

# Project X: Racial Profiling in the Public Security Sector in Montreal



This paper presents an analysis of data gathered through the completion of questionnaires and during interviews conducted by Head & Hands, a community-based organization in NDG. It owes recognition to all the partner community organizations, participants, and volunteers who circulated, helped administer, and participated in questionnaires and interviews. A special thank you to Prof. Adelle Blackett & Prof. Jill Hanley for their support, as well as Alvy Mizelle for contributing the charts and graphs.

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## Table of Contents

EXECUTIVE SUMMARY	2
INTRODUCTION & CONTEXT	4
TERMINOLOGY & CASELAW REVIEW	6
A. <i>Defining Racial Profiling</i>	6
B. <i>Defining Systemic Discrimination</i>	7
C. <i>Legal Tests for Challenging Racial Profiling</i>	8
D. <i>Caselaw Review</i>	9
LITERATURE REVIEW	20
HEAD & HANDS' PROJECT X RESEARCH PROJECT	24
A. <i>Description of Head &amp; Hands</i>	24
B. <i>Project X and the purpose of this research project</i>	24
C. <i>Research Methods</i>	25
RESULTS	27
A. <i>Demographics</i>	27
B. <i>Youths' Experiences with Racial Profiling</i>	36
C. <i>Youths' Responses to Police Stops</i>	49
DISCUSSION	51
A. <i>Youths' Unawareness of their Rights and Hesitance with Using the Legal System</i>	52
B. <i>Recommendations from CDPDJ's 2011 Report</i>	53
IMPLICATIONS FOR PRACTICE	58
RECOMMENDATIONS	60
LIMITATIONS	64
FUTURE RESEARCH	64
CONCLUSION	65
RESOURCES	66
A. <i>Complaint Processes</i>	66
B. <i>Canadian Charter of Rights and Freedoms</i>	67
C. <i>Quebec Charter of human rights and freedoms</i>	69
D. <i>Job-Related Functions of Public Security Sector Workers</i>	70
E. <i>Simplified List of Selected Recommendations from the CDPDJ's 2011 Report</i>	71

## Executive Summary

This research project confirms that racial profiling is prevalent and persistent in Montreal. For instance, 61% of respondents reported being the subject of racial profiling and 78% of respondents stated witnessing racial profiling, both in the public security sector. Youth identified being the subjects of racial profiling in parks, while driving, on the street, near metros, and in other public spaces.

Two strong findings emerge from this study. First, youth often do not know their rights nor how to enforce them. Second, youth are not likely to report instances of racial profiling. Many considered the processes to be too complex and time-consuming, while others shared having little to no confidence in the legal system or alternate recourses.

Racial profiling with police and more recently with Société de transport de Montréal (STM) officials, and security guards has been an issue for youth across Quebec for many years. Recently, racial profiling has yielded a lot of attention in Montreal. On August 17, 2018, the City of Montreal approved a petition with over 20,000 signatures and mandated the Office de Consultation Publique de Montreal to hold public consultations on systemic discrimination and racism in Montreal. On August 7, 2019, Justice André Prévost of the Superior Court of Quebec authorized a class action lawsuit against the City of Montreal regarding Montrealers' experiences with racial profiling with the Service de police de la Ville de Montréal (SPVM). The class action is currently active and being led by the Black Coalition of Quebec alongside lead plaintiff Alexandre Lamontagne. During the summer months of 2019, representatives from the City of Montreal's Committee on Diversity and Social Inclusion met with community leaders, community workers, and youth in Notre-Dame-de-Grâce (NDG) to discuss how to best mitigate racial and social profiling in Montreal.

This report is the result of an 11-month research project titled Project X. The aim of the project was to gain a better understanding of racial profiling and uncover how racial profiling is experienced in the public security sector in Montreal, Quebec. This project also sought to raise awareness about the practice of racial profiling as a form of racial discrimination that is very present in our community. The project also hopes to encourage dialogue about the injustice of racial profiling and its consequences within organizations, institutions, and communities, as well as on individuals within Montreal.

The data collection portion of the research project began in October 2019. Responses were collected and received through an online survey platform and print copies from youth residing across Montreal. This research project is a community initiative. The development of the survey was a collaborative process amongst the Legal Team and other members of our staff. Our approach to sampling was multi-faced, allowing for the completion of 128 questionnaires. Community partners played an active role in the recruitment process. Our Project X Coordinator led in the recruitment of interviewees, conducting interviews, analyzing the research findings, and wrote this report.

As many reports discussing racial profiling have preceded this report, we decided to highlight recommendations from two recently published documents, in addition to our own recommendation, that offer concrete solutions to help mitigate the racial profiling that youth face in their everyday lives. The first three recommendations were introduced by Anne-Marie Livingstone, Ted Rutland & Stephane Alix in December 2018. The other recommendation was inspired by the Table sur la diversité, l'inclusion et la lutte contre les discriminations in December 2019. We also propose the fifth recommendation based on the results of this research project.

- (1) that race-based quantitative data be made available on street checks, arrests, and detentions in Montreal;
- (2) that an independent supervisory office be created in each borough to monitor their respective police station;
- (3) that all police practices that unfairly target racialized youth and result in them being forced to undergo arbitrary and involuntary contact be eliminated;
- (4) that the SPVM publish an annual report on violent interactions by SPVM officers against civilians. The report would focus on reporting each time an agent used or pointed a firearm against/at a civilian;
- (5) that a separate page for filing complaints be created and that the procedural steps included in the complaint process be clearly laid out on the SPVM and STM websites.

## Introduction & Context

Within the past couple of years, there has been significant media attention given to racial profiling in Montreal. Many of these accounts of racial profiling have been brought forward by the Commission des droits de la personne et des droits de la jeunesse du Québec/ the Quebec Human Rights and Youth Rights Commission (CDPDJ), often with the support of the Centre for Research Action on Race Relations (CRARR). The multitude of these specific types of cases has demonstrated that racial profiling is a very prevalent social problem in Montreal. In fact, in 2010, the CDPDJ released their “Consultation Document on Racial Profiling.”<sup>2</sup> In 2011, based on public consultations, the CDPDJ published the “Racial Profiling and Systemic Discrimination of Racialized Youth: Report of the Consultation on Racial Profiling and its Consequences”<sup>3</sup> report. During the summer months of 2019, many initiatives aimed at addressing racial profiling took place in Montreal.

Through the Right of Initiative (Article 16(h)) included in the *Montreal Charter of Rights and Responsibilities*,<sup>4</sup> Montreal citizens can obtain a public consultation after the submission of a petition signed by at least 15, 000 citizens.<sup>5</sup> On August 29, 2018, the City of Montreal mandated the Office de consultation publique de Montréal (OCPM) to hold public consultations on systemic discrimination and racism in Montreal.<sup>6</sup> McGill law student and leader of Montreal in Action, Balarama Holness, led in the collection of over 20, 000 signatures that forced the City of Montreal to hold public consultations on systemic discrimination and racism.<sup>7</sup> By May 2019, Montrealers, Montreal associations, and businesses were encouraged to organize their own consultations.

On August 7, 2019, Justice André Prévost of the Superior Court of Quebec authorized a class action lawsuit against the City of Montreal regarding Montrealers’ experiences with racial profiling with the Service de police de la Ville de Montréal (SPVM).<sup>8</sup> The class action was launched by the Black Coalition of Quebec and the lead plaintiff is “Alexandre Lamontagne, a

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<sup>2</sup> Quebec, Commission des droits de la personne et des droits de la jeunesse du Québec, *Consultation Document on Racial Profiling*, (Report), by Paul Eid, Michèle Turenne & Johanne Magloire, (March 2010) [CDPDJ Consultation Document]. For more information: [www.cdpedj.qc.ca/Publications/racial\\_profiling\\_consultation.pdf](http://www.cdpedj.qc.ca/Publications/racial_profiling_consultation.pdf).

<sup>3</sup> Quebec, Commission des droits de la personne et des droits de la jeunesse du Québec, *Racial Profiling and Systemic Discrimination of Racialized Youth: Report of the Consultation on Racial Profiling and its Consequences*, (Report), by Paul Eid, Johanne Magloire & Michèle Turenne, (March 2011) [CDPDJ Consultation Report]. For more information: [www.cdpedj.qc.ca/publications/Profiling\\_final\\_EN.pdf](http://www.cdpedj.qc.ca/publications/Profiling_final_EN.pdf).

<sup>4</sup> *Montréal Charter of Rights and Responsibilities*, 2017, s 14. For more information:

[ville.montreal.qc.ca/pls/portal/docs/page/charte\\_mtl\\_fr/media/documents/charte\\_montrealaise\\_english.pdf](http://ville.montreal.qc.ca/pls/portal/docs/page/charte_mtl_fr/media/documents/charte_montrealaise_english.pdf).

<sup>5</sup> CBC News “Public consultations on systemic racism to be held in Montreal for the first time”, *CBC News* (17 August 2018), online:

[www.cbc.ca/news/canada/montreal/ocpm-public-consultations-systemic-racism-and-discrimination-racism-against-visible-minorities-1.4788925](http://www.cbc.ca/news/canada/montreal/ocpm-public-consultations-systemic-racism-and-discrimination-racism-against-visible-minorities-1.4788925).

<sup>6</sup> Office de Consultation Publique de Montreal, “Launch of the Public Consultation on Systemic Racism and Discrimination within the Jurisdiction of the City of Montréal” (25 April 2019), online: *Office de Consultation Publique de Montreal* <[ocpm.qc.ca/fr/actualite/english-content-0](http://ocpm.qc.ca/fr/actualite/english-content-0)>.

<sup>7</sup> CBC News, *supra* note 5.

<sup>8</sup> *Ligue des Noirs du Québec c Ville de Montréal*, 2019 QCCS 3319. For more information: [canlii.ca/t/j1wd5](http://canlii.ca/t/j1wd5).

man of Haitian origin who claims he was wrongfully detained by the SPVM in August 2017.”<sup>9</sup> The class action includes racialized individuals who were the victims of racial profiling through being profiling, stopped, arrested, or detained without valid justification.<sup>10</sup>

Additionally, during the summer months of 2019, representatives from the City of Montreal’s Committee on Diversity and Social Inclusion met with community leaders, community workers, and youth in Notre-Dame-de-Grâce (NDG) to discuss how to best mitigate racial and social profiling in Montreal.

Over the spring and summer of 2019, two incredibly eye-opening video clips were released confirming the need for a public consultation on racism and systemic discrimination, and the creation of a class action lawsuit. In March 2019, a video of two STM officials beating a young man with batons at Villa Maria metro surfaced on the internet.<sup>11</sup> In the one-minute video clip, the STM officials manage to drag the man’s body to the floor, at which point, he raises his hands and loudly pleads for them to stop striking him, yet they continue to beat him with their batons.<sup>12</sup> At this time, the man’s body is on the ground, his head dangerously close to the thick yellow line signalling the end of the platform.<sup>13</sup> The STM metro car arrives, as the conductor is blaring the horn. The man then gets up and attempts to run away, with the STM officials following, leaving behind his belongings, which are spread out on the floor, as the video comes to a close.<sup>14</sup>

In July 2019, another video clip was circulated on the internet. This time, it was a member of the SPVM using apparently unnecessary force. The police officer lifted a handcuffed young man off of his feet and threw him into the back of his police car, feet first.<sup>15</sup> The person filming can be heard inquiring about why the police agent acted in that way.<sup>16</sup> The police officer then states that they were responding to a citizen’s complaint.<sup>17</sup>

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<sup>9</sup> CBC News “Judge OKs 'historic' racial profiling class action against City of Montreal”, *CBC News* (12 August 2019), online:

<[www.cbc.ca/news/canada/montreal/racial-profiling-class-action-montreal-police-1.5243861?fbclid=IwAR2UdgT2g24uoPDJ0RtEnC7snUY93hOA1mGCYIS32FbGVV4PW41EFxWnHRA](http://www.cbc.ca/news/canada/montreal/racial-profiling-class-action-montreal-police-1.5243861?fbclid=IwAR2UdgT2g24uoPDJ0RtEnC7snUY93hOA1mGCYIS32FbGVV4PW41EFxWnHRA)>.

<sup>10</sup> *Ibid.*

<sup>11</sup> CTV News Montreal, at 00h:00m:01s - 00h:01m:07s, online (video): *CTV News Montreal* <[montreal.ctvnews.ca/video?clipId=1631580](http://montreal.ctvnews.ca/video?clipId=1631580)>.

<sup>12</sup> CTV News Montreal “STM officers' conduct questioned after video shows man repeatedly struck at Villa Maria”, *CTV News Montreal* (8 March 2019), online: <[montreal.ctvnews.ca/stm-officers-conduct-questioned-after-video-shows-man-repeatedly-struck-at-villa-maria-1.4328615](http://montreal.ctvnews.ca/stm-officers-conduct-questioned-after-video-shows-man-repeatedly-struck-at-villa-maria-1.4328615)>.

<sup>13</sup> *Ibid.*

<sup>14</sup> CTV News Montreal, *supra* note 11.

<sup>15</sup> Claire Loewen, “Video showing detention of young black man by Montreal police draws criticism”, *CBC News* (02 July 2019), online <[www.cbc.ca/news/canada/montreal/montreal-police-altercation-1.5197214](http://www.cbc.ca/news/canada/montreal/montreal-police-altercation-1.5197214)>.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

## Terminology & Caselaw Review

The past summer's activities and vivid examples of racial profiling in Montreal provide the background upon which this report is set. This section outlines the various terms that will be used in this report. Both legal and social science-based definitions will be used. Many of the cases related to racial discrimination decided upon in Canadian courts relate to criminal law. This report will use caselaw from both criminal law and human rights law to explain various terms related to racial discrimination.

### A. Defining Racial Profiling

In 2010, a report was published by the CDPDJ, which defines racial profiling as:

any action undertaken by a person or by persons in a situation of authority over a person or group of persons, for reasons including public safety, security or protection, based on real or presumed appearance factors such as race, colour, ethnic or national origin or religion, without real reason or reasonable suspicion, and that exposes the person to examination or to different treatment. Racial profiling also includes any action undertaken by a person in a situation of authority who applies a measure – without reasonable justification or in a disproportionate way - to certain segments of the population because of their race or ethnicity.<sup>18</sup>

Racial profiling is a form of racial discrimination<sup>19</sup> that stems from racism. Racism is defined as “the subordination of one group by another using arbitrary physical features such as skin colour. It can occur at individual, institutional, societal levels in the form of attitudes, beliefs, policies or procedures.”<sup>20</sup> Stereotypes and assumptions about certain racial groups lead to race-based (or racial) discrimination, including racial profiling. As the CDPDJ highlights, discrimination can occur at all societal levels through direct, adverse effect (indirect), and systemic discrimination.<sup>21</sup>

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<sup>18</sup> CDPDJ Consultation Document, *supra* note 2 at 3.

<sup>19</sup> Bobby Siu, “Defining Racial Profiling” in Lorne Foster, Lesley Jacobs, Bobby Siu & Shaheen Azmi, eds, *Racial Profiling and Human Rights in Canada: The New Legal Landscape*, (Toronto: Canada: Irwin Law Inc., 2018) 13 at 41.

<sup>20</sup> Steven Hick, *Social Work in Canada Introduction, Third Edition* (Toronto: Thompson Educational Publishing, Inc., 2010) at 251.

<sup>21</sup> CDPDJ Consultation Report, *supra* note 3 at 13-14.

## B. Defining Systemic Discrimination

In *Gaz Métropolitain inc. v. Commission des droits de la personne et des droits de la jeunesse*, the Court of Appeal defined systemic discrimination as “the sum of the disproportionate exclusionary effects resulting from the combination of often unconscious attitudes marked by preconceived notions and stereotypes, and of policies and practices that are generally adopted without taking into consideration the characteristics of those members of the group who are the object of the prohibition of discrimination.”<sup>22</sup>

Prior to *British Columbia (Public Service Employee Relations Commission) v. BCGSEU (Meiorin)*, courts used a conventional approach to applying human rights laws in the workplace which required specifying whether the behaviour constituted direct discrimination or adverse effects discrimination.<sup>23</sup> The category of direct discrimination was used when upon first instance, the behaviour appeared discriminatory.<sup>24</sup> Adverse effects discrimination occurred when a seemingly neutral policy or behaviour had the effect of discriminating against an individual or group of people.<sup>25</sup> In *Meiorin*, the Supreme Court of Canada, the highest court in Canada, acknowledges that cases of discrimination cannot be so “neatly characterized.”<sup>26</sup> Through unifying these two categories, the Court adopts a systemic discrimination approach in which systemic barriers, such as racism and racial profiling, that uphold discrimination can be identified and addressed.

Furthermore, systemic discrimination “is based on the dynamic interaction between decisions and attitudes tainted by prejudice, on organizational models and institutional practices.”<sup>27</sup> Racial profiling, therefore, is a form of systemic discrimination enforced by those in positions of authority and maintained by institutions. Such an understanding allows the courts to challenge imbalances of power and dominance reflected in racism and racial profiling. For instance, in *R v. Brown*, the Court of Appeal states that:

racism, and in particular anti-black racism, is a part of our community’s psyche. A significant segment of our community holds overtly racist views. A much larger segment subconsciously operates on the basis of negative racial stereotypes. Furthermore, our institutions, including the criminal justice system, reflect and perpetuate those negative stereotypes.<sup>28</sup>

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<sup>22</sup> *Gaz métropolitain inc. v. Commission des droits de la personne et des droits de la jeunesse*, 2011 QCCA 1201 at para 47. For more information: [canlii.ca/t/fvgxh](http://canlii.ca/t/fvgxh).

<sup>23</sup> *British Columbia (Public Service Employee Relations Commission) v BCGSEU*, [1999] 3 SCR 3 at para 19. For more information: [canlii.ca/t/1fqk1](http://canlii.ca/t/1fqk1).

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid* at para 27.

<sup>27</sup> CDPDJ Consultation Report, *supra* note 3 at 14.

<sup>28</sup> *R v Parks*, 1993 CarswellOnt 119 at para 54; *R v Brown*, [2003] O.J. No. 1251 at para 38. For more information: [canlii.ca/t/1npp2](http://canlii.ca/t/1npp2) (*Parks*), [canlii.ca/t/dtt](http://canlii.ca/t/dtt) (*Brown*).

### C. Legal Tests for Challenging Racial Profiling

In the criminal law context, the test for challenging racial profiling was introduced in *R v. Brown*.<sup>29</sup> The “accused [individual] must prove that:

1. it is more probable than not that there was not an articulable [(justified)] cause for the stop
2. and that based on the evidence, the real reason for the stop was [based on the accused individual’s race (or another ground of discrimination)].”<sup>30</sup>

In human rights cases, the traditional test for proving discrimination is stated in the Supreme Court of Canada’s decision in *Moore v. British Columbia (Education)*.<sup>31</sup> This test was applied in *Pieters*, in which:

the complainant must first demonstrate a *prima facie*, which had widely been understood to mean “on first impression”, existence of discrimination, which includes the following three elements:

1. that they have a characteristic protected from discrimination under the Code
2. that they experienced adverse (harmful or undesired differential) treatment
3. that the protected characteristic (race, age, gender, colour, national origin, etc.) was a **factor** in the alleged adverse treatment.<sup>32</sup>

If the person putting forward the complaint (applicant/complainant) can establish that their protected characteristic was a factor in the adverse treatment that they experienced, a *prima facie* case of discrimination is said to have been established. The person who allegedly committed the discriminatory act, conduct, or practice (respondent) will be asked to justify the act, conduct, or practice within the exemptions available under human rights statutes. If an appropriate justification cannot be demonstrated, a case of discrimination will be said to have occurred.<sup>33</sup>

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<sup>29</sup> *Brown*, *supra* note 28 at para 10.

