promises are only lies and manipulation; nothing requires them to respect these false promises.

## Identification of objects

The cops 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 someone who is detained. It's preferable, as always, to remain silent.



## Intimidation

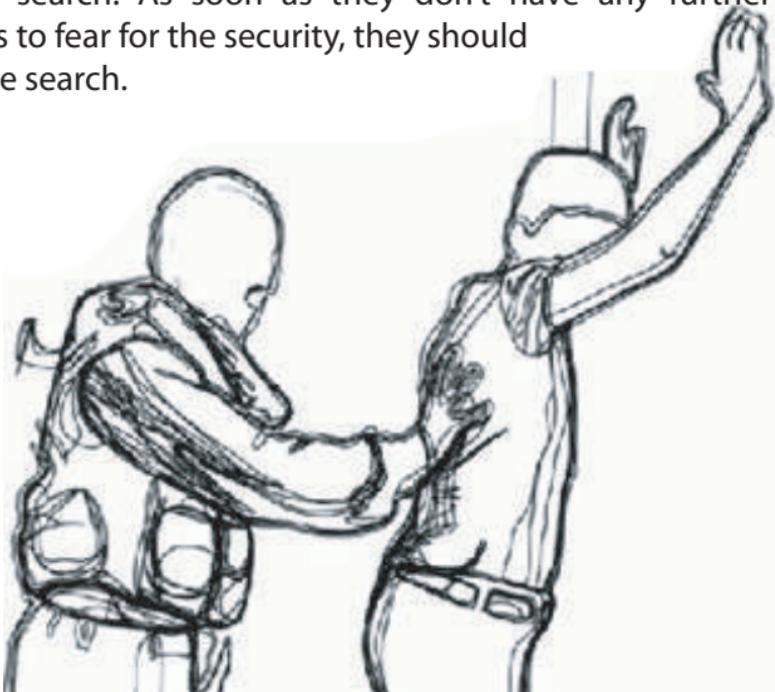
Police officers can use all kinds of threats to scare you, to make you crack. They lie or abuse their powers and therefore expose themselves to civil suits or criminal charges (though it is extremely difficult for the person making the complaint). It's better to stay calm, you won't stay long in prison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

# SEARCHES

A search before 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 the 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 base searches 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 an 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. 10

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 searches: 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 considers 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.

# **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 any offence – and is hiding at your place (for example, the cops saw that person going inside), the cops will be able to get in without any need for a warrant.

**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 limits of the search. You should ask to see the warrant, and



read it closely and 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, in your home nothing requires you to stay in a room. It's dangerous to let them walk around alone in your home. You've got to make sure that they don't exceed the prescribed limits of 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 search and 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 uses 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 batteries) at these meetings.

## Being identifiable (or not)

The identification section of the SPVM, the urban brigade and the undercovers are following the demonstrations, rallies etc. for the sole purpose of identifying the protesters, the activists and the organizers, in order to garnish their photo album of activists and also to arrest them for all kinds of reasons, such as breaking conditions. Since the modifications of the P-6 By-Law (description below), it is now forbidden to cover your face or wear a disguise in a demonstration at the risk of getting a ticket of 637\$ for wearing a mask. Goggles and helmets for protection are still "tolerated", but generally attract police attention in a bad way. In addition, Bill C-309 has been approved and to cover oneself in order to conceal one's identity during an illegal assembly is now a crime punishable by indictment. (max 5 years).

## Article 500.1 HSC

Since March 15 of 2011, the police have begun to use section 500.1 (currently being contested in Court) of the Highway Safety Code to put an end to the protests. The section reads as follows: "No person may, during a concerted action intended to obstruct in any way vehicular traffic on a public highway, occupy the roadway, shoulder or any other part of the right of way of or approaches to the highway or place a vehicle or obstacle thereon so as to obstruct vehicular traffic on the highway or access to such a highway." Between March 15 of 2011 and May 28 of 2012, there were around 797 tickets issued under this article, with fines around 490\$. The fines are higher when the police claim that the individual in question has organized the demonstration, there was such a case in Sherbrooke during the student strike (3000\$ + ....)