<sup>30</sup> *R v Campbell*, [2005] Q.J. No. 394 at para 25; *Ibid*. For more information: [canlii.ca/t/1jq0v](http://canlii.ca/t/1jq0v) (*Campbell*).

<sup>31</sup> *Moore v British Columbia (Education)*, 2012 SCC 61, [2012] 3 SCR 360 at para 33. For more information: [canlii.ca/t/ftp16](http://canlii.ca/t/ftp16).

<sup>32</sup> *Peel Law Association v Pieters*, 2013 ONCA 396 at para 55 [*Pieters*]; *Quebec (Commission des droits de la personne et des droits de la jeunesse) v Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39 at para 63 [*Bombardier*]. For more information: [canlii.ca/t/fz590](http://canlii.ca/t/fz590) (*Pieters*), [canlii.ca/t/gk9vn](http://canlii.ca/t/gk9vn) (*Bombardier*).

<sup>33</sup> *Pieters*, *supra* note 32 at para 55.

#### D. Caselaw Review

In *Peel Law Association v. Pieters*, a human rights case, the Peel Law Association (PLA) was found to have discriminated against two lawyers, Mr. Pieters and Mr. Noble, on the grounds of race and colour contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, in the provision of services, goods, and facilities.<sup>34</sup> Mr. Pieters and Mr. Noble were representing a client at the Brampton Courthouse.<sup>35</sup> An articling student accompanied the lawyers.<sup>36</sup> Mr. Pieters, Mr. Noble, and the articling student are Black.<sup>37</sup> Mr. Pieters and the articling student have dreadlocks.<sup>38</sup> Along with other lawyers involved in the case, Mr. Pieters, Mr. Noble, and the articling student went to the lawyers' lounge managed by the PLA.<sup>39</sup> As per PLA policy, solely lawyers and law students are allowed in the lounge, robing room, and library.<sup>40</sup> After Mr. Pieters, Mr. Noble, and the articling student entered and were seated in the lounge, they were asked for identification by the librarian who is responsible for enforcing the PLA's rules. However, no one else was asked to produce identification.<sup>41</sup>

*Pieters* underlines that solely a **connection** is required between the protected characteristic and the adverse treatment.<sup>42</sup> The protected characteristic must merely be a **factor** in the adverse treatment.<sup>43</sup>

In *Pieters*, the “characteristic protected from discrimination under the Code” is race. The term “adverse treatment” relates to being treated differently, in a way that is harmful or undesirable. In this case, the librarian's request to produce identification and questioning of solely the complainants is the adverse treatment. The complainants' race was found to be a factor in the librarian's questioning and request of identification from the complainants. This connection was made with the support of circumstantial evidence. For instance,

- the librarian had solely challenged the three Black men's presence in the lounge;
- she did not challenge nor show the intention to challenge any other occupant's presence in the lounge;
- she “interrupted her planned trip to the robing room to stop and question” the three men;
- the librarian approached the men in a challenging and aggressive way by not identifying herself and interrupting Mr. Pieters' phone call;
- she questioned the complaints in a “blunt and demanding” way which was different from how she usually carried out her job-related functions;

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<sup>34</sup> *Ibid* at paras 4, 136.

<sup>35</sup> *Ibid* at para 2.

<sup>36</sup> *Ibid*.

<sup>37</sup> *Ibid*.

<sup>38</sup> *Ibid*.

<sup>39</sup> *Ibid* at para 3.

<sup>40</sup> *Ibid*.

<sup>41</sup> *Ibid*.

<sup>42</sup> *Ibid* at para 59.

<sup>43</sup> *Ibid*.

- she stated that she singled out the complainants because she knew that everyone else in the room was a lawyer, which was proven false, and in fact one individual was not a lawyer (and thus should not have been in the lounge);
- and she was unable to provide a “credible non-discriminatory explanation for her decision” to question the lawyers and articling student.<sup>44</sup>

The *Pieters* case acknowledges that the respondent’s evidence can be useful in establishing the reasons behind a decision or behaviour. However, the Court of Appeal also states that “in race cases especially, the outcome depends on the respondents’ state of mind, which cannot be directly observed and must almost always be inferred from circumstantial evidence.”<sup>45</sup> In *Bombardier*, a different approach was taken.

The plaintiff in *Bombardier*, Mr. Javid Latif is a Canadian citizen and pilot since 1964.<sup>46</sup> He was born in Pakistan. The Bombardier Aerospace Training Centre operates in Montréal and Dallas.<sup>47</sup> In 2004, Mr. Latif accepted an offer from a Canadian aviation company (ACASS Canada Ltd.) to pilot a Bombardier Challenger 604 on the condition that he complete the related training.<sup>48</sup> In the wake of the September 11, 2001 attacks, the United States implemented enhanced security measures, including the aviation field, requiring mandatory security checks for non-US citizens undertaking pilot training.<sup>49</sup> There is no similar requirement in Canada.<sup>50</sup> Mr. Latif applied to complete the training in Dallas and was denied, although he had previously completed training there. He was not issued a justification for the denial. Mr. Latif applied to Montreal’s Bombardier centre under his Canadian license, and was again denied. Since Mr. Latif failed to gain security approval in the United States, the Montreal centre based their refusal on a concern for public safety.<sup>51</sup>

In *Bombardier*, the Supreme Court of Canada ruled that there was no evidence to support the finding that Mr. Latif’s ethnic or national origin contributed to the refusal of his security clearance from the Transportation Security Administration (TSA)’s Alien Flight Student Program (AFSP) security screening program in the United States. The expert evidence detailing the prevalent racial profiling of Muslims and Arabs within U.S. security programs since 9/11 was rejected as it failed to indicate how racial profiling directly related to the AFSP security screening program.<sup>52</sup> The Supreme Court of Canada stated that “at best, the [expert evidence] report [on racial profiling] showed that, at the time, there was a social climate in which racial profiling was generalized for national security purposes as a result of the terrorist attacks on September 11, 2001, and that racial profiling was practised in certain U.S. government programs.”<sup>53</sup> The Court continues on to state that “it cannot be presumed solely on the basis of a

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<sup>44</sup> *Ibid* at para 128.

<sup>45</sup> *Ibid* at para 72.

<sup>46</sup> *Bombardier*, *supra* note 32 at para 9.

<sup>47</sup> *Ibid* at para 5.

<sup>48</sup> *Ibid* at para 11.

<sup>49</sup> *Ibid* at para 6.

<sup>50</sup> *Ibid* at para 8.

<sup>51</sup> *Ibid* at para 15.

<sup>52</sup> *Ibid* at para 87.

<sup>53</sup> *Ibid*.

social context of discrimination against a group that a specific decision against a member of that group is necessarily based on a prohibited ground under the *Charter*.”<sup>54</sup>

It is worth noting that the Tribunal ruled that Bombardier’s refusal to allow Mr. Latif to train at the Montreal centre constituted discrimination based on national or ethnic origin, thus contravening the *Quebec Charter of human rights and freedoms*. The Quebec Human Rights Tribunal is composed of judges from the Court of Quebec who hear cases related to discrimination and harassment as outlined in the *Quebec Charter*.<sup>55</sup>

The Tribunal’s decision was made partly based on Mr. Gignac, the manager responsible for quality standards at Bombardier’s testimony that he refused Mr. Latif’s application for training at the Montreal centre because he believed Mr. Latif to be a possible terrorist.<sup>56</sup> Mr. Gignac’s refusal was solely based on his discretion and agreement with the U.S.’s refusal as there is no policy in Canada. Mr. Gignac testified that there is no policy at Bombardier “establishing the way security clearance applications are handled or the responses to be given.”<sup>57</sup> Therefore, there is no policy that requires Bombardier, located in Montreal, to adhere to the U.S.’ program’s refusal. This testimonial evidence is not included at the Supreme Court of Canada level but provided the Tribunal with a glimpse into Mr. Gignac’s state of mind. With such evidence, an inference can be made that Mr. Gignac believed Mr. Latif to be a terrorist based on the social context at the time. This inference was reinforced by expert testimony demonstrating that racial profiling occurred against Muslim and Arabs in U.S. security programs since 9/11.<sup>58</sup>

While *Bombardier* references *Pieters*, it does not engage with its legal reasoning. In *Pieters*, the Court of Appeal holds that, especially in racial discrimination cases, discrimination must often be determined by circumstantial evidence and inferences.<sup>59</sup> By failing to consider Mr. Gignac’s testimony and the social context in which Mr. Latif’s security clearance was rejected, the Supreme Court of Canada neglects the possibility that Mr. Latif’s national origin may have been a factor in the refusal of his security clearance. Essentially the Court is requiring direct proof of discrimination by requesting evidence of the prevalence of racial profiling within the AFSF security screening program.

As a result, future claimants in Quebec will be tasked with looking for direct evidence that they will likely not be able to obtain. The characterization of circumstantial evidence in *Bombardier* seems to have set a higher burden of proof for applicants when establishing a *prima facie* case of discrimination in cases related to national or ethnic origin, and race in Quebec. *Bombardier* does not address the affirmation in *Brown*, where the Court of Appeal stated that “a racial profiling claim could rarely be proven by direct evidence. This would involve an admission by a police officer that he or she was influenced by racial stereotypes in the exercise of his or her discretion to stop a motorist. Accordingly, if racial profiling is to be proven it must be done by inference

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<sup>54</sup> *Ibid* at para 88.

<sup>55</sup> Ann-Marie Jones, “The Human Rights Tribunal” (n.d.), online: *The Human Rights Tribunal* <[www.tribunaux.qc.ca/mjq\\_en/TDP/index-tdp.html](http://www.tribunaux.qc.ca/mjq_en/TDP/index-tdp.html)>.

<sup>56</sup> *Québec (Commission des droits de la personne et des droits de la jeunesse) v Bombardier Inc. (Bombardier Aerospace Training Center)*, 2010 QCTDP 16 at paras 229, 136, 137, 330 [*Bombardier Tribunal*]. For more information: [canlii.ca/t/flq4c](http://canlii.ca/t/flq4c).

<sup>57</sup> *Ibid* at para 132.

<sup>58</sup> *Ibid* at para 309.

<sup>59</sup> *Pieters*, *supra* note 32 at paras 46, 72.

drawn from circumstantial evidence.”<sup>60</sup> Mr. Latif was not initially given a justification for his U.S. refusal which made proving a link between his national origin and the denial of his security clearance difficult as he did not have all of the information needed to make a connection.

Canadian caselaw has continuously used circumstantial evidence, including sociological data, to inform court decisions.<sup>61</sup> An example is in *Debellefeuille*, a civil racial profiling suit. The Municipal Court held that the complainant was racially discriminated against and arbitrarily detained after grappling with the characterization of racial profiling in a variety of cases. In this case, the driver of a new BMW<sup>62</sup> is stopped by police because he allegedly tossed a cigarette butt on the street and exchanged a hand gesture with an individual “known to police,” implying that the two individuals knew each other<sup>63</sup> and are likely both involved in criminal activity. Upon completing a license plate check, the police held that the driver’s name, “a Quebecois name,” was inconsistent with the “identity of the Black male driver.”<sup>64</sup> Yet, the police officers stated that they primarily stopped the car for the first two reasons. During their cross-examinations, the police provide contradictory testimony, while one officer stated observing a cigarette butt being thrown from the vehicle, the other officer stated never seeing a cigarette butt.<sup>65</sup> This distinction is important as it is an offence to throw a cigarette butt on to the street.<sup>66</sup> The evidence demonstrated that the true cause for stopping Mr. Debellefeuille was the perceived inconsistency between his race and his Quebecois sounding name as the owner of the vehicle.

In *Debellefeuille*, the Municipal Court was tasked with determining the true reason as to why Mr. Debellefeuille was stopped by the police. Throughout the analysis, the Court refers to *R v. Brown*, stating that a racial profiling case can “rarely be proven by direct evidence.”<sup>67</sup> The *Debellefeuille* case reinforces that “if racial profiling is to be proven, it must be done by inferences drawn from circumstantial evidence.”<sup>68</sup> Such an approach helps in determining the presence of racial profiling in statements like Officer Ojeil’s.

When Officer Ojeil was asked again to explain why the name Debellefeuille was not consistent with another "origin", he explained that this was his "knowledge", his "understanding", and he once again explained his experience with Haitian family names such as "Pierre-Joseph." He admitted, however, that he was not familiar with all of the French names that black people had.<sup>69</sup>

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<sup>60</sup> *Campbell*, *supra* note 30 at para 35; *Brown*, *supra* note 28 at para 44.

<sup>61</sup> *Nassiah v Peel Regional Police Services Board*, 2007 HRT0 14 [*Nassiah*]; *Peart v Peel Regional Police Services Board*, 2006 CanLII 37566 [*Peart*]; *Longueuil (City of) v Debellefeuille*, 2012 QCCM 235 [*Debellefeuille*]. For more information: [canlii.ca/t/1rgcm](http://canlii.ca/t/1rgcm) (*Nassiah*), [canlii.ca/t/1pz1n](http://canlii.ca/t/1pz1n) (*Peart*), [canlii.ca/t/fstrc](http://canlii.ca/t/fstrc) (*Debellefeuille*).

<sup>62</sup> CTV News, “Black with a BMW: Longueuil resident wins another racial profiling case against police” (24 April 2018), online: *CTV News* <[montreal.ctvnews.ca/black-with-a-bmw-longueuil-resident-wins-another-racial-profiling-case-against-police-1.3899324](http://montreal.ctvnews.ca/black-with-a-bmw-longueuil-resident-wins-another-racial-profiling-case-against-police-1.3899324)>.

<sup>63</sup> *Debellefeuille*, *supra* note 61 at para 224.

<sup>64</sup> *Ibid* at para 21.

<sup>65</sup> *Ibid* at para 228.

<sup>66</sup> *Ibid* at para 232.

<sup>67</sup> *Ibid* at para 170.

<sup>68</sup> *Ibid*.

<sup>69</sup> *Ibid* at para 49.

While the case mentions that the police officers did not have any reasonable cause to suspect that Mr. Debellefeuille stole the vehicle,<sup>70</sup> this idea seems to be an unstated consideration.

Both *R v Brown* and *R v Campbell* state that individuals are not always aware that they are acting in a discriminatory manner. The “attitude underlying racial profiling is one that may be consciously or unconsciously held”<sup>71</sup> [or intentional or unintentional.]<sup>72</sup> That is, the police officer need not be an overt racist. His or her conduct may be based in subconscious racial stereotyping.”<sup>73</sup>

It is important to underline that Officer Ojeil’s “knowledge” of what constitutes a family name for a French speaking Black man was a factor in Mr. Debellefeuille being stopped. As stated in *Pieters*, the focus in human rights cases should be on the discriminatory results or effects and not the intention of the parties or direct cause of the conduct.<sup>74</sup> Whether unconscious or not, “this knowledge” led the police officers to believe that “this situation was suspect. At first glance, this is a criminal matter. The question arises as to whether the black driver stole the [luxury] vehicle belonging to someone named Debellefeuille.”<sup>75</sup> The Municipal Court determined that Mr. Debellefeuille faced racial discrimination and was arbitrarily detained due to his identity as a Black man.<sup>76</sup>

Similar themes emerge in *Pierre-Louis*, another civil suit. However, the Court of Appeal ruled that Ms. Pierre-Louis and her sons had not been subjected to racial profiling.

In *Pierre-Louis*, a Black female driver was stopped because first, her van was deemed a “vehicle of interest” as the model of her vehicle is allegedly easy to steal and the car parts in high demand on the market. Second, her windshield wiper was allegedly defective.<sup>77</sup> After a license plate check, the officers confirmed that the vehicle was not stolen prior to stopping Ms. Pierre-Louis.<sup>78</sup> During the stop, her two teenage sons, both 17 years old, were asked for identification. The young men provided their bus passes.<sup>79</sup> Police Officer Pelletier addressed Ms. Pierre-Louis as a man stating “Bonjour Monsieur, vos papiers,” which translates into “Hello Sir, your papers.”<sup>80</sup> The reason provided for the stop was to verify the validity of Ms. Pierre-Louis’ documents.<sup>81</sup> According to Officer Pelletier, he stated that “Vous allez pas me jouer la carte du racisme”<sup>82</sup> which translates into “you won’t play the race card on me.” Ms. Pierre-Louis admits to being angry and making negative comments to the police about the stop.<sup>83</sup> Afterwards, the police

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<sup>70</sup> *Ibid* at para 266.

<sup>71</sup> *Brown*, *supra* note 28 at para 8.

<sup>72</sup> *Campbell*, *supra* note 30 at para 34.

<sup>73</sup> *Ibid*; *Brown*, *supra* note 28 at para 8.

<sup>74</sup> *Pieters*, *supra* note 32 at para 111.

<sup>75</sup> *Debellefeuille*, *supra* note 61 at para 193.

<sup>76</sup> *Ibid* at para 285.

<sup>77</sup> *Pierre-Louis c Québec (Ville)*, 2011 QCCS 7551 at para 40 [*Pierre-Louis*]. For more information:

[canlii.ca/t/ft1kd](http://canlii.ca/t/ft1kd).

<sup>78</sup> *Pierre-Louis c Québec (Ville de)*, 2014 QCCA 1554 at para 12 [*Pierre-Louis COA*]. For more information:

[canlii.ca/t/g8rbw](http://canlii.ca/t/g8rbw).

<sup>79</sup> *Pierre-Louis*, *supra* note 77 at para 14.

<sup>80</sup> *Ibid* at para 18.

<sup>81</sup> *Ibid* at para 62.

<sup>82</sup> *Pierre-Louis COA*, *supra* note 78 at para 13.

<sup>83</sup> *Pierre-Louis*, *supra* note 77 at para 20.

officers stated that they would search the car knowing that such an act is against the law.<sup>84</sup> The interaction ends when Ms. Pierre-Louis is given a ticket for her non-signed registration documents.<sup>85</sup> Both police officers claim that they never had the chance to ask whether the vehicle belonged to Ms. Pierre-Louis, nor address the broken windshield wiper.<sup>86</sup> The interaction ends with the police telling Ms. Pierre-Louis that she should see a psychologist.<sup>87</sup>

At trial, the officers stated that they never had the intention to search the car.<sup>88</sup> The officers claim to have only been aware of one Black individual in the car after starting the sirens signalling Ms. Pierre-Louis to stop her vehicle.<sup>89</sup> Officer Caron admitted that he wanted to identify the two Black men due to their race.<sup>90</sup> He claimed to believe that the men might have been his collaborators or informants.<sup>91</sup>

Although the Court of Appeal stated that the parties' testimonies conflicted and that the case included "evidentiary difficulties,"<sup>92</sup> the SPVM Ethics Committee was able to conduct an investigation with the same evidence. Both officers were deemed to have violated art. 5 of the *Code of Ethics of Quebec Police Officers* by stopping Ms. Pierre-Louis to conduct an identity check based on the race of the individuals in the vehicle.<sup>93</sup> The Committee discovered a "minor incident report," which they deemed to be written after the police intervention to justify the stop of Ms. Pierre-Louis' vehicle.<sup>94</sup> The Committee stated that the report did not mention a defective windshield wiper nor that the vehicle was deemed a "vehicle of interest." The report did not include a statement related to race.<sup>95</sup> The report merely mentioned that the vehicle had tinted and very dirty windows. The Committee concluded that this report was written to conceal the real reason for stopping Ms. Pierre-Louis.<sup>96</sup>

This approach accords with *Nassiah*, in which the Ontario Human Rights Tribunal states, "I find the racial profiling social science evidence is relevant because it speaks to, not just the initial decision to stop, detain, pursue an investigation, but also supports the general phenomenon that the *scrutiny applied to the subsequent investigation* is different, more heightened, more suspicious, if the suspect is Black."<sup>97</sup>

There appears to be a mischaracterization of racial profiling and limited use of circumstantial evidence in *Pierre-Louis*. The legal reasoning seems to lack an understanding of the nature and extent of racial biases within Quebec and Canada. Again, as stated in *R v Brown* and *R v Campbell*, racial profiling can be both intentional or unintentional.<sup>98</sup> For instance, the officers claimed that the main reason for stopping Ms. Pierre-Louis was due to her van being a "vehicle

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<sup>84</sup> *Pierre-Louis COA*, *supra* note 78 at para 79.

<sup>85</sup> *Pierre-Louis*, *supra* note 77 at para 21.

<sup>86</sup> *Ibid* at para 93.

<sup>87</sup> *Ibid* at para 96.

<sup>88</sup> *Ibid* at paras 79-80.

<sup>89</sup> *Ibid* at para 52.

<sup>90</sup> *Ibid* at para 109.

<sup>91</sup> *Ibid* at para 110.

<sup>92</sup> *Pierre-Louis COA*, *supra* note 78 at paras 6, 64.

<sup>93</sup> *Ibid* at para 6.

<sup>94</sup> *Ibid* at para 14.

<sup>95</sup> *Ibid*.

<sup>96</sup> *Ibid*.

<sup>97</sup> *Nassiah*, *supra* note 61 at para 134.

<sup>98</sup> *Campbell*, *supra* note 30 at para 34.

of interest.” Before the stop, the officers confirmed that the vehicle had not been stolen by identifying Ms. Pierre-Louis as the owner via a licence plate check. Still, they continue their intervention while no longer having a reasonable cause for the stop. The remaining scrutiny is questionable.

Officer Caron also admits to knowing the race of the vehicle’s occupants before stopping them. This appears to be the true reason for the stop given that a license plate check proved that the vehicle was not stolen. Officer Caron claims that the two Black men might be informants. The question must be asked why he believed that they could be informants and not solely teenagers driving along with their mother?

These facts along with the incident report that fails to mention the broken windshield wiper, instances of racism, and Ms. Pierre-Louis’ vehicle as a “vehicle of interest”<sup>99</sup> is evidence that “is useful in identifying factors or clues which point toward racial profiling/discrimination which might otherwise appear neutral if taken in isolation and without an awareness of the phenomenon of racial profiling.”<sup>100</sup> *Pierre-Louis* is the result of not using circumstantial evidence. This case is important because the decision fails to identify the racially discriminatory acts and practices that took place at Ms. Pierre-Louis’ expense. Similar rulings will allow for more civilians to be treated in this discriminatory manner.

The evolving status of the caselaw has provided courts with a clearer understanding of racialized youth and males’ realities and experiences with racial profiling. For instance, in *R v. Campbell*, Judge Juanita Westmoreland-Traoré states that “socio-economic status is a bifurcated indicator. Young black males are the object of racial profiling if they are well to do and driving expensive cars; they are also the object of racial profiling when they are poor.”<sup>101</sup> This statement is partly illustrated in *Debellefeuille* as he is stopped for driving a new BMW. However, *Pierre-Louis* demonstrates that racial profiling experienced by racialized women merits more attention. Furthermore, *Baptiste* shows that the realities and experiences of racialized women with racial profiling may differ. While courts have a better understanding of males’ experiences with racial profiling, this understanding is not as refined in relation to women’s experiences. While *Baptiste* has similar facts to *Pierre-Louis*, the case was decided differently and proved to be an example for how to use circumstantial evidence in understanding Ms. Baptiste’s perceived dual identity as a Black woman in the context of racial profiling.

In *Ville de Montréal c. Baptiste*, Judge Randall Richmond held that Ms. Baptiste faced both racial and gender profiling while dismissing all charges against her in the form of two tickets, one for allegedly withholding her documents and the other for screaming.<sup>102</sup> Ms. Baptiste was driving her father’s car with a male friend in the passenger seat when she was pulled over by the police. She was on her way to pick up her father.<sup>103</sup> After spotting Ms. Baptiste, the police officers completed a U-turn and began to follow her before stopping the car.<sup>104</sup> After the officers approached Ms. Baptiste’s car, already with her driver’s license, registration, and insurance papers in her hand, she accused them of racism, as she believed to not have committed an

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<sup>99</sup> *Pierre-Louis COA*, *supra* note 78 at para 14.

<sup>100</sup> *Nassiah*, *supra* note 61 at para 131.

<sup>101</sup> *Campbell*, *supra* note 30 at para 81.

<sup>102</sup> *Ville de Montréal c Baptiste*, 2019 QCCM 131 [*Baptiste*]. For more information: [canlii.ca/t/j2cph](http://canlii.ca/t/j2cph).

<sup>103</sup> *Ibid* at para 3.

<sup>104</sup> *Ibid* at paras 4-5.

offence.<sup>105</sup> The officers removed her from the car and handcuffed her.<sup>106</sup> Ms. Baptiste was then granted the previously mentioned tickets.<sup>107</sup> The officers stated that they pulled her over because her brake light was out and because the vehicle that she was driving belonged to a man.<sup>108</sup>

The Municipal Court found that a woman driving a car belonging to a man was not a valid reason for police to stop someone nor is protesting against racial profiling an offence.<sup>109</sup> Judge Richmond explains that stopping a woman for driving a man's car constitutes gender discrimination.<sup>110</sup> He also denounced the police officers' report by asserting that he is unconvinced that the non-functioning brake light was a factor in their decision to stop Ms. Baptiste but rather an added rationalization written in to their case files for stopping Ms. Baptiste.<sup>111</sup> This conclusion is understandable as the police completed a U-turn, passed other cars to catch up to Ms. Baptiste's car, and followed closely behind her for a while, all before igniting their sirens.<sup>112</sup> Moreover, Ms. Baptiste was not given a ticket for the brake light.<sup>113</sup> Based on the police's report, the motivation behind stopping Ms. Baptiste was to check her driver's license.<sup>114</sup>

Judge Richmond completes an analysis of the language used in the report before declaring that the intervention appeared to be a fishing expedition motivated by racial and gender profiling simultaneously.<sup>115</sup> He pinpoints specific words used by the police officers who describe Ms. Baptiste in their report as "hysterical" and an individual unnecessarily screaming at the top of her lungs. The Municipal Court references *Montreal (City of) c. Nelson* to explain how women are often described as hysterical which is a derogatory way of describing a woman to paint a picture of a woman who is out of control, not rational, and not to be taken seriously.<sup>116</sup>

Citing law professors Jones and Norwood in the Iowa Law Review, Judge Richmond states that these portrayals of especially Black women who contest situations of injustice, such as being racially and gender profiled, convey them as "angry Black women" to create an exaggerated effect, diminish their credibility, and increase their perceived blameworthiness.<sup>117</sup>

These intertwining sources of information allow for an intersectional and contextual examination of both Ms. Baptiste's perceived gender and race. The Municipal Court highlights *Montréal (Ville) c. 2952-1366 Québec Inc.* to distinguish between ambient noise (noise of a regular nature) and disruptive noise which interferes with the peaceful enjoyment of a shared public space.<sup>118</sup>

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<sup>105</sup> *Ibid* at para 7.

<sup>106</sup> *Ibid* at para 8.

<sup>107</sup> *Ibid* at para 9.

<sup>108</sup> *Ibid* at para 13.

<sup>109</sup> *Ibid* at para 1.

<sup>110</sup> *Ibid* at para 21.

<sup>111</sup> *Ibid* at para 22.

<sup>112</sup> *Ibid* at paras 5-6.

<sup>113</sup> *Ibid* at para 22.

<sup>114</sup> *Ibid*.

<sup>115</sup> *Ibid* at para 43.

<sup>116</sup> *Ibid* at para 15.

<sup>117</sup> *Ibid* at para 17.

<sup>118</sup> *Ibid* at para 27.

Given Ms. Baptiste's stop on the Jacques-Cartier bridge, her screams were classified as ambient noise because the fast circulation of the vehicles were likely louder than her voice. It is also improbable that her voice was disturbing the peace.<sup>119</sup>

Judge Richmond stated that it is important to understand the context of the situation.<sup>120</sup> This civil suit was found to contain an arbitrary detention motivated by gender and racial discrimination,<sup>121</sup> partly due to the Municipal Court's disbelief of the police's testimony. It was held that if the officers could see that a woman was driving and that a man was sitting in the passenger seat, it is unconceivable that they did not see the race of the individuals in the vehicle.<sup>122</sup>

Judge Richmond asks for prudence in how these reports are read underlining that such depictions are often used to increase or decrease the truth to produce a specific effect. For this reason, he asserts that "it should be avoided in official documents, especially those which may be filed in evidence before a court of law."<sup>123</sup> This warning is important as this caselaw review has included two cases, *Baptiste* and *Pierre-Louis*, in which incident reports were used to augment the perceived guiltiness of the complainants as well as rationalize stopping them.

This plea for prudence in *Baptiste* seems to derive from an understanding that there is a systemic problem related to racial profiling in policing. For instance, in *Nassiah*, a case about a Black woman that was wrongly accused of shoplifting, the Human Rights Tribunal of Ontario (HRTO) stated:

What is new (in the last two decades) is the mounting evidence that this form of racial discrimination is not the result of isolated acts of individual "bad apples" but part of a systemic bias in many police forces. What is also new is the increasing acceptance by the Courts in Canada that racial profiling by police occurs in Canada and the willingness to scrutinize seemingly "neutral" police behaviour to assess whether it falls within the phenomenon of racial profiling.<sup>124</sup>

This quote is further complemented by *Peart*, where the Ontario Court of Appeal stated that:

The community at large and the courts, in particular, have come, some would say belatedly, to recognize that racism operates in the criminal justice system [...] With this recognition has come an acceptance by the courts that racial profiling occurs and is a day-to-day reality in the lives of those minorities affected by it. Indeed, as the evidence in this case indicates, police forces, including the Board, acknowledge the existence of racial profiling and accept that it has no place in law enforcement. The Board has designated racial profiling as a prohibited practice for which officers are subject to disciplinary action.<sup>125</sup>

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<sup>119</sup> *Ibid* at paras 31-32.

<sup>120</sup> *Ibid* at para 30.

<sup>121</sup> *Ibid* at para 43.

<sup>122</sup> *Ibid* at para 23.

<sup>123</sup> *Ibid* at paras 16-17.

<sup>124</sup> *Nassiah*, *supra* note 61 at para 113; Sunil Gurmukh, "Interrogating the Definition of Racial Profiling: A Critical Legal Analysis" in Lorne Foster, Lesley Jacobs, Bobby Siu & Shaheen Azmi, eds, *Racial Profiling and Human Rights in Canada: The New Legal Landscape*, (Toronto: Canada: Irwin Law Inc., 2018) 59 at 68.

<sup>125</sup> *Peart*, *supra* note 61 at para 94; Gurmukh, *supra* note 124 at 68.

Highlighting the re-occurring themes among these cases provides an idea for what practices are present in instances of racial profiling. In both, *Baptiste* and *Pierre-Louis*, although the drivers are not given tickets for their defective windshield wiper or non-functioning brake light, these are factors that are held as reasons for stopping the drivers in testimony evidence provided by the officers. Also important, once those reasons are deemed unfounded, a license verification is often used as a reason for the stop.

Another constant theme is the “vehicle of interest” label. In both, *Pierre-Louis* and *Debellefeuille*, there is an unstated assumption that the vehicle has been stolen. Even once the license plate is checked and the vehicle is proven to belong to the owner, there is a sense of skepticism that still remains. For instance, the officer chose to stop Ms. Pierre-Louis with the knowledge that the vehicle she was driving belonged to her. In Mr. Debellefeuille’s case, for the police, it was impossible that a Black man could be the owner of a new BMW.

These themes are constantly present in racial profiling cases, especially in the context of the reasons provided for police stops. Still, these patterns provide a characterization of racial profiling which should be held as circumstantial evidence in courts due to their constant re-emergence. This reasoning is synonymous with *Peart*, in which it was stated that “the courts, assisted by various studies, academic writings, and expert evidence have come to recognize a variety of factual indicators that can support the inference that the police conduct was racially motivated, despite the existence of an apparent justification for that conduct.”<sup>126</sup> Thus, even the courts have found that there are behaviours that the police engage in that are racially motivated and infringe individuals’ legal rights in the form of racial discrimination. With this knowledge, can we blame individuals like Ms. Baptiste and Ms. Pierre-Louis who are frustrated due to likely being constant victims of racial profiling?

The way that the law has handled these cases leaves us with little certainty. Although, this section has demonstrated both successful and unsuccessful claimants, it is important to report these cases to the CDPDJ. Furthermore, *Pieters* clarifies that discrimination can rarely be proven by direct evidence, especially in racial discrimination cases. As such, a finding of discrimination will more often be determined by circumstantial evidence and inferences.<sup>127</sup> This approach includes a consideration of the context of the situation and a systemic analysis of discrimination, which will better uphold people’s dignity through the respect of their legal rights and lead to more court decisions that more closely examine the evidence linked to cases of profiling.

This approach is necessary because, as demonstrated above, proving instances of discrimination is difficult. This fact is illustrated most explicitly in *Pierre-Louis*. Although Officer Caron admitted to knowing the race of the vehicle’s occupants before stopping them, this fact did not constitute a factor in their claim for racial profiling. Such cases provide an example as to why people do not report their experiences with racial profiling.

Still, there are cases such as *Pieters*, *Baptiste*, and *Debellefeuille*, in which circumstantial evidence, including research studies and expert testimony, have assisted courts in making appropriate inferences in deciding racial discrimination cases. While there are inconsistencies present within the caselaw related to racial discrimination, individuals’ experiences of racial profiling must be reported so that the practice and its extent is documented, complainants are

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<sup>126</sup> *Peart*, *supra* note 61 at para 95; Gurmukh, *supra* note 124 at 68.

<sup>127</sup> *Pieters*, *supra* note 32 at paras 72, 111.

compensated, respondents are deterred, and the practice is eliminated. However, this reality cannot be realized without a shift from the *Pierre-Louis* and *Bombardier* decisions. Future court decisions regarding racial discrimination cases must include a realistic understanding of the extent of racial biases within Quebec and Canada and the usage of inferences supported by circumstantial evidence when possible and appropriate to address mistreatment and uphold citizens' legal rights.

## Literature Review

Research projects dating back to 1984<sup>128</sup> have shown that racial profiling is a major problem in Quebec. In 2010, a report was published by Mathieu Charest and commissioned by the SPVM. The report describes the SPVM's practices related to street checks.<sup>129</sup> The report holds that the proportion of young Black men stopped and questioned by police in Montreal's sensitive neighbourhoods is too high (approximately 40%) and amounts to 'fishing expeditions.'<sup>130</sup>

The report demonstrates that between the years 2001-2007, police identification checks on individuals increased at a rate of 126% in Montreal-Nord, 91% in St-Michel, and 60% in Montreal,<sup>131</sup> areas known to receive a lot of police attention. This significant increase affected mostly Black communities. By 2006-2007, approximately 30-40% of young Black men were subjected to police identity checks compared to 5-6% of non-racialized youth.<sup>132</sup> Yet, solely 5% resulted in arrests or infractions.<sup>133</sup> Charest concludes that a vast majority of these street checks are arbitrary or malicious.<sup>134</sup>

The CDPDJ's 2010 report describes the findings of a province-wide consultation. The report identified public security, education, and social services as the three main sectors in which racial profiling is prevalent.<sup>135</sup> In the public security sector, racial profiling manifests itself as public or private security officers targeting racialized youth based on security or crime prevention.<sup>136</sup> The report highlights that Black people are often stopped when driving without a valid reason.<sup>137</sup> In such instances, an identification verification of all occupants in the vehicle may be administered.<sup>138</sup> Police interventions have been associated with the highest reported rates of racial profiling.<sup>139</sup>

In the education sector, racialized youth are often the targets of stricter disciplinary action in elementary and high schools.<sup>140</sup> These measures have a severe impact on youth, who lose motivation easily after being absent from school for long periods of time. The long-term effects of this phenomenon lead to higher rates of failure, drop-out, and less prestigious academic paths

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<sup>128</sup> Anne-Marie Livingstone, Ted Rutland & Stephane Alix "Le Profilage Racial dans les Pratiques Policières: Points de Vue et Expériences de Jeunes Racisés à Montréal" (2018) at 9, online (pdf): *Office de consultation publique de Montréal* <[ocpm.qc.ca/sites/ocpm.qc.ca/files/pdf/P100/8-45\\_mtlsansprofilage.pdf](http://ocpm.qc.ca/sites/ocpm.qc.ca/files/pdf/P100/8-45_mtlsansprofilage.pdf)>.

<sup>129</sup> Quebec, Service de police de la Ville de Montréal, *Mécontentement populaire et pratiques d'arrestation du SPVM depuis 2005: Doit-on garder le cap après la tempête?* (Brouillon), by Mathieu Charest, (March 2009) at 1.

<sup>130</sup> *Ibid* at 10.

<sup>131</sup> *Ibid* at 1.

<sup>132</sup> *Ibid*.

<sup>133</sup> *Ibid*.

<sup>134</sup> *Ibid*.

<sup>135</sup> CDPDJ Consultation Document, *supra* note 2 at 5.

<sup>136</sup> *Ibid*.

<sup>137</sup> *Ibid* at 6, 9, 11, 13.

<sup>138</sup> *Ibid* at 11, 13.

<sup>139</sup> *Ibid* at 5.

<sup>140</sup> *Ibid* at 22.

among racialized youth.<sup>141</sup> Moreover, they are increasingly streamed into alternative programs.<sup>142</sup> For instance, welcoming classes are mandatory for allophone students integrating into Quebec's education system. These students are often encouraged to enter employment training after their integration into regular courses.<sup>143</sup>

Through the provision of social services, racialized youth are often the victims of racial profiling and discrimination when reported to the Department of Youth Protection (DYP) and throughout decision-making processes.<sup>144</sup> For instance, families of Haitian origin reported to the DYP are often assigned "Treatment Code 1."<sup>145</sup> This codification is reserved for emergencies that may involve the removal of the child due to safety concerns. Eliminating the over usage of this code is important in reducing the amount of racialized families that are targeted and unnecessarily separated.

Racial profiling is present in all the sectors mentioned above but most aggressively prevalent in the public security sector.<sup>146</sup>

In 2011, a more detailed version of the CDPDJ's previously mentioned report was published. Also based on public consultations, this updated version focuses on the act and consequences of racial profiling and the systemic discrimination of racialized youth. In concurrence with the previous report, it found that racialized groups are often targeted by police because police officers are likely to make negative assumptions based on stereotypes that these groups are more prone to criminal behaviour than non-racialized groups. Within the Quebec context, people who are perceived as Black, Latin American, South Asian, Indigenous, Muslim, and as having Arab origins are at risk of being racially profiled.<sup>147</sup> Young people among these groups are more likely to be targets of racial profiling as they are more likely to occupy public spaces such as parks, shopping centres, and metro stations.<sup>148</sup> Bernard & McAll also found that Black youth, as identified by police, are surveilled more by police and security guards than those identified as White.<sup>149</sup>

In the report, "several participants [...] indicated that the over-representation of racialized persons among those questioned by the police is probably due to the arbitrary and disproportionate application of certain by-laws or administrative guidelines."<sup>150</sup> The report further delineates that police hold a large amount of discretionary power "in the application of by-laws and in their role as guardians of public order."<sup>151</sup> Several by-laws are written vaguely, allowing for police's

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<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid* at 24-25.