## Old P-6 municipal bylaw

This regulation was adopted during a major social crisis in Quebec in November 1969 under the administration of Jean Drapeau! It has been named the "anti-protest by-law" because of section 5 that allows the City Council to prohibit "any meeting, any parade or gathering" for the period it determines, at any time or hours that indicates, in all or part of the public domain. At the demo on March 15 of 2012, 226 people were arrested under the old P-6 bylaw; the fine was \$138 at the time.

## New P-6 municipal bylaw

In May 2012, the administration of the Mayor Gérald Tremblay modified the P-6 by-law, to include section 2.1: "Prior to beginning, the exact place and route, the meeting of a parade or any other gathering, must be communicated to the Director of Police or the officer in charge".

Section 3.2 has also been added to the regulation: "It is forbidden to anyone who participates or is present at a meeting, procession or gathering on public property, to have his face covered without reasonable reason, including a scarf, a hood or a mask". Between May 2012 and May 1 of 2013, there were more than 2,000 arrests under the new regulation, the fines amounting to \$ 637. This by-law is being fought in Court as being contrary to the Canadian Charter of Rights and Freedoms.



## 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 the P-6 bylaw). This tactic is supposed to "discourage" the black bloc sometimes stops the protest from even starting. The protestors 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 every one who lawfully assists the peace officer is justified in arresting any person whom he finds committing the breach of the peace or who, on reasonable grounds, he believes is about to join in or renew the breach of the 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 the 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 beginning of protests. If this happens to you, it is important to verbalise

that you do not consent and consider that the search is illegal. Then we can try to exclude evidence obtained in violation of 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 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 wrong-doing 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, have issued an audible noise, having held a banner or a sign etc. They will use any possible reason to hand out violations and at 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 green cross. So if you need immediate assistance you just need to yell MÉDIC and they will rescue you!

## WHAT TO BRING

Pen and paper or an audio recorder.

So you can note in detail any incident happening during the event. For example, if there are arrests: the name of the people arrested, their phones numbers, the people to contact, the course of it, 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 phone numbers 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 be used for the defense of an arrested person or can help to press charges against a cop, it's preferable to give audiovisual evidence to the concerned people instead of publishing it on the internet. Don't forget to bring more than enough film, and make sure that the negatives don't fall into the wrong hands. Please do not put any videos on social media (you often 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.)

## Cloting

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 clothes to change yourself into in a solid 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 cause 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.

### !!! Important !!!

Intervention's police vehicles are the one numbered 48, 72 and all the ones higher then 90. The number is written on top of the front wheels.

## 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 cellphone. 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 while jumping, singing and pointing them. Generally, they won't last long. Don't forget the person next to you could be a cop. Thus we should watch our mouth.

### Voluntary dispersion

In the end of a demonstration, we are more vulnerable. We should always disperse in groups, because the police targets individual people 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 - Conventionnal 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 paralyses 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 gets 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 18th 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 medi- cal care. They died the next day at the hospital. In both cases, the police got away with it. Even the UN comi- tee against torture considers the electric impulsions gun as a torture instrument.

### Flash bombs

Flash bombs are used since 2008 by the SPVM to disperse protesters 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 suppose to be thrown above the crowd. During a protest the 7th of march 2012, a protester got hit in the face by a fragmentation of grenade 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 raises the 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 the Americas in 2001, Éric Laferrière was hit in the throat by a rubber bullet that cost him the use of his voice.

# **RECOURSSES 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 board ([www.deontologie-policiere.gouv.qc.ca/](http://www.deontologie-policiere.gouv.qc.ca/)). It's free. But you have to give your version so if you are accused, you will have to give your defence 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 (Commission des Droits de la Personne et des Droits de la Jeunesse)

You can file a complaint at the Commission 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/](http://www.cdpdj.qc.ca/)

## Small Claims

It costs less than 200\$ (depending of the claimed amount) to address your cause to the small claims and you can ask up to 15000\$. You must represent yourself.

## Civil suit

You can begin a civil suit to the Superior Court to ask for an amount higher than 7000\$. It is usually better to hire a lawyer to represent you.

### Class action

You need many people to file a class action (20 people and more). You have to name a person that will represent the group and this person should have a clean criminal record. After this, contact a lawyer and follow the steps.

### Contest a ticket

You have 30 days to contest a ticket. Then you have to go to court and convince the judge that maybe you didn't commit the infraction for which you got a ticket.