<sup>143</sup> *Ibid* at 26.

<sup>144</sup> *Ibid* at 30-31.

<sup>145</sup> *Ibid* at 32.

<sup>146</sup> *Ibid* at 5.

<sup>147</sup> CDPDJ Consultation Report, *supra* note 3 at 10.

<sup>148</sup> *Ibid* at 11.

<sup>149</sup> Léonel Bernard & Christopher McAll "La mauvaise conseillère" (2010) 3:1 *Revue du CREMIS* 7 at 8 (online).

<sup>150</sup> CDPDJ Consultation Report, *supra* note 3 at 30.

<sup>151</sup> *Ibid.*

discretionary power to be applied alongside their personal interpretations across various contexts.<sup>152</sup>

In 2018, Livingstone, Rutland & Alix conducted a research study based on interviews with 48 youth aged 15-28 living in St-Michel, which is known as one of the most racially diverse and poorest neighbourhoods in Montreal.<sup>153</sup> The young people living in this neighbourhood have reported being the subjects of “widespread and systemic” racial profiling by the SPVM. Similarly to the participants of the CDPDJ’s report, released in 2011, these youth experienced racial profiling in parks, streets, housing complexes, and on public transportation.<sup>154</sup>

Racial profiling also “comprises a continuum of practices, from police surveillance to street-level interceptions, and the exercise of coercion and violence.”<sup>155</sup> In their study, “racial profiling was observed in the ticketing and arrests of youth for small offenses and in acts of police intimidation, verbal threats, and physical violence.”<sup>156</sup> Moreover, Livingstone, Rutland & Alix highlight that the SPVM’s fight against street gangs and incivilities (spitting, littering, or loitering) are approaches that excessively target young people from specific racialized groups.<sup>157</sup>

The report includes a wide range of testimonials, from daily harassment to explicit racism and violence. For instance, one young man reported that “[police officers] called [him] a dirty n\*\*\*er [...]. They told [him] to go back to [his] country. They called [him] a monkey, an orangutan.”<sup>158</sup> In turn, racial profiling is a major factor contributing to the rise of mental health challenges within the racialized community, including trauma, stress, fear, and insecurity.<sup>159</sup> The practice of racial profiling has taught racialized youth to distrust police and has undermined their identities and sense of citizenship.<sup>160</sup> The above mentioned example demonstrates the horrific degree to which racial profiling is still a reality in Montreal.

In August 2019, Victor Armony, Mariam Hassaoui & Massimiliano Mulone released a report based on data collected and generated by the SPVM concerning their stopping and questioning of Montreal citizens from 2014-2017.<sup>161</sup> The report revealed that in comparison to White people,

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<sup>152</sup> *Ibid.*

<sup>153</sup> Livingstone, Rutland & Alix, *supra* note 128 at 7, 31.

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid* at 9.

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid* at 8.

<sup>158</sup> Steve Rukavina “Racial profiling by Montreal police ‘widespread and systemic’ in Saint-Michel, report says”, *CBC News* (04 December 2018), online:

[www.cbc.ca/news/canada/montreal/racial-profiling-by-montreal-police-widespread-and-systemic-in-saint-michel-report-says-1.4932045](http://www.cbc.ca/news/canada/montreal/racial-profiling-by-montreal-police-widespread-and-systemic-in-saint-michel-report-says-1.4932045).

<sup>159</sup> Robert T. Carter & Janet E. Helms, “Racism and Race-Based Traumatic Stress: Toward New Legal and Clinical Standards” (2009) 9:5 *Law Enforcement Executive Forum* 113 at 119; Livingstone, Rutland & Alix, *supra* note 128 at 9.

<sup>160</sup> Livingstone, Rutland & Alix, *supra* note 128 at 9-10.

<sup>161</sup> Victor Armony, Mariam Hassaoui & Massimiliano Mulone, “Les interpellations policières à la lumière des identités racisées des personnes interpellées: Analyse des données du Service de Police de la Ville de Montréal

both Indigenous and Black people were 4-5 times more likely to be stopped and questioned by the police.<sup>162</sup> More specifically, Indigenous women were 11 times more likely to be stopped and questioned by police when compared to White women.<sup>163</sup> Arab people were 2 times more likely to be stopped and questioned by police, but Arab youth (15-24 years old) were 4 times more likely to be stopped and questioned by police.<sup>164</sup> The researchers state that these groups are over-arrested, over-stopped, and over-questioned by police.<sup>165</sup>

Racial profiling by the SPVM, STM, and security guards negatively impacts individuals, communities, and our broader society. At the individual level, racial profiling can have detrimental effects on one's emotional and psychological wellbeing,<sup>166</sup> in the form of depression, stress, post-traumatic stress disorder, anxiety, and anger.<sup>167</sup> Discrimination also has a direct impact on the physical health of those profiled. This is manifested through high blood pressure, heart disease, and a decrease in the function of the immune system.<sup>168</sup> Youth have also reported feeling fearful and distrusting of police and the justice system, as they are targeted, scrutinized, marginalized, made to feel insecure in their own neighbourhoods, and excluded from their own country.<sup>169</sup> These sentiments hold especially true for youth who are Canadian born citizens.<sup>170</sup>

Within communities, racial profiling by police instills a fear-based culture of being over-watched and under-protected by the people who are meant to serve and protect them. Racialized family members have reported instructing their children to avoid the police as a means of protection.<sup>171</sup> Often, racialized communities are criminalized, youth from Latin American and Black communities are often perceived as drug dealers or gang members.<sup>172</sup> Within society, racial profiling maintains and reinforces structural systems of oppression, whereby racialized groups are treated differently than non-racialized groups by those in positions of power. As mentioned earlier, it leads to the overrepresentation of racialized people in the justice system, crippling communities of colour physiologically and economically. The practice also continues to perpetuate racist social norms and negative assumptions about racialized people (e.g. racialized people are criminals, drug dealers, gang members, etc.). The current mistrust of police by racialized communities has been learned due to incessantly being the victims of racial profiling.<sup>173</sup>

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(SPVM) et élaboration d'indicateurs de suivi en matière de profilage racial" (2019) at 13, online (pdf): *Service de police de la Ville de Montréal* <[spvm.qc.ca/upload/Rapport\\_Armony-Hassaoui-Mulone.pdf](http://spvm.qc.ca/upload/Rapport_Armony-Hassaoui-Mulone.pdf)>.

<sup>162</sup> *Ibid* at 10; Bernard & McAll, *supra* note 149 at 8.

<sup>163</sup> Armony, Hassaoui & Mulone, *supra* note 161 at 11.

<sup>164</sup> *Ibid* at 10.

<sup>165</sup> *Ibid*.

<sup>166</sup> CDPDJ Consultation Document, *supra* note 2 at 18; Ontario Human Rights Commission, "Racial profiling inquiry: Major themes (fact sheet)" (n.d.), online: *Ontario Human Rights Commission* <[www.ohrc.on.ca/en/racial-profiling-inquiry-major-themes-fact-sheet](http://www.ohrc.on.ca/en/racial-profiling-inquiry-major-themes-fact-sheet)>.

<sup>167</sup> Carter & Helms, *supra* note 159 at 119.

<sup>168</sup> *Ibid*.

<sup>169</sup> CDPDJ Consultation Report, *supra* note 3 at 24.

<sup>170</sup> *Ibid*.

<sup>171</sup> *Ibid* at 3.

<sup>172</sup> *Ibid* at 14; Livingstone, Rutland & Alix, *supra* note 128 at 10.

<sup>173</sup> *Baptiste*, *supra* at 102; *Johnson v Halifax (Regional Municipality) Police Service*, 2005 NSCA 70 [*Johnson*]; *Nassiah*, *supra* note 61; *Debellefeuille*, *supra* note 61. For more information: [canlii.ca/t/1knrd](http://canlii.ca/t/1knrd) (*Johnson*).

Based on various public testimonials shared regarding the experiences and impact of racial profiling on racialized groups in Montreal, the above mentioned reports have made extensive recommendations on how to address racial profiling. Yet, the practice continues at alarming rates, some of which will never be reported.

## Head & Hands' Project X Research Project

### A. Description of Head & Hands

Since 1970, we have provided medical, legal, and social services to Montreal youth. Today, our services include free weekly drop-in medical clinics, legal information and consultations, counselling, a young parents' program, youth drop-in, tutoring, street workers, and the Sense Project, a peer-based sex education program held in high schools.

At Head & Hands, we believe that the health of our entire community rests on the health of the community's youth. We envision a society in which all youth are participants and are inspired by the endless possibilities available to them. Our approach is preventative, inclusive, non-judgmental, and holistic. We facilitate social change and the empowerment of youth based on youths' current needs within the community and society at large.

### B. Project X and the purpose of this research project

Text

For many years, youth have shared their experiences and worries related to racial profiling by the police and STM officials with multiple staff members. In 2007, we launched Project X to address these experiences of racial injustice against racialized youth, predominantly aged 12-17. Project X is committed to documenting youths' experiences of racial discrimination with police, STM officials, and security guards. The program allows youth to voice their experiences and have them validated through both social and educational workshops that provide them with tools to address racial profiling while upholding their legal rights during interactions with law enforcement.

The project focuses on the practice of racial profiling in the public security sector in Montreal. This includes describing the practice of racial profiling by examining interactions between racialized youth, aged 14-30, and representatives of that sector (police, STM officials, and security guards). Our target population is youth aged 12-25. For this research project, the age range was extended to capture racial profiling in the driving context.

Although racial profiling is a known phenomenon, there is a gap in the literature regarding the practice. Through Project X, this exploratory research project aims to gain a better understanding of racial profiling. The project's research question seeks to uncover how racial profiling is experienced in the public security sector in Montreal, Quebec. A primary objective of this project is to raise awareness about the practice of racial profiling, as a form of racial discrimination, that is very present in our community. This project attempts to encourage dialogue about the injustice of racial profiling and its consequences within organizations, institutions, and communities, as well as on individuals within Montreal. For instance, racialized persons may feel that no matter their actions they will be judged by their race and consequently subjected to unfair, biased, or harmful treatment by public security sector officials, such as police, STM officials, and security guards.

### C. Research Methods

We began this research project in May 2019. The development of the survey was a collaborative process amongst the Legal Team and other members of our staff. The Legal Team created questions based on youths' shared testimonials. The focus was on documenting daily occurrences of racial profiling and creating questions that captured those experiences. The survey, in English and French, underwent 3-5 drafts each before being accepted by the Legal Team and other members of our staff. Before their release, both questionnaires were tested by our staff members and a few youth. On October 11, 2019, we launched the questionnaire in both English and French on our Facebook and Instagram pages.

Our approach to sampling was multifaceted, allowing for the completion of 128 questionnaires. It is important to note that as racial profiling is a complex and sensitive topic, obtaining 128 completed questionnaires was not easy.

During October 2019, our Project X Coordinator and volunteers visited Snowdon metro asking youth to complete questionnaires on racial profiling. We believed that Snowdon metro would be a popular location to speak with youth due to the proximity of many fast-food restaurants. Metros typically have many youth entering and exiting the metro. Additionally, Snowdon is a metro that has two metro lines, thus increasing the amount of people at that specific metro.

While two youth answered the questionnaire, many stated that they did not have the time. Youth were rushing in or out of the metro to various destinations. Although the questionnaire was emailed or texted to these individuals, we do not know if they completed it.

After an hour, we visited Dawson College. We believed that the CEGEP environment would provide us with access to a diversity of youth who were waiting for classes to begin or socializing with friends and thus would have time to complete the questionnaire.

We approached groups of youth and asked them whether they would want to complete a questionnaire concerning their experiences with racial profiling. While most youth were receptive to hearing about the project, some refused to complete the questionnaire. Others were excited to share their experiences. In fact, one young man waved the Project X Coordinator over to his location and asked to participate. Later that week, we visited Université du Québec à Montréal (UQAM), as we wanted to include Francophones and young adults in our study. Although the university was not as busy as Dawson College, a few people completed the questionnaire.

In November, various community organizations located in the West Island, NDG, Little Burgundy, Lachine, Montreal-Nord, St-Michel, and downtown serving youth, were asked to share the questionnaire with the youth that used their services. To preserve the confidentiality of the youth, no organization will be directly named.

Throughout the data collection process, the Project X Coordinator spoke with her supervisors to discuss preliminary responses and prospective locations and community organizations through which to meet potential respondents. On December 10, 2019, the data collection was completed. The Project X Coordinator analyzed the information that had been collected through a survey platform, named Microsoft Forms Pro. Both an English and French questionnaire were created and used via the survey platform. Participants were also given the choice of completing print copies of the questionnaire, available in both French and English. The results of the print surveys were entered into the survey platform by the Project X Coordinator and one volunteer. At the end of the data collection process, all 128 responses were entered into the English version of the survey platform. Through the survey platform, preliminary descriptive statistics and an Excel spreadsheet were automatically generated. The Project X Coordinator then discussed the interpretations of the research findings with her supervisors.

Additionally, three in-depth qualitative interviews were conducted by the Project X Coordinator with individuals who had multiple and various experiences with racial profiling in Montreal. The goal was to gain a greater understanding of racial profiling and how it affects youth's everyday lives as well as to discuss solutions to eliminate the practice. Another objective was to see if the themes highlighted in the questionnaire results mirrored the interviewees' experiences. The interviewees were selected based on their interest in being interviewed and their experiences with racial profiling as described by their responses in the original questionnaire.

The interviews lasted approximately two hours each. The interviewees' ages ranged from 23-26 at the time of the interviews. The first interviewee, Nadia identifies as female, Arab, and Muslim. Trevor identifies as male and Black. Carlos identifies as Latin American and male. These interviewees lived in Hochelaga-Maisonneuve, Pierrefonds, and le Plateau at the time of the interviews. The interviews were based on the interview guide prepared by the #MTLSansProfilage research group (and are included in the annexes below). The respondents were questioned about their positive and negative experiences with police, security guards, and STM officials in Montreal.

Consent was given verbally from all interviewees after being informed about their involvement and the goals of the interview portion of the research project. This information was given orally by the Project X Coordinator and via a written consent form. To thank participants for their time and insights, each participant received a \$50 Visa gift card. These gift cards were not mentioned until the end of the interview.

In total, 128 questionnaires were completed and 3 interviews were conducted. The respondents were youth between the ages of 14 and 30, including both racialized and non-racialized individuals. The findings are divided into three sections: demographics, youths' experiences with racial profiling, and youths' responses to police interventions. Finally, this report was written by the Project X Coordinator in collaboration with other Head & Head staff members.

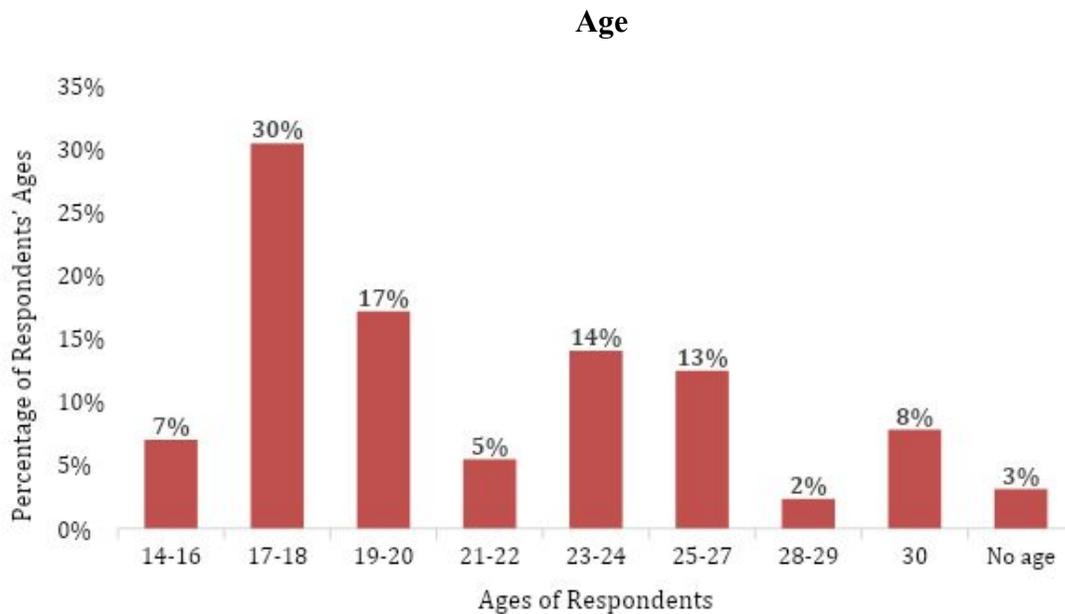
When approaching potential participants about completing the questionnaire, some needed to be assured that their responses would remain anonymous. Participants seemed to appreciate the fact that the Project X Coordinator and our volunteers all belong to a racial community. Additionally,

individuals appreciated that a community organization was leading the research project. These facts may have contributed to participants' willingness to complete the questionnaire.

Most respondents are English-speaking, as we and our community partners serve, predominantly, anglophone communities. Although a majority of the respondents live in Montreal's central boroughs, we cannot claim that the findings of this research project are significantly representative of all youths' experiences.

## Results

### A. Demographics

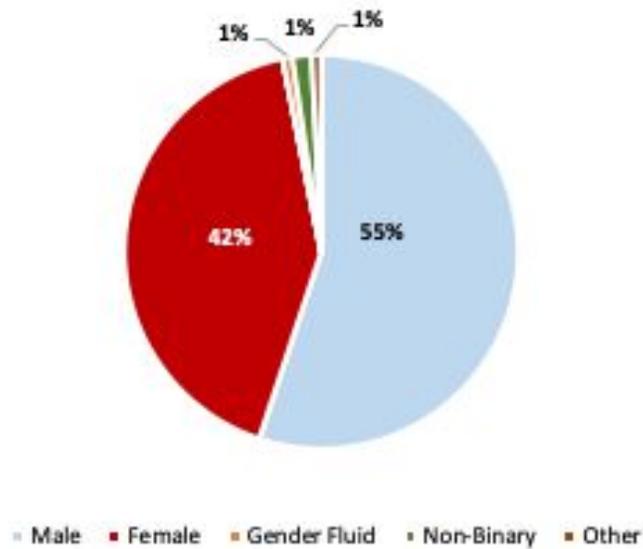


Youth who are 17-18 years of age account for the highest proportion of respondents at 30%. Participants aged 19-20 account for 17% collectively. These two age groups reflect nearly half of all respondents (47%). The data demonstrates that the current pool of respondents is very young considering that the admissibility age goes until 30.

The demographics for age are as follows: 14-16 years old (7%), 17-18 years old (30%), 19-20 years old (17%), 21-22 years old (5%), 23-24 years old (14%), 25-27 years old (13%), 28-29 years old (2%), and 30 years old (8%). Four (4) respondents did not disclose their age (3%).



## Gender: Self-Identification



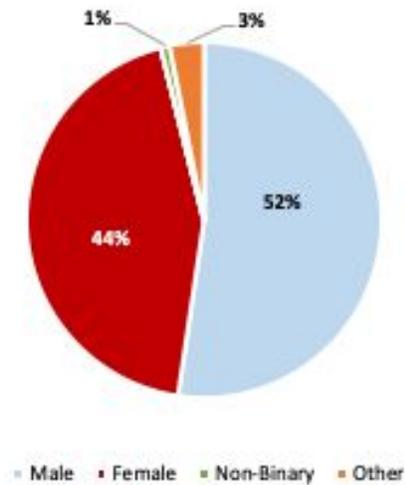
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The largest proportion of respondents identified as male (55%), accounting for more than half of the participants of the survey. The participants who identified as female represent 42% of all respondents, while solely 1% identified as non-binary, 1% as gender fluid, and 1% as “other”, more specifically, as a Trans Woman. No respondents identified as transmaculine, transfeminine, or androgynous.

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<sup>174</sup> Categories were taken from the Government of Canada’s Gender and sexual diversity glossary: Government of Canada, “Gender and sexual diversity glossary” (22 February 2019), online: *Government of Canada* <[www.btb.termiumplus.gc.ca/publications/diversite-diversity-fra.html](http://www.btb.termiumplus.gc.ca/publications/diversite-diversity-fra.html)>.

### Gender: Perception of Public Security Sector Workers'



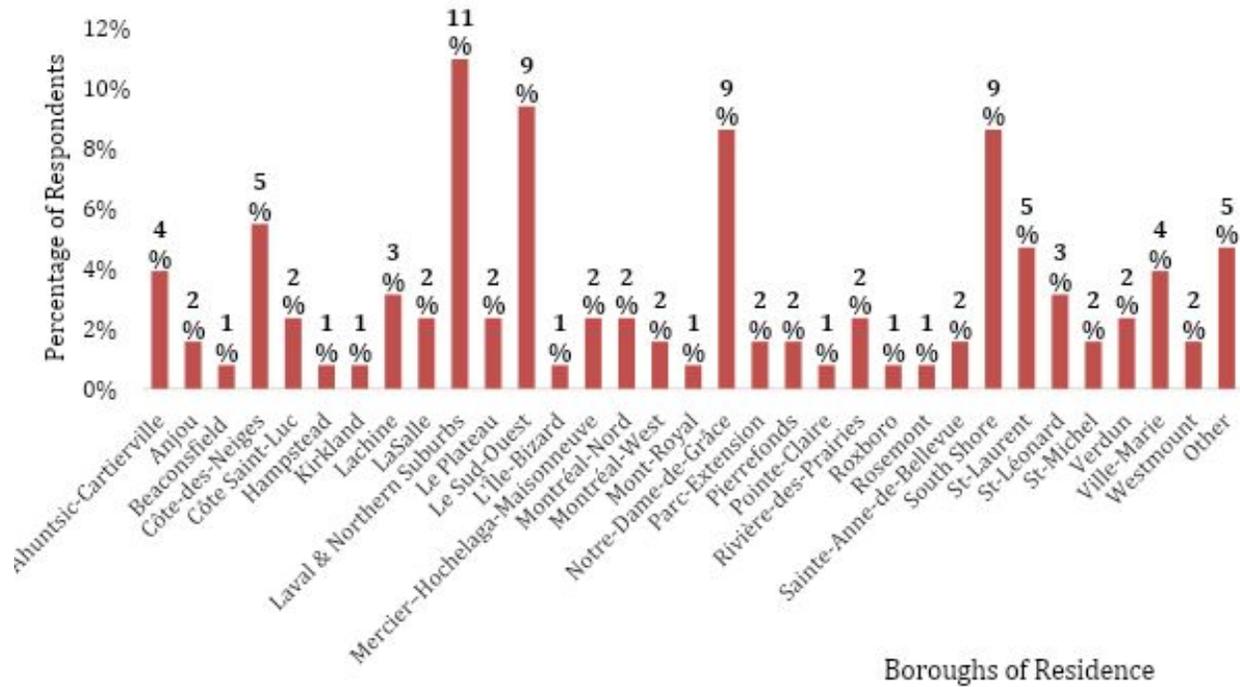
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Most respondents stated that public security sector workers view their gender as male (52%). 44% of respondents submitted that their gender is perceived as female. Merely 1% of respondents stated that their gender is regarded as non-binary, and 3% as “other”. No respondents stated that they felt that public security sector workers (police, STM officials, and security guards) perceive their gender as transmasculine, transfeminine, gender fluid, or androgynous.

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<sup>175</sup> *Ibid.*

## Boroughs of Residence



The largest number of respondents either indicated Laval (9%) or Notre-Dame-de-Grâce (9%) as their borough of residence, followed by Le Sud-Ouest (7%), the South Shore (7%), Côte-des-Neiges (5%), and St-Laurent (5%).

The demographics for the other neighbourhoods listed in the graph are as follows: Ahuntsic-Cartierville (4%), Anjou (2%), Beaconsfield (1%), Côte Saint-Luc (2%), Hampstead (1%), Kirkland (1%), Lachine (3%), LaSalle (2%), Le Plateau (2%), L'Île-Bizard (1%), Mercier-Hochelaga-Maisonneuve (2%), Montréal-Nord (2%), Montréal-West (2%), Mont-Royal (1%), Parc-Extension (2%), Pierrefonds (2%), Pointe-Claire (1%), Rivière-des-Prairies (2%), Roxboro (1%), Rosemont (1%), St-Léonard (3%), St-Michel (2%), Verdun (2%), Ville-Marie (4%), and Westmount (2%).

The “other” option yielded 5% of responses. No respondents reported living in Baie-d'Urfé, Dollard-des-Ormeaux, Dorval, Pointe-aux-Trembles, St-Geneviève, or Villeray.

Throughout the interviews, youth stated that certain neighbourhoods are more targeted by police than others. For instance, Carlos pinpointed Cote-des-Neiges (near Plamondon metro), as a culturally diverse neighbourhood that attracts a strong police presence where Black, Arab, Indigenous, or homeless people are often stopped by police.<sup>176</sup>

<sup>176</sup> Interview of Carlos by Rose (13 January 2020).

Similarly, Nadia stated that in her current neighbourhood, Maisonneuve-Hochelaga, and past neighbourhood, Pierrefonds, racialized youth are often targeted by police.<sup>177</sup> This sentiment was confirmed by Trevor, who lives in Pierrefonds, and was taunted by police who believed that he lived in A-Ma-Baie, a neighbourhood where many newly arrived immigrants live, which is known as one of the poorest neighbourhoods in the West Island.<sup>178</sup> Nadia said that youth were often subjected to harassment. She shared a story about her friend, aged 18 or 19 at the time, who was playing music in his car. Suddenly, three to four police cars appeared, demonstrating the excessiveness of the intervention. He was escorted home and his parents were told that he had been loud in a public space.<sup>179</sup> The interviewees agreed that racialized youth are often perceived as troublemakers, sometimes only because of the neighbourhood that they live in.<sup>180</sup>

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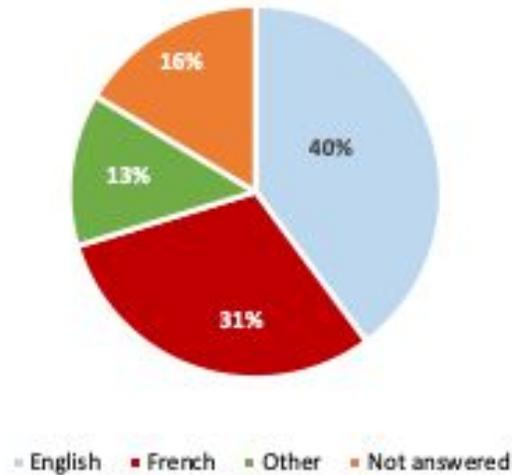
<sup>177</sup> Interview of Nadia by Rose (19 December 2019).

<sup>178</sup> Interview of Trevor by Rose (22 December 2019).

<sup>179</sup> Nadia, *supra* note 177.

<sup>180</sup> Carlos, *supra* note 176; Nadia, *supra* note 177; Trevor, *supra* note 178.

## Primary Language



Most participants indicated English (40%) as their primary language, followed by French (31%). Other primary languages reported (13%) included Spanish, Hausa, Persian, Tamil, Arabic, Swahili, Cantonese, Turkish, Berber, Thai, Lingala, and Bengali. Interestingly, 16% of respondents did not answer this question.

It is worth mentioning that we and our community partners serve a predominantly anglophone community. Additionally, a large number of respondents attend Dawson College, an English CEGEP located in downtown Montreal. This may explain the larger proportion of respondents who selected English as their primary language.

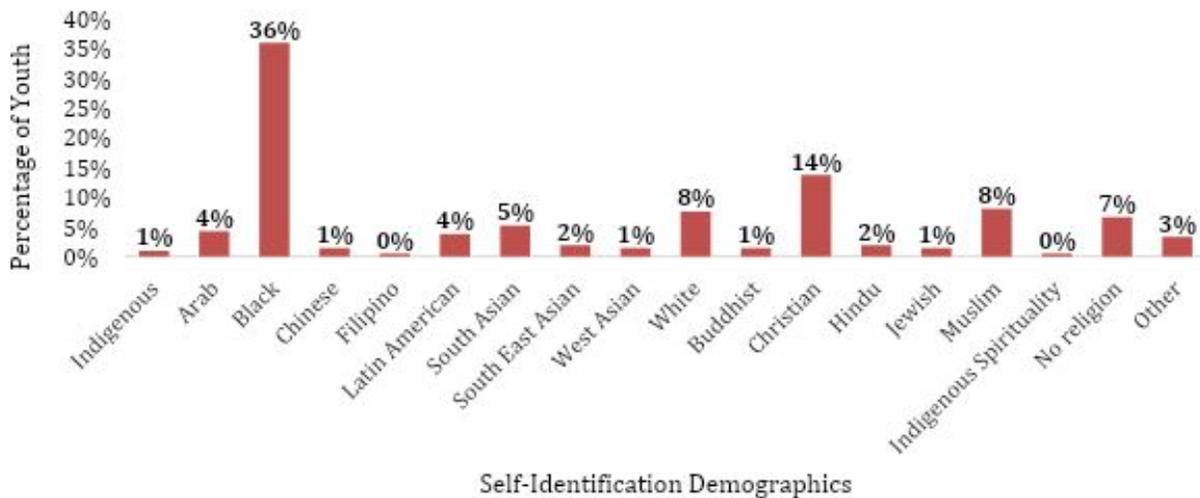
Carlos and Trevor both spoke about linguistic discrimination in Quebec against people who do not speak French. Carlos shared an experience on the bus in which a bus driver spoke to him and his friend in a curt manner while they were communicating with each other in English. However, the driver became friendly when Carlos' friend spoke to him in French.<sup>181</sup> Trevor shared his hope that in the near future, public security sector workers will choose to take the time to communicate to citizens in their preferred language, including English and other languages.<sup>182</sup>

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<sup>181</sup> Carlos, *supra* note 176.

<sup>182</sup> Trevor, *supra* note 178.

## Self-Identification: Background Demographics



183

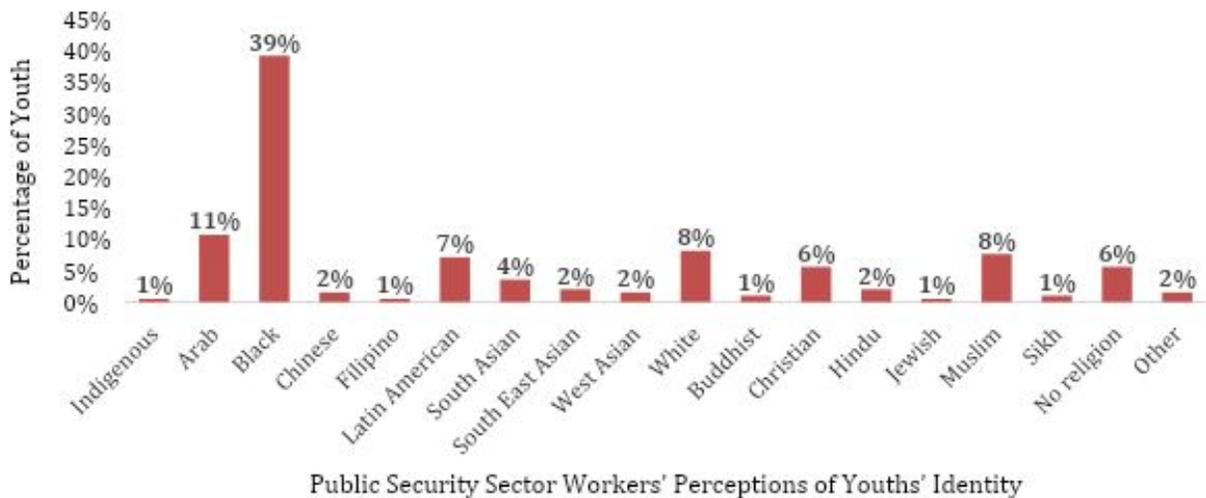
Participants were asked to select all applicable categories. As such, many respondents indicated that they identify with more than one category. For instance, some respondents identified as both Black (African, Haitian, Jamaican, etc.) and White (Caucasian). Also important, some respondents reported only identifying with one category, for instance, Christian or no religion.

The greatest proportion of respondents identified as Black (African, Haitian, Jamaican, etc.) at 36%. The next largest number of respondents identified themselves as Christian (14%). 8% of respondents identified as Muslim. 8% of respondents also identified as White (Caucasian). Respondents identifying with no religion represented 7% of all participants, while respondents identifying as South Asian accounted for 5%. Additionally, 4% of respondents identified as Arab. Similarly, 4% of participants identified as Latin American. Respondents identifying as “other” accounted for 3%. Individuals identifying as South East Asian represented 2% of all respondents, comparably to participants identifying as Hindu (2%). Participants identifying as West Asian (Armenian, Egyptian, Iranian, Lebanese, Moroccan, Afghan, etc.) constitute 1% of all participants. Buddhists also account for 1% of the sample. Additionally, 1% of respondents identified as Indigenous (Inuit, Métis, First Nations, etc.), while another 1% identified as Chinese. Similarly, 1% of respondents identified as Jewish. The smallest percentage of respondents identified as Filipino (0.4%) and as having Indigenous Spirituality (0.4%).

<sup>183</sup> Categories were taken from the Ontario Human Rights Commission: Ontario Human Rights Commission, “Appendix B: Survey demographic information” (n.d.), online: [Ontario Human Rights Commission <www.ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario/appendix-b-survey-demographic-information>](http://www.ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario/appendix-b-survey-demographic-information).

Of the 128 respondents who completed the survey, no one identified as Japanese, Korean, or Sikh. The “other” category includes responses, such as Canadian, Protestant, Greek-Orthodox, Amazigh, Jehovah’s Witness, and Spiritual.

## Perceptions of Public Security Sector Workers: Background Demographics



184

The largest proportion of respondents reported that public security sector workers identify them as Black (African, Haitian, Jamaican, etc.) at 39%. This is a 3% increase in connection to the 36% of participants who identified as Black (African, Haitian, Jamaican, etc.) in the previous section. The second largest number of respondents stated that public security sector workers identify them as Arab (11%). This is a 7% increase compared to the 4% of respondents who previously identified as Arab. Additionally, 7% of participants indicated that public security sector workers identify them as Latin American. This is a 3% increase compared to the 4% of respondents that reported identifying as Latin American.

These findings are consistent with the literature review which states that Arab, Latin American, and Black people are more likely to be stopped and questioned by the SPVM.<sup>185</sup> It is also interesting that while many of the percentages in this category have remained constant with respondents' self-identification, these heavily profiled racial categories' percentages have increased. Thus people from other identities are being perceived as Black, Arab, or Latin American and consequently profiled. This finding seems to underline that individuals perceived as belonging to these racial groups are targets for the SPVM.

Also notable, 7% of respondents recorded that public security sector workers perceive them as Muslim, compared to the 8% of respondents who identified as Muslim. This is significant because 14% of the participants identified as Christian, whereas only 6% stated that public security sector workers perceive them as Christian.

<sup>184</sup> *Ibid.*

<sup>185</sup> CDPDJ Consultation Report, *supra* note 3 at 10; Armony, Hassaoui & Mulone *supra* note 161 at 10.

There is a drastic gap between those who identify and believe that they are perceived as Christian as compared to those who identify and are perceived as Muslim. It is possible that distinctions are being made due to how public security sector workers classify people they view as Muslim. For instance, one participant stated that “Brown skin + Beard = Muslim.” when asked if they believed that their religious affiliation (or physical displays of their religious affiliation) was a factor in their past experiences with racial profiling. This leads us to believe that the perception of an individual’s religious affiliation may also be a factor in that individual being subject to racial profiling.

The percentage of individuals perceived as White (Caucasian) (8%) by public security sector workers remains equal to the 8% of respondents who identified as White (Caucasian).

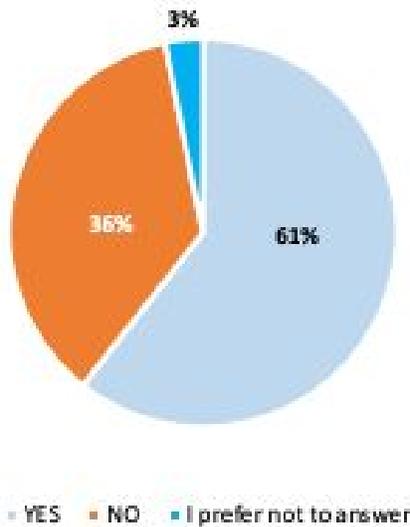
Respondents who stated that they are perceived as having no religion represent 6% of all participants. This is a 1% decrease from those who identified as having no religion (7%).

Additionally, 4% of youth stated that public security sector workers view them as South Asian, whereas 5% identified as South Asian. It is logical to assume that the remaining 1% of those who identified as South Asian believe that they are being classified in another identity group by public security sector workers.

Youth believing that they are perceived as South East Asian by public security sector workers represent 2% of all participants. Similarly, those perceived as Hindu by public security sector workers account for 2% of all respondents. 2% of individuals reported that they believe that public security sector workers view them as West Asian (Armenian, Egyptian, Iranian, Lebanese, Moroccan, Afghan, etc.). Also, 2% of respondents selected “other” for the question about how they are perceived by public security sector workers. 2% of participants stated that they believe that public security sector workers perceive them as Chinese. Respondents indicating that public security sector workers perceive them as Buddhists reflect only 1% of all participants, as do those perceived as Sikh, Jewish, Filipino, and Indigenous (Inuit, Métis, First Nations, etc.). Finally, no respondents recorded being perceived as Japanese, Korean, or as having Indigenous Spirituality by public security sector workers.

## B. Youths' Experiences with Racial Profiling

### **Youth that Have Been the Subject of Racial Profiling**



61% of respondents reported that they had previously been the subject of racial profiling, while 36% of respondents stated that they had not been the subject of racial profiling. This is a significant finding as more than half of respondents have personally been racially profiled. Interestingly, while some participants stated that they were not subjected to racial profiling, they still indicated experiencing one of the examples of racial profiling below. Lastly, 3% of respondents indicated that they would prefer not to answer.