### Legal aid

You need to be quite poor to have access to it and also in Montreal you need to risk jail time. For more information: [www.ccjm.qc.ca/](http://www.ccjm.qc.ca/)

## **IF YOU'RE A 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);

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.

This information can be used to make a complaint:

in deontology against one or multiple cops (for a violation of their police deontology code);

criminal: if the police refuse to accept your complaint at the police station, you must make it directly to the Graft criminal law courts (3rd floor in Montreal.) The Director of criminal and penal pursuit will be forced to hold an inquiry.

We're not alone, there's 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.)

1. Make a check mark at the proper place, " Pleading not guilty."
2. Sign it and write the date.
3. If there is an explication part, write: "I want complete disclosure of the evidence! Don't write anything else.
4. 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 Montréal.

## 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**

## 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.

## Racial profiling

Racial profiling is any action taken by persons of authority in respect of a person or 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 preconceptions police.

## Political Profiling

Political profiling is an attitude of police discrimination, based on political identities, real or perceived. People wearing the red square of the student movement are often the victims. In addition, 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. GAMMA with the Police Department of the City of Montreal (SPVM) has to agree with accusations against them of practicing political discrimination. Fortunately the squad was disbanded but we fear that the political profiling is still more present and more discriminatory.

## **SOCIAL CLEANSING**

Social cleansing consists of 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 into the street, who must then find a new affordable place to live.

## A FEW EXAMPLE 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. 144\$,  
Audible sound. Even though every sound is audible by definition. 437\$,

Lack of a bike reflector. For our own security (Yeah right !) 37\$  
Being in a closed park. Passed 11pm, to circulate or to be in a park = 147\$.  
To harm the circulation in the purpose of offering sexual services. It's forbidden for sex workers to stop cars to communicate with their clients. Criminal

Loitering. Ex. To sleep on the sidewalk. 50\$,

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

Trying to get a travel without paying the price. Jump the STM metro to get a free passage. 214\$,

Prevention of peace, security and public order troubles. Ex. To participate to a demonstration that hasn't gave any route. 637\$.

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\$ of tickets and unpaid fees.

Homeless = 2% of the Montreal population = 25% of total tickets.

# **MINORS**

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

## Area of detention

If you are arrested, you must not be detained in the same cell as adult. 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, since this court is also dealing with adult offenders. All minors have the right, without exception, to a legal aid lawyer. The law also states 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 right to remain anonymous.

## Tickets

If you receive a ticket, make sure of 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**

## Usefull sites

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

Medi Militants and Demonstrators - Québec  
<http://medimilitante.blogspot.ca/>

SSPVM list  
<https://www.facebook.com/groups/432794700111889/>

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

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

RAPSIM (Lonely people'S and homeless's help network)  
<http://www.rapsim.org>

Quebec's Police Deontology  
<http://www.deontologie-policiere.gouv.qc.ca/index.php?id=75>

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

## Usefull sites (continued)

Denis Poitras

<https://514-289-9995.com/>

CLASSE's legal Comitee

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

CLAC's Defense Comitee

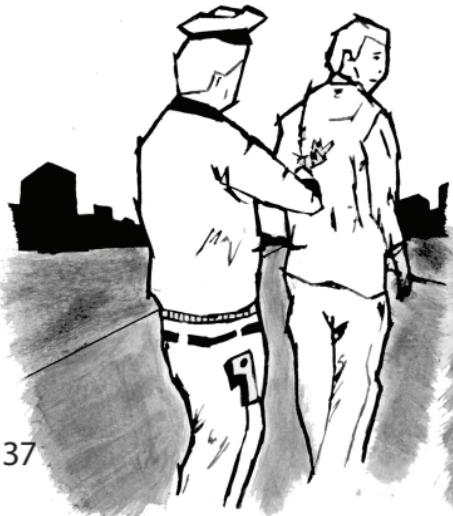
[defense@clac-montreal.net](mailto:defense@clac-montreal.net)

Progressists lawyers's Association

[http://ajpquebec.org/?page\\_id=137](http://ajpquebec.org/?page_id=137)

Legal Aid

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



C.O.B.P.

Collective Opposed to Police Brutality

514-395-9691

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

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