Throughout the interviews, youths' experiences with racial profiling were most often linked to interactions with police. Trevor disclosed an experience he had in Pincourt with a Sûreté du Québec officer. He was driving a few friends to their homes when he was stopped by an officer. Trevor was questioned about where he was going and where he came from. He stated that he remained very polite and answered the officer promptly and clearly. Still, the officer walked around the car and began to ask Trevor's White friend, seated in the passenger seat, the exact same questions. Trevor's friend questioned the officer by asking why he needed to hear from him as a passenger when the driver, Trevor, had just answered his questions. The officer said that he wanted the friend to answer the questions. After the intervention, Trevor's friend disclosed to everyone in the vehicle that he had never felt so scared to be in the presence of a police officer as he was very aggressive in his questioning. Trevor's friend further shared his confusion and stated that Trevor had not "stutter[ed] when answering the questions." Trevor responded by stating that "it is what it is and you get used to it."<sup>186</sup>

<sup>186</sup> Trevor, *supra* note 178.

The interviewees also shared that being stopped, harassed, and often experiencing elevated levels of fear was a regular occurrence when interacting with police. For instance, Nadia talked about being grabbed, pushed against a wall and choked by a police officer who yelled “you people have no right to try and get away with things.” After the incident, Nadia was shaking and was experiencing a panic attack. The police officer began to ridicule her for having a panic attack, threatening to call an ambulance and have Nadia taken to a “mental institution.” Nadia had originally been stopped as she was late in making a payment for her license plate. She was fined a ticket in the amount of \$518.<sup>187</sup>

Each participant interviewed described symptoms of anxiety when crossing paths with police officers, ranging from mild stress to severe anxiety, and heart palpitations. Nadia stated that she was severely traumatized by the incident, and shared feeling really angry, sad, or depressed at times. Lorne Foster, Lesley Jacobs, Bobby Siu, & Shaheen Azmi assert that this is common among racialized individuals who “bear the brunt of profiling,”<sup>188</sup> as they may realize that they do not have the same freedoms and rights as other people in society.<sup>189</sup>

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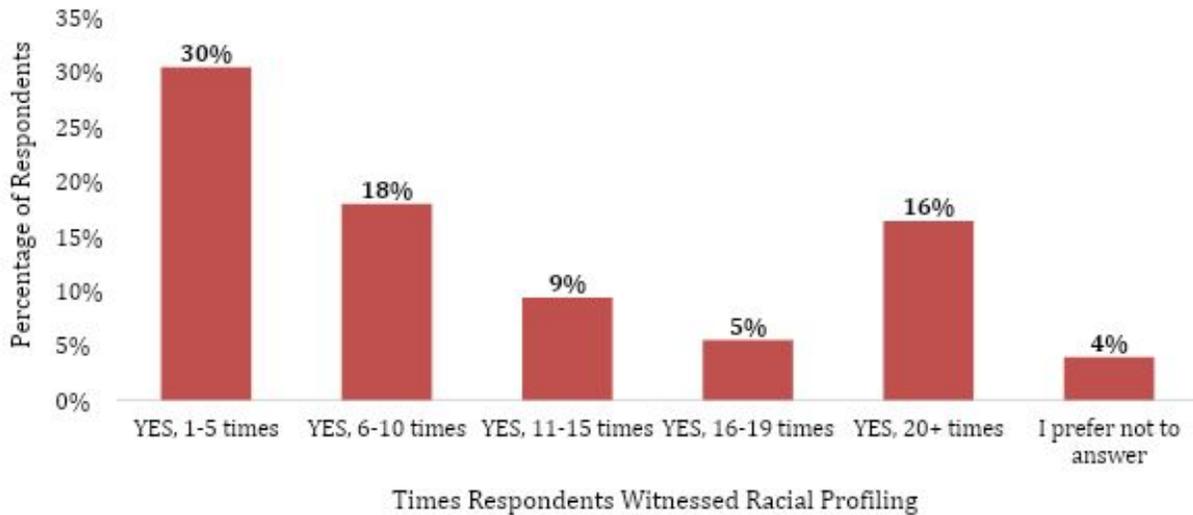
<sup>187</sup> Nadia, *supra* note 177.

<sup>188</sup> Lorne Foster, Lesley Jacobs, Bobby Siu & Shaheen Azmi, “Editors’ Introduction” in Lorne Foster, Lesley Jacobs, Bobby Siu & Shaheen Azmi, eds, *Racial Profiling and Human Rights in Canada: The New Legal Landscape*, (Toronto: Canada: Irwin Law Inc., 2018) 1 at 1.

<sup>189</sup> *Ibid.*

*For the following questions, respondents were asked to identify a range in their responses. Additionally, each graph shown below only includes the percentages of those who answered yes to the question, indicating that they had been racially profiled in that way or witnessed racial profiling.*

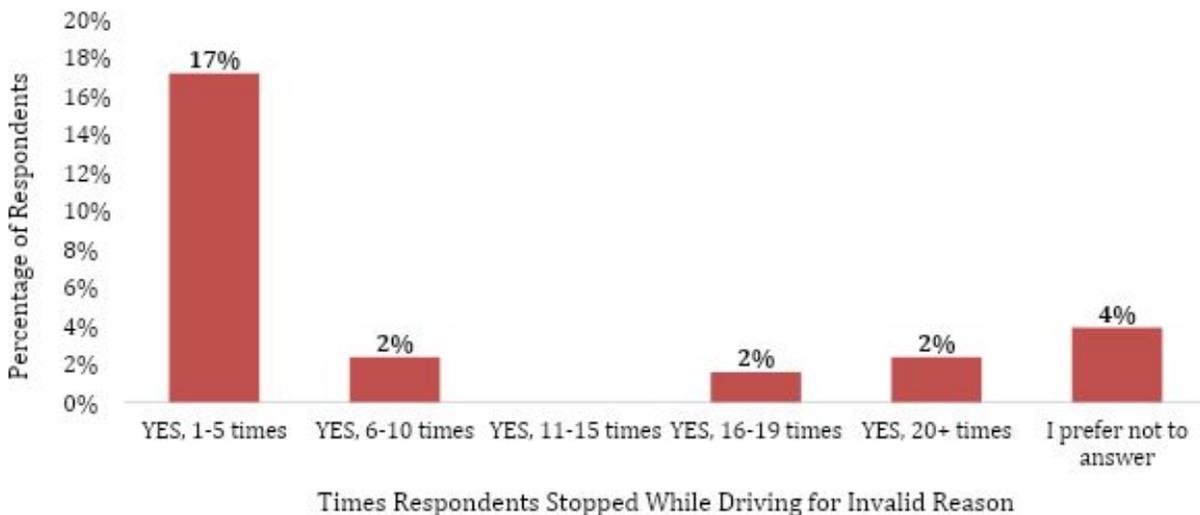
### **Witnessing Racial Profiling**



A large proportion of respondents recorded witnessing racial profiling (78%). This is extremely notable because statistically nearly 4 out of 5 people stated witnessing racial profiling.

The graph above demonstrates that 30% of respondents reported witnessing racial profiling 1-5 times, 18% indicated witnessing racial profiling 6-10 times, 9% recorded witnessing racial profiling 11-15 times, 5% indicated witnessing racial profiling 16-19 times, 16% reported witnessing racial profiling 20+ times, and 4% preferred not to answer.

## Youth Stopped While Driving for an Invalid Reason



23% of respondents reported being stopped while driving for a reason that they believe to be invalid. This finding is significant given that it represents nearly  $\frac{1}{4}$  of people who completed the questionnaire. It is important to note that 30% of the survey's respondents are between 17-18 years old and 7% between the ages of 14-16. It is possible that this finding yielded a lower percentage due to the possibility that these youth might not have access to a vehicle.

The graph above demonstrates that 17% of respondents indicated being stopped while driving for a reason that they believe to be invalid 1-5 times, 2% reported being stopped while driving for a reason that they believe to be invalid 6-10 times, 0% indicated being stopped while driving for a reason that they believe to be invalid 11-15 times, 2% recorded being stopped while driving for a reason that they believe to be invalid 16-19 times, 2% reported being stopped while driving for a reason that they believe to be invalid 20+ times, and 4 % preferred not to answer.

Trevor shared a story during which a police officer pulled out their gun and pointed it at him. He stated that as someone who drives often, he has experienced a variety of interactions with the police. He identified this encounter as his most terrifying interaction with a police officer. He had been asked for ID and stated that his wallet was in his work pants, located in the trunk of his car. It was when he opened his car's trunk that the police officer pointed her gun at him. The officer stated that Trevor had failed to follow instructions. After Trevor retrieved his ID and showed it to the officer, he was allowed to leave and was not given a ticket. Trevor stated that, even today, he cannot remember the officer's face but remembers the extreme fear he felt at that moment, wondering if it would be his last moment of life.<sup>190</sup>

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<sup>190</sup> Trevor, *supra* note 178.

Trevor explained that he has also been stopped more than a dozen times for reasons that he believes to be invalid. On multiple occasions, he has been stopped and asked a variety of arbitrary questions, which usually include questions such as “where are you going?” and “where are you coming from?” Police also justified stopping Trevor on multiple occasions by claiming dubious problems with his car lights, including his lights: flashing too quickly, appearing to be likely to die, and looking too dim. In all of these instances, Trevor was never issued a ticket. He was once even told that he signalled too quickly. On one occasion, a police officer demanded that he and Trevor test his lights together, which they did for approximately ten minutes.<sup>191</sup>

Trevor also shared a time during which he was stopped by a police officer on Henri-Bourassa Boulevard. The officer took his identification and car insurance information into his police car and just sat there for 30 minutes. When Trevor opened his car door, hoping to ask for clarification, the officer instructed Trevor to close his car door. After 40 minutes, Trevor called 911 and described the situation. A supervising police officer arrived and spoke with Trevor and subsequently the officer on duty. Afterwards, Trevor obtained his identification, car registration, and an apology.<sup>192</sup> Research has shown that police often conduct these arbitrary identity checks.<sup>193</sup> Youth have come to see this treatment as a form of harassment.<sup>194</sup>

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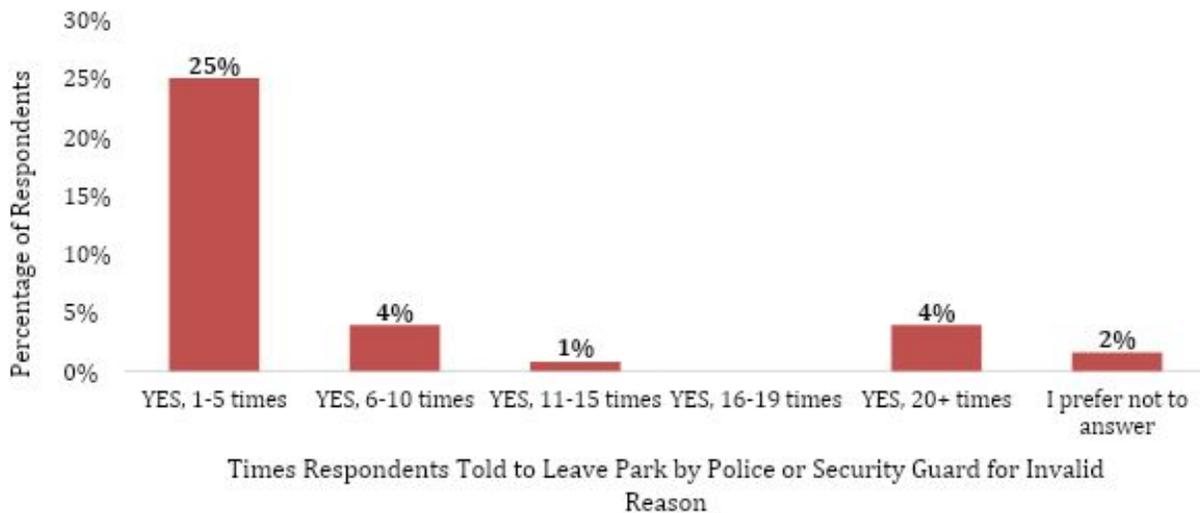
<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*

<sup>193</sup> Livingstone, Rutland & Alix, *supra* note 128 at 45.

<sup>194</sup> *Ibid.*

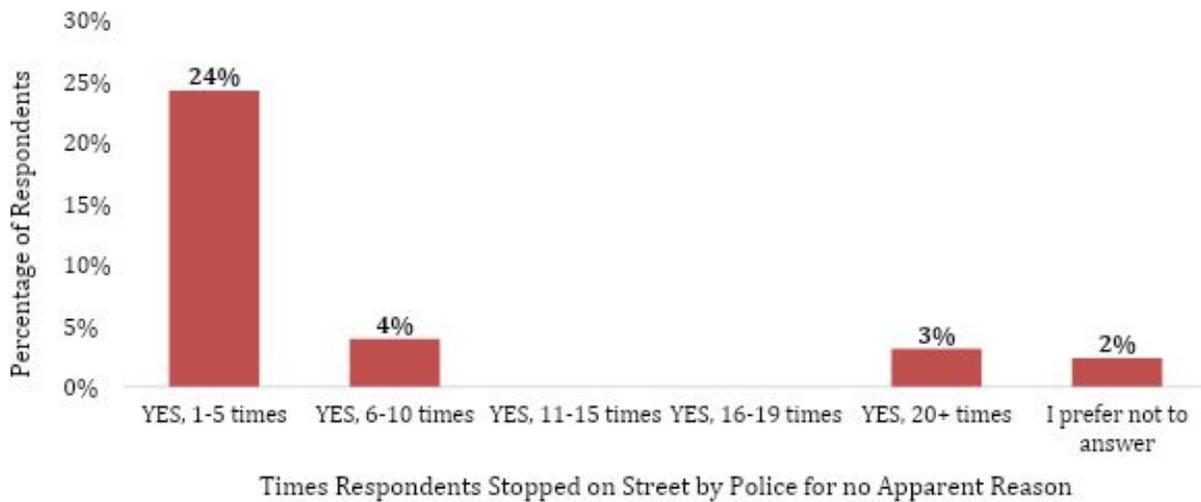
## Youth Told to Leave a Park by Police or a Security Guard for An Invalid Reason



34% of respondents reported being told to leave a park by police or a security guard for a reason they believed to be invalid. Again, this is an important finding as it represents more than  $\frac{1}{3}$  of respondents.

The graph above demonstrates that 25% of respondents reported being told to leave a park by police or a security guard for a reason they believed to be invalid 1-5 times, 4% reported being told to leave a park by police or a security guard for a reason they believed to be invalid 6-10 times, 1% indicated being told to leave a park by police or a security guard for a reason they believed to be invalid 11-15 times, 0% reported being told to leave a park by police or a security guard for a reason they believed to be invalid 16-19 times, 4% indicated being told to leave a park by police or a security guard for a reason they believed to be invalid 20+ times, and 2% preferred not to answer.

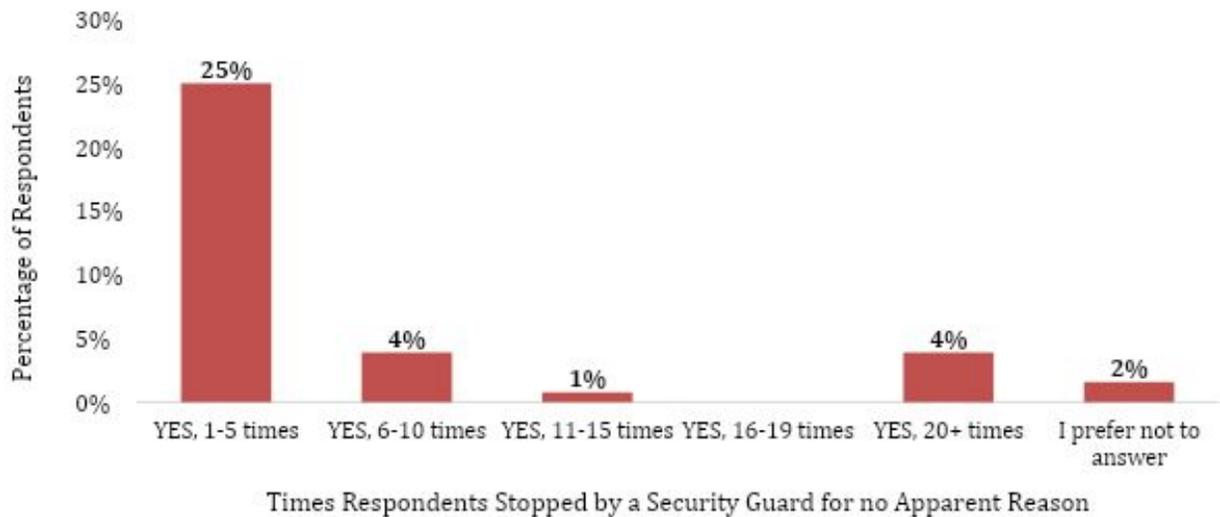
### Youth Stopped on the Street by Police for no Apparent Reason



31% of respondents reported being stopped on the street by police for no apparent reason. This is an important finding as approximately  $\frac{1}{3}$  of respondents reported being stopped on the street by police for no apparent reason.

The graph above demonstrates that 24% of respondents indicated being stopped on the street by police for no apparent reason 1-5 times, 4% reported being stopped on the street by police for no apparent reason 6-10 times, 0% indicated being stopped on the street by police for no apparent reason 11-15 times, 0% recorded being stopped on the street by police for no apparent reason 16-19 times, 3% reported being stopped on the street by police for no apparent reason 20+ times, and 2% preferred not to answer.

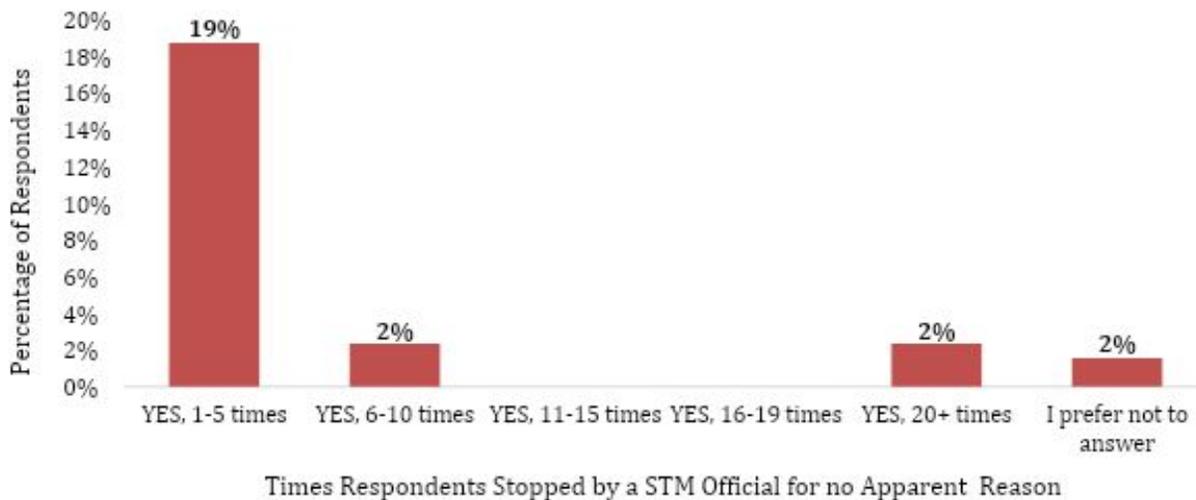
### Youth Stopped in a Public Place by a Security Guard for no Apparent Reason



36% of respondents reported being stopped in a public place by a security guard for no apparent reason. This is a significant finding as it represents more than  $\frac{1}{3}$  of respondents. Youths' responses demonstrate that they are slightly more often stopped by security guards than police (31%).

The graph above demonstrates that 27% of respondents reported being stopped in a public place by a security guard for no apparent reason 1-5 times, 5% reported being stopped in a public place by a security guard for no apparent reason 6-10 times, 1% indicated being stopped in a public place by a security guard for no apparent reason 11-15 times, 0% reported being stopped in a public place by a security guard for no apparent reason 16-19 times, 3% reported being stopped in a public place by a security guard for no apparent reason 20+ times, and 0% preferred not to answer.

### Youth Stopped by a STM Official for no Apparent Reason



23% of respondents reported being stopped by a STM official for no apparent reason. This is a significant finding as it represents nearly ¼ of respondents. Youth reported fewer stops from STM officials than police (31%) and security guards (36%).

The graph above demonstrates that 19% of respondents reported being stopped by a STM official for no apparent reason 1-5 times, 2% reported being stopped by a STM official for no apparent reason 6-10 times, 0% indicated being stopped by a STM official for no apparent reason 11-15 times, 0% reported being stopped by a STM official for no apparent reason 16-19 times, 2% reported being stopped by a STM official for no apparent reason 20+ times, and 2% preferred not to answer.

Youth identified metros as hotspots for ticket verifications and rampant police attention. Carlos highlighted Papineau and Plamondon while Nadia pinpointed Atwater as metros with a large police presence.<sup>195</sup> This statement was echoed by a survey respondent who stated “as a white person I see a lot of racial profiling every day. A lot in public transportation such as the metro and the bus.” Our Jeunesse 2000 (J2K) Coordinator reported similar insights shared by youths who frequent Head & Hands, many of whom identified Villa Maria metro as a hotspot due to the overwhelming police presence. In these spaces that youth use daily for public transportation, and thus cannot avoid, they are often in danger of being fined for loitering.

All interviewees shared that STM drivers are often rude in their communications with racialized individuals and sometimes discriminatory in their actions against certain passengers. Trevor disclosed two anecdotes riddled with discriminatory treatment. This time by STM officials. The first involved a STM bus driver on the 69 bus line in Cartierville telling a Black woman with a stroller to sit down and refrain from speaking to him in response to her asking where a certain

<sup>195</sup> Nadia, *supra* note 177; Carlos, *supra* note 176.

street was located. The discriminatory basis of the differential treatment was highlighted when Trevor revealed that a White lady later asked a similar question and received an appropriate response.<sup>196</sup>

In another instance, when on the 68 bus in Pierrefonds, Trevor noticed a lot of commotion; people were yelling, shouting, and seemed displeased. Trevor began to notice that when Black passengers pressed the stop button to indicate that they would be getting off at the next stop, the bus driver refused to stop at the designated bus stop and passed 3-4 bus stops before stopping the bus. Knowing this, Trevor rang for his stop 3-4 stops in advance. The bus driver proceeded to skip stops. As he was coming to Trevor's stop, which he was going to pass, the streetlight turned red and the driver refused to open the door. Trevor pulled the emergency lever,<sup>197</sup> threw his bag outside the emergency window and jumped outside through the bus window.

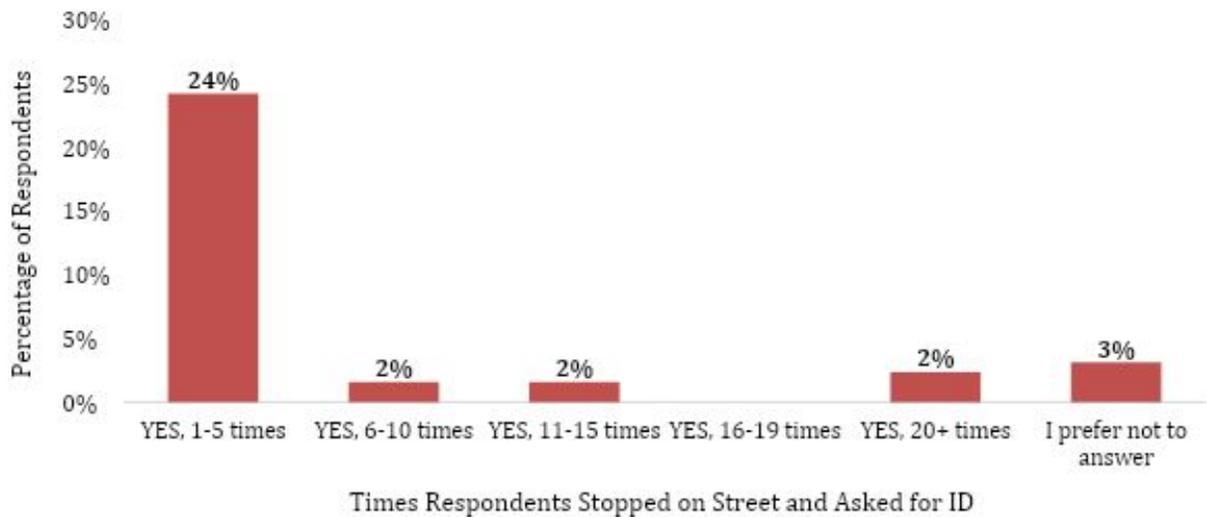
Interviewees and respondents described witnessing or being subjected to discriminatory treatment by all types of STM employees, including the STM inspectors, bus drivers, and STM officials located in the ticket booths.

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<sup>196</sup> Trevor, *supra* note 178.

<sup>197</sup> *Ibid.*

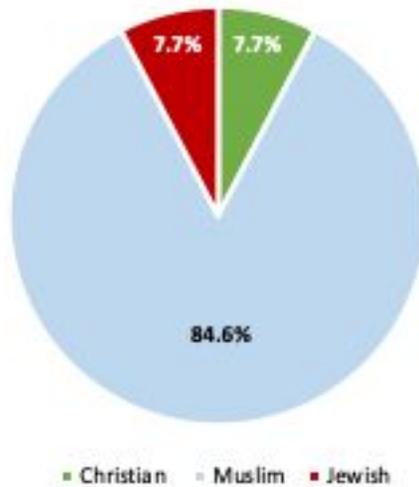
### Youth Randomly Stopped on the Street and Asked for ID



30% of respondents reported being randomly stopped on the street and asked for their ID. This is an important finding because almost  $\frac{1}{3}$  of the respondents reported being randomly stopped on the street and asked for their ID by public security sector workers.

The graph above demonstrates that 24% of respondents recorded being randomly stopped on the street and asked for their ID 1-5 times, 2% reported being randomly stopped on the street and asked for their ID 6-10 times, 2% indicated being randomly stopped on the street and asked for their ID 11-15 times, 0% recorded being randomly stopped on the street and asked for their ID 16-19 times, 2% reported being randomly stopped on the street and asked for their ID 20+ times, and 3% preferred not to answer.

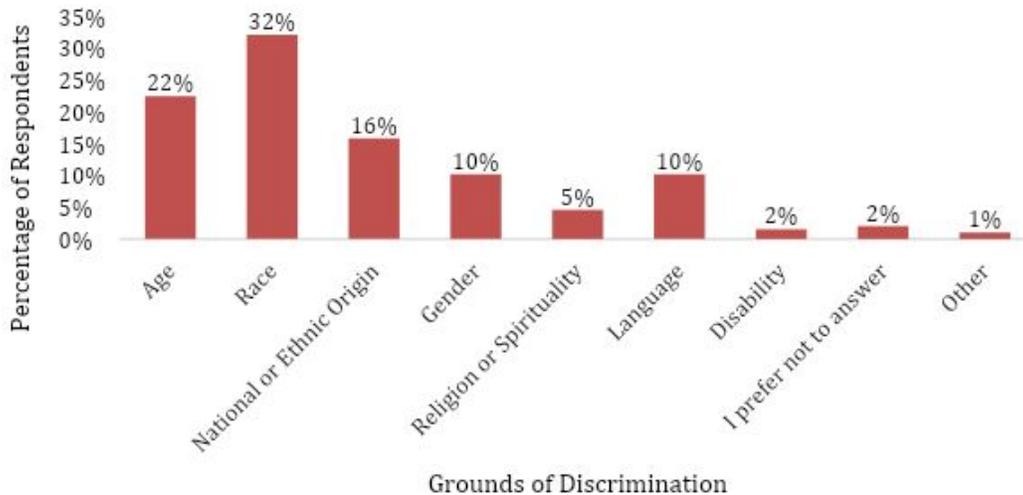
### Disclosure of Respondents' Assumed/Perceived Religious Affiliations



14% reported feeling that their religious affiliation (or physical displays of their religious affiliation) was a factor in them being racially profiled. 5% stated that they would prefer not to answer.

The majority of those who indicated that they felt that their religious affiliation (or physical displays of their religious affiliation) was a factor in them being racially profiled identified Muslim (84.6%) as their assumed/perceived religion. Other religions include Christian (7.7%) and Jewish (7.7%).

## Youth Believe that a Police Officer, a Security Guard or a STM Official was Rude or Disrespectful Based on the Following Grounds



This question was asked with the idea that racial profiling moves along a continuum. While the other findings in this section (B. Youths' Experiences with Racial Profiling) are based on concrete examples of racial profiling. Rude and disrespectful behaviour, based on race, against youth by police, STM officials, and security guards is a form of racial profiling. The aim of this question is to better understand how different identities interact with race to form compounding experiences of racial profiling.

Of the 128 respondents, merely 15 respondents chose only one of the grounds of discrimination listed above. These grounds include age (2 respondents) and race (13 respondents). Both age (22%) and race (32%) were most often identified by respondents as the identity markers that elicit rude or disrespectful behaviour(s) from police, security guards, and STM officials.

Many participants chose multiple fields. The importance of intersectionality must be noted. Intersectionality holds that individuals can be targeted for a multitude of combined identity markers. Kimberlé Crenshaw's concept of intersectionality demonstrates how each social minority identity is tied to a unique system of oppression.<sup>198</sup> When these minority identities intersect, a distinct reality of marginalization is produced.<sup>199</sup> As such, minority identities cannot be addressed in silos because the oppression faced at the intersection is greater. For instance, a person can be targeted for being young, Black, Muslim, and English speaking. In these cases, it is often difficult to pinpoint one identity marker as the reason why the person was targeted. At the same time, these multiple identities collectively create a unique profile which may lead to

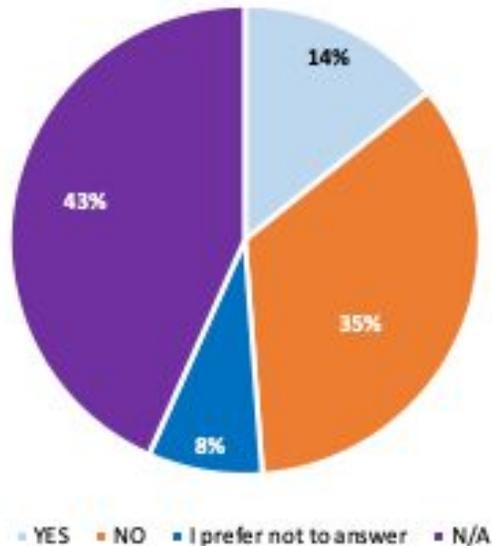
<sup>198</sup> Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color" (1991) 1241 *Stanford Law Review* 43 at 1242.

<sup>199</sup> *Ibid.*

deeper discrimination due to the multiple minority statuses that the person holds and can simultaneously be targeted for.

### C. Youths' Responses to Police Stops

#### **Youth Exercising Rights When Wrongfully Arrested**



14% of respondents stated that they have exercised their rights when wrongfully arrested. 35% stated that they did not and 8% stated that they prefer not to answer. N/A refers to the group of respondents who recorded not being wrongfully arrested. Participants were also asked why they did not exercise their legal rights when wrongfully arrested.

Below are some of the quotes as to why respondents did not exercise their legal rights. These quotes demonstrate the gap between theory and practice. Respondents felt that they could not apply their legal rights when involved with law enforcement because police officers have authority in these situations. Multiple respondents explained that police officers will find a way to rationalize their behaviours or actions.

*Police would perceive this as not complying with them, even if they are in the wrong.*

*I have once, but all the other times I was afraid of further problems and conflict.*

*They will find ways to shut me up.*

*I knew it was pointless.*

*To not escalate the situation.*

*Fear of further prosecution.*

*I was told that if I did not answer their questions (despite asking for a lawyer) that I'll be charged regardless of the fact that they didn't have [sufficient] evidence.*

*Ma parole contre la sienne (which translates to "my word against theirs").*

*Rather than making a scene and causing more trouble, I figure it's best to provide whatever info they want and move on.*

*I've had one interaction with law enforcement that was negative. I was driving when a driver coming from a perpendicular direction failed to stop at a stop sign, almost colliding with me. There was a marked patrol vehicle ahead of me, so I stopped to inform the officer of the event. Upon explaining the event to the officers, one of the officers asked my partner, who was with me in the vehicle and who is white, if she was "okay with me." (My perception of the situation was that the difference in our races was being implied). Upon asking the officer to repeat what he said, he responded that it was a joke and that they would look for the driver.*

*[I] witnessed someone get pulled over while driving for no apparent reason.*

*I always tried but it never led to the police respecting [or] acknowledging my rights. It's usually been a gateway for them to start mocking me.*

## Discussion

This research project has demonstrated the strong persistence and prevalence of racial profiling in Montreal. Livingstone, Rutland & Alix state that racial profiling is prevalent and negatively affects youth in St-Michel.<sup>200</sup> This research project has been complementary in showing that racialized youth are subject to the same treatment in multiple boroughs across Montreal. While the respondents of this research project are primarily from anglophone communities and more central and Western regions of Montreal, their experiences are similar to those documented in Livingstone, Rutland & Alix's study. This research project affirms that youth experience racial profiling in parks (34%), streets, on public transportation (23%), while driving (17%), and in public spaces (35%). Concerning racial profiling in the streets, 31% of respondents reported being stopped on the street by police for no valid reason and 30% stated being stopped on the street and asked for ID.

Throughout this research project, both respondents and interviewees characterized their relationship with public security sector workers as strained. The youth poignantly described their fear of public security sector workers, especially police and STM officials. Each interviewee explained that the same individuals who are mandated to protect them, are the same individuals endangering their lives. As such, racialized youth are made to feel like their lives are not worth as much as others. Racial profiling not only affects those who are profiled but those who witness it. For instance, whereas 61% of respondents stated that they have been the subject of racial profiling, 78% of respondents recorded witnessing racial profiling. Ultimately, racial discrimination undermines justice within society and its ability to address social inequalities.

Each interviewee expressed sentiments of either severe anxiety, mild stress, and/or heart palpitations when crossing paths with police officers and STM officials. Both Trevor and Nadia were severely traumatized by police officers as seen in the results section. Carlos specifically listed the ways in which he attempts to avoid interactions with police and especially STM officials, who are often checking STM tickets and questioning youth. Consequently, he tries to meet with his friends in private rather than public spaces, like his home.<sup>201</sup> As for transportation, Carlos often takes alternative routes, sometimes walking for hours, taking only buses, or using less popular metro entrances when possible to avoid interactions with STM officials.<sup>202</sup>

It is worth noting that Carlos' preventative approach to avoiding police and STM interactions limits his freedom. He should not have to apply such drastic measures to obtain the peace he seeks. The burden that racial profiling is placing on people is cumbersome. Carlos acknowledged that his alternative transit routes hinder his ability to travel in the city for work and leisure. Carlos and other racialized youth appear to be tasked with always thinking about possible negative occurrences when interacting with public security sector workers.

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<sup>200</sup> Livingstone, Rutland & Alix, *supra* note 128 at 9.

<sup>201</sup> Carlos, *supra* note 176.

<sup>202</sup> *Ibid.*

### A. Youths' Unawareness of their Rights and Hesitance with Using the Legal System

Based on the data derived from this research project, there is a gap between law and reality. Youth either stated not knowing their legal rights, not knowing how to enforce their rights, or a disinterest in reporting instances of racial discrimination with the SPVM, STM, or CDPDJ.

Youth's unawareness of their legal rights quickly became a recurring theme amongst questionnaire respondents and interviewees. One respondent stated "I didn't know all of my rights at the time and I was afraid to get into trouble/cause further complications." Similarly, another respondent answered by saying "Je ne savais pas quel était mes droits (I didn't know what my rights were)". Youth also seemed to be unaware of what to do when their legal rights were violated in interactions with the police, STM officials, and security guards.

Youth disclosed that the current mechanisms for reporting instances of racial profiling do not offer the possibility for appropriate recourses. Some stated that filing a complaint would not result in any positive change but likely lead to more mistreatment. Others highlighted the complexity of the complaint procedures which offer little support.

#### **SPVM Recourse Mechanism**

It was stated that when filing a complaint with the SPVM regarding a police officer, the responsibility is solely placed on police officers to keep each other accountable which places them in a position to minimize that responsibility if they chose to rather than offering appropriate solutions. Youth felt that an independent office would be better suited to collect complaints and apply solutions or sanctions.<sup>203</sup>

Nadia stated that youth do not trust the SPVM's complaint process because they are reporting their experiences of discrimination and mistreatment to the same institutions whose agents commit these discriminatory and abusive acts. She highlighted this fact by underlining that the SPVM's complaint process requires complainants to participate in a conciliation process with the person who aggressed them or their representatives. This part of the process can take a large emotional toll on the complainant.

#### **CDPDJ Recourse Mechanism**

Trevor and Nadia stated that filing a complaint with the CDPDJ is unlikely to be successful because the process requires that the complainant link the discriminatory behaviour they

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<sup>203</sup> Nadia, *supra* note 177.

experienced to a personal prohibited characteristic.<sup>204</sup> Trevor emphasized that it is often difficult to prove discrimination, especially racial discrimination as there is rarely concrete proof.<sup>205</sup>

Youth must be aware of their legal rights in order to enforce them, as well as the complaint mechanisms available for challenging their experiences with racial discrimination. It is also important that individuals have confidence in these processes or they will not report their experiences of racial discrimination. In turn, youth do not trust in these processes' or possibly the law's ability to respond. This apprehension is understandable because while the *Canadian Charter* and *Quebec Charter* maintain that these youth have a legal right to not be racially discriminated against, they experience a different reality. Ultimately, if these legal protections do not offer youth protection against discrimination or a remedy when their rights are violated then these legal protections are simply meaningless ideals.

This is an important consideration in maintaining or re-establishing individuals' beliefs in the legal system, especially given that an undisclosed number of Quebec human rights cases were recently thrown out due to massive delays.<sup>206</sup> These delays can undermine the public's confidence in the legal system. Youth may also be unwilling to submit complaints due to the long wait times. In some cases, youth could become adults before their case is ever heard before the Tribunal. If justice seems impossible or out of reach, youth are unlikely to report instances of racial discrimination, as they may feel and/or grow up believing that legal and governmental bodies do not care about their experiences of discrimination or them.

There is a disconnect between the legal protections enshrined in the *Canadian Charter* and *Quebec Charter*, as the youth who participated in this research project do not benefit from these legal protections in their everyday lives. Part of truly eliminating racial profiling requires active and accessible protections, and recourses when those protections are not met. However, this is not a new realization, the CDPDJ previously proposed numerous recommendations for the elimination of racial profiling.

### *B. Recommendations from CDPDJ's 2011 Report*

In 2011, the CDPDJ published the Racial Profiling and Systemic Discrimination of Racialized Youth report. The report included many recommendations focused on Quebec's public security sector, education sector, and youth protection system. The report includes important and appropriate recommendations made in connection with the public security sector, which includes proposed changes to the *Police Act* and *Code of ethics of Québec police officers*.

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<sup>204</sup> *Ibid*; Trevor, *supra* note 178.

<sup>205</sup> Trevor, *supra* note 178.

<sup>206</sup> Jesse Feith, "Quebec human rights cases thrown out after massive delays", *Montreal Gazette* (3 February 2020), online: <[montrealgazette.com/news/local-news/quebec-human-rights-cases-thrown-out-after-massive-delays](http://montrealgazette.com/news/local-news/quebec-human-rights-cases-thrown-out-after-massive-delays)>.

While the recommendations listed were proposed nine years ago, many of the recommendations have not been implemented. These recommendations were created based on consultations with numerous community members alongside a promise to these same communities that the issues related to racial profiling would be addressed to diminish the practice. Still, little has been done. These recommendations are as relevant today as they were in 2011.

**The CDPDJ recommended that the following changes be made to the *Police Act* and the *Code of ethics of Québec police officers*:**

Recommendation 13 suggests “that racial profiling be prohibited in the *Police Act* and in the *Code of ethics of Police officers of Québec*.”<sup>207</sup>

While the *Police Act* does not explicitly forbid racial profiling, section 5 of the *Code of ethics of Québec police officers* states that:

5. A police officer must act in such a manner as to preserve the confidence and consideration that his duties require.

A police officer must not:

- (1) use obscene, blasphemous or abusive language;
- (2) fail or refuse to produce official identification when any person asks him to do so;
- (3) fail to carry prescribed identification in his direct relations with the public;
- (4) **commit acts or use injurious language based on race, colour**, sex, sexual orientation, religion, political convictions, language, age, social condition, civil status, pregnancy, ethnic or national origin, a handicap or a means to compensate for a handicap;
- (5) be disrespectful or impolite towards any person.<sup>208</sup>

Recommendation 33 asks that “the government amend the *Police Act* and the *Code of ethics of Québec police officers* to oblige police, subject to penalties, to inform citizens of their rights whenever they stop someone, make an arrest or write a ticket.”<sup>209</sup>

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<sup>207</sup> CDPDJ Consultation Report, *supra* note 3 at 104.

<sup>208</sup> *Code of Ethics of Québec Police Officers*, CQLR c P-13.1, r 1, s 5 [*Code of Ethics*].

<sup>209</sup> CDPDJ Consultation Report, *supra* note 3 at 108.

Recommendation 35 suggests that “the government amend the *Police Act* in order to make the conciliation process optional when a complaint is filed with the Police Ethics Commissioner and to guarantee an investigation when the Commissioner has reason to believe that the *Code of ethics of Québec Police officers* has been violated.”<sup>210</sup>

Recommendation 39 proposes that “the government amend the *Police Act* in order that, when it is proven that a ticket was issued as a result of motives or circumstances violating the *Code of ethics of Québec Police officers*, the entity that collected the fine (municipality or government) provide financial compensation equivalent to the sum and fees paid.”<sup>211</sup>

The *Police Act* was last updated on February 1, 2020, yet there is no explicit mention of recommendations 13, 33, 35, or 39.<sup>212</sup> Nor are these recommendations explicitly reflected in the *Code of ethics of Québec police officers*, which was updated on December 1, 2019.<sup>213</sup> In fact, in relation to Recommendation 35, it is still mandatory that the complainant undergo a conciliation process with the SPVM, unless exempt from the Commissioner.

For instance, section 147 of the *Police Act* states that:

Every complaint shall be submitted to conciliation. However, a complainant may object to conciliation by stating the reasons why he believes conciliation is inappropriate in his case. He shall give a written statement of the reasons to the Commissioner within 30 days after the lodging of the complaint.

The Commissioner may reject the complaint, giving reasons, if in his opinion, the reasons stated by the complainant do not validly justify his refusal of conciliation. The Commissioner shall inform the complainant of his right to obtain a review of the decision if he submits new facts or elements to the Commissioner within 15 days. The Commissioner shall render his decision within 10 days and the decision is final.

The complainant may at any time before the final decision accept conciliation by withdrawing his objection.<sup>214</sup>

It is important to note that it is unknown how many complainants have actually been exempt from the conciliation process through submitting a written statement and gaining approval from the Commissioner.

We chose these recommendations because we could confirm ourselves if they were followed. Indeed, we checked the *Police Act* and the *Code of ethics of Québec Police officers* online and saw that they had not been changed. These recommendations were made in the hopes of

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<sup>210</sup> *Ibid.*

<sup>211</sup> *Ibid.*

<sup>212</sup> *Police Act*, CQLR c P-13.1, s 13.

<sup>213</sup> *Code of Ethics*, *supra* note 208.

<sup>214</sup> *Police Act*, *supra* note 212 at s 147.

eliminating racial profiling and their lack of implementation hinders the possibility of moving towards that goal. Moreover, the failure in implementing these recommendations after nine years may undermine citizens' trust in the provincial government. Citizens may believe that the government is not acting promptly enough to address racial profiling as the persisting and prevalent social problem that it is.

**The CDPDJ's report includes other interesting and beneficial recommendations, however their implementation is difficult to verify:**

Recommendation 8 asks “that the cities and their police departments review their policies for fighting crime and street gangs in order to reflect the discriminatory biases that are inherent in the policies or in their application.”<sup>215</sup>

This recommendation is especially important because in 2018, Livingstone, Rutland & Alix demonstrated that the SPVM's fight against street gangs and various regulations concerning “incivilities” subject racialized youth to an excessive amount of police attention.<sup>216</sup> During the summer of 2019, we participated in a roundtable discussion with the City of Montreal's Committee on Diversity and Social Inclusion to pinpoint which policies were harming racialized youth in particular. We stated that municipal by-laws against spitting and loitering contribute to the over-ticketing of our youth.

Similarly, Recommendation 11 proposes that “the City of Montréal and the SPVM review the police policies and practices with respect to fighting incivility in order to detect and eliminate any discriminatory impacts on racialized persons.”<sup>217</sup>

Recommendation 24 recommends “that police training programs and the École nationale de police du Québec provide anti-racism training that includes a formal evaluation of what has been learned by future police officers; and that the cities and the ministère de la sécurité publique establish a similar process for police officers.”<sup>218</sup>

On the École nationale de police du Québec website, under the “Nos Formations” page, a list of courses are provided without descriptions of these courses. It is unclear whether this

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<sup>215</sup> CDPDJ Consultation Report, *supra* note 3 at 106.

<sup>216</sup> Livingstone, Rutland & Alix, *supra* note 128 at 8.

<sup>217</sup> CDPDJ Consultation Report, *supra* note 3 at 106.

<sup>218</sup> *Ibid* at 107.

recommendation was implemented as the listed courses do not provide a description nor are any courses explicitly titled “anti-racism” or given a title related to combatting racism.<sup>219</sup>

Recommendation 27 asks “that cities and police departments take steps to ensure that their practices in recruiting, promoting and evaluating police take into account intercultural competencies.”<sup>220</sup>

Recommendation 28 proposes “that the ministère de la Justice and the ministère de la sécurité publique take steps to ensure that all participants in the legal system and administrative tribunals (judges, lawyers, crown prosecutors, parole officers, prison guards, etc.) be recruited, trained, evaluated and promoted in accordance with their intercultural competencies.”<sup>221</sup>

Recommendation 29 suggests “that the director of Criminal and Penal Prosecutions adopt rules of practice that make it possible to detect actions involving racial profiling in the cases submitted to him.”<sup>222</sup>

Recommendation 46 suggests “that the government take steps to ensure the presence of civilian investigators who are not former police officers on the teams responsible for conducting this type of investigation.”<sup>223</sup>

Overall, more transparency on the part of the City of Montreal and the SPVM would help citizens in identifying which changes have occurred, as well as strengthen community and police relationships by demonstrating an effort to better uphold the human dignity and rights of all citizens.

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<sup>219</sup> École nationale de police Québec, “Codification des cours” (19 July 2018), online: *École nationale de police Québec* <[www.enpq.qc.ca/nos-formations/codification-des-cours.html](http://www.enpq.qc.ca/nos-formations/codification-des-cours.html)>; École nationale de police Québec, “Programmes de formation initiale et perfectionnement policier: Calendrier des cours 2019-2020” (10 March 2020), online (pdf): *École nationale de police Québec* <[www.enpq.qc.ca/fileadmin/Fichiers\\_client/centre\\_documentaire/Calendriers/calendrier\\_cours\\_2019-2020\\_V\\_20-03-10.pdf](http://www.enpq.qc.ca/fileadmin/Fichiers_client/centre_documentaire/Calendriers/calendrier_cours_2019-2020_V_20-03-10.pdf)>.

<sup>220</sup> CDPDJ Consultation Report, *supra* note 3 at 107.

<sup>221</sup> *Ibid.*

<sup>222</sup> *Ibid.*

<sup>223</sup> *Ibid* at 109.

## Implications for Practice

This section provides concrete examples of how professionals working directly with youth can provide them with information regarding their legal rights related to racial profiling and interactions with public security sector workers. Examples of how professionals can provide youth with support related to discussing their experiences with racial profiling, completing any desired complaint process, and disseminating publications are also included. A list of the complaint processes is available on [page 66](#) and information related to public security sector workers' job-related functions is on [page 70](#).

**Offering “Declaration pour la police/Statement for the police” Information Cards:** We have prepared wallet sized “Declaration pour la police/Statement for the police” information cards that inform youth about their legal rights concerning interactions with the police. The cards are wallet-sized so that youth can carry them on their person at all times. Please contact us to obtain some of these cards for distribution.

**Counselling:** Professionals who provide counselling can offer youth who have experienced racial profiling their services. The literature and this research project confirm that youth who have faced racial profiling are susceptible to developing mental health challenges, such as stress, fear, and insecurity. Each interviewee that participated in this research project shared having high levels of anxiety as a consequence of their traumatic experiences with police and STM officials. One interviewee even shared that he suppresses such memories as his form of coping. Youth require a safe environment in which they can share and process the discrimination and trauma they have faced, if they wish, rather than being forced to suppress their emotions and memories.

**Organizing Discussion Groups Regarding Racial Profiling:** Interested and qualified professionals can organize discussion groups about racial profiling in which youth have a safe space to speak openly about their experiences and build a network of mutual support. Throughout the interviews, youth asserted that they require this safe space to break isolation and feelings of shame, and to confirm that they are not alone in facing these harmful and traumatic experiences. These groups can also hold an educational component where youth are provided with the tools to address racial profiling while upholding their legal rights during interactions with law enforcement.

**Providing Information About the Resources Available and Support During the Complaint Process:** Professionals can inform youth who have faced racial discrimination about the resources available to them. Even more, these workers can accompany and assist youth in accessing and navigating these complaint processes.

**Leading “Know Your Rights” Workshops:** This research project has demonstrated that “Know Your Rights” workshops are still necessary and in demand by youth. Lawyers, legal professionals, and law students can facilitate these workshops to help youth gain a better understanding of their legal rights and how to enforce them in preparation for interactions with public security sector workers. The project's results have also shown that youth are unaware of the available reporting mechanisms. These workshops should include a section on the

importance of reporting instances of racial profiling as well as provide youth with a list of options for reporting their mistreatment.

**Raising Awareness About Racial Profiling Through Research and Publications:** Although there have been multiple investigative reports and consultations on the subject, there have been fewer scientific studies in Quebec.<sup>224</sup> Researchers interested in working towards eliminating racial profiling can contribute to the literature to facilitate a deeper understanding of the scope and prevalence of racial profiling, not only in the public security sector but also in the education system, and the child welfare system. These research efforts would help to raise awareness and uncover how racial profiling is experienced in different sectors across Quebec.

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<sup>224</sup> Livingstone, Rutland & Alix, *supra* note 128 at 9.

## Recommendations

Throughout the years, many have contributed to proposing recommendations to address racial profiling in Montreal. At this time, we have decided to highlight 3 recommendations from Livingstone, Rutland & Alix's study and propose 1 recommendation inspired by the report prepared by the Table sur la diversité, l'inclusion et la lutte contre les discriminations due to their relevance and recent publications. We also propose 1 recommendation based on the results of this research project. These recommendations were prioritized due to their focus on concrete solutions that will help mitigate the racial profiling faced by youth in their everyday lives.

The responses, interviews, and testimonies of the youth who participated in this research project have demonstrated that racial profiling is a serious issue across Montreal. The previous section identified several recommendations found in the CDPDJ's report that were not implemented. Furthermore, as stated by Livingstone, Rutland & Alix, several public inquiries and consultations have been conducted over the past twenty years, yet racial profiling in the public security sector persists.<sup>225</sup>

Below are the five recommendations that we believe relate most to the youth's experiences as indicated in this research project.

### **(1) that race-based quantitative data be made available on street checks, arrests, and detentions in Montreal**

Livingstone, Rutland & Alix recommend that race-based quantitative data be made available on street checks, arrests, and detentions in Montreal.<sup>226</sup> Both Charest and Bernard & McAll have outlined the extent of racial profiling in Montreal's public security sector.<sup>227</sup>

Lorne Foster and Lesley Jacobs also encourage the collection of race based data as it can aid in highlighting the racial disparities within police practices.<sup>228</sup> In fact, Armony, Hassaoui & Mulone reported that Arab youth, Indigenous people, and Black folk are overrepresented in cases of police-civilian contact.<sup>229</sup> This report solidified the reality that racial disparities in policing are present in Montreal. Such data allows for appropriate policy development and is essential in determining trends in racial profiling to determine whether these incidents are decreasing or not.<sup>230</sup>

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<sup>225</sup> *Ibid* at 89.

<sup>226</sup> *Ibid* at 90.

<sup>227</sup> Bernard & McAll, *supra* note 149; Charest, *supra* note 129.

<sup>228</sup> Lorne Foster & Lesley Jacobs, "The Importance of Collecting Race Data: Preventing Racial Profiling and Promoting Inclusive Citizenship" in Lorne Foster, Lesley Jacobs, Bobby Siu & Shaheen Azmi, eds, *Racial Profiling and Human Rights in Canada: The New Legal Landscape*, (Toronto: Canada: Irwin Law Inc., 2018) 221 at 91-92.

<sup>229</sup> Armony, Hassaoui & Mulone, *supra* note 161 at 10-11.

<sup>230</sup> Livingstone, Rutland & Alix, *supra* note 128 at 90.

Race-based data can also increase accountability and reduce systemic racism and racial disparities.<sup>231</sup> For instance, through the data collection and analysis of their own figures, there is an opportunity for the SPVM to recognize the differential racial effects of their traditions and practices. Foster and Jacobs state that such reports can bring about changes to the organizational culture which can reduce racial inequities through the creation of anti-racism policies and practices within the organization.<sup>232</sup> Hopefully, a discussion can now begin about the systemic racial bias operating in the SPVM as noted by Armony, Hassaoui, & Mulone.<sup>233</sup>

This recommendation was completed by Charest in 2009 and Armony, Hassaoui, & Mulone in 2019. Race-based quantitative data must constantly be made available on street checks, arrests, and detentions in Montreal to verify whether racial inequities have been reduced.

**(2) that an independent supervisory office be created in each borough to monitor their respective police station**

Livingstone, Rutland & Alix suggest the creation of a supervisory office that is independent of the officers stationed at the Saint-Michel police station.<sup>234</sup> As this research project has shown, youth across Montreal face racial profiling. We propose that each police station be subject to constant and effective monitoring. This role would be implemented by an independent monitoring office whose members consult community representatives when monitoring police practices and using data on:

- (a) the racial identity of all those stopped by the police;
- (b) the number and type of offences for which individuals were fined or accused;
- (c) and the number of complaints against the police in each borough and the nature and resolution of each complaint.

In order for the supervisory office to fulfill this mission, the police must provide the required data (provided that the supervisory office does not reveal any personal information to the public). Each supervisory office would also require an operating budget that allows them to analyze the data, produce and publish annual reports, hold information sessions and public consultations, and conduct independent research.<sup>235</sup> These supervisory offices would not be located in police stations to maintain their independence from the police forces they oversee.

According to Livingstone, Rutland & Alix, similar offices have been established across the world, especially in Australia, New Zealand, North Ireland, and Scotland.<sup>236</sup> When independent

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<sup>231</sup> Foster & Jacobs, *supra* note 228 at 253.

<sup>232</sup> *Ibid.*

<sup>233</sup> Armony, Hassaoui & Mulone, *supra* note 161 at 121.

<sup>234</sup> Livingstone, Rutland & Alix, *supra* note 128 at 90.

<sup>235</sup> *Ibid.*

<sup>236</sup> *Ibid.*

offices obtain sufficient information and are adequately funded, they have had positive results in addressing racial profiling and other forms of police misconduct.<sup>237</sup>

This research project has illustrated that youth rarely file complaints concerning police misconduct. For this reason, we agree that these supervisory offices should obtain the ability to assess police misconduct rather than solely respond to citizens' complaints. This is already the case for the offices in Australia and Scotland.<sup>238</sup>

We understand that it may be more feasible to implement this initiative in a couple of boroughs as a pilot project to observe the outcome of implementing such offices.

**(3) that all police practices that unfairly target racialized youth and result in them being forced to undergo arbitrary and involuntary contact be eliminated**

Bernard & McAll and Armony, Hassaoui & Mulone have demonstrated that racialized individuals are more often stopped by police.<sup>239</sup> As such, it is necessary to minimize the opportunities for contact between the police and young people to eliminate racial profiling.

Livingstone, Rutland & Alix ask for the elimination of police practices that unfairly target racialized youth and result in them being forced to undergo arbitrary and involuntary contact.<sup>240</sup>

The authors detail the excessive targeting of racialized youth in their research. They pinpoint policies around incivilities (spitting, littering, and loitering) that limit and unfairly infringe youths' legal rights and abilities to use and enjoy public spaces like parks and streets.<sup>241</sup> Their report also underlines the importance of eliminating identity checks and the fight against "street gangs."<sup>242</sup> The focus on "street gangs" unnecessarily places much attention and police resources towards surveillance and police stops of racialized youth.

**(4) that the SPVM publish an annual report on violent interactions by SPVM officers against civilians. The report would focus on reporting each time an agent used or pointed a firearm against/at a civilian**

The Table sur la diversité, l'inclusion et la lutte contre les discriminations was recently created by the city of Montreal's mayor, Valérie Plante, to collectively propose ways in which to promote greater inclusivity and representation amongst institutions, authorities, and the broader city of Montreal. One of the recommendations in the report asks the SPVM to require their officers to report each time that they use a firearm against a civilian.<sup>243</sup> The implementation of

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<sup>237</sup> *Ibid.*

<sup>238</sup> *Ibid* at 91.

<sup>239</sup> Bernard & McAll, *supra* note 149 at 8; Armony, Hassaoui & Mulone, *supra* note 161 at 10-11.

<sup>240</sup> Livingstone, Rutland & Alix, *supra* note 128 at 91.

<sup>241</sup> *Ibid.*

<sup>242</sup> *Ibid.*

<sup>243</sup> Table sur la diversité, l'inclusion et la lutte contre les discriminations "Présentation des résultats des travaux de la Table à l'Office de consultation publique de Montréal: Dans le cadre des consultations publiques sur le racisme et les discriminations systémiques" (2019) at 107, online (pdf).

this recommendation would be important for youth, particularly Trevor who had a gun drawn on him for invalid reasons. While the firearm was not triggered, he characterized that moment as the most terrifying event of his life. For this reason, the police should point its firearms at people as little as possible. The goal is to reduce the number of individuals getting shot, but also to avoid the acute fear of having a gun unnecessarily placed in their face.

We suggest that a report on violent interactions with civilians be published annually explaining explicitly the firearms used, the ways in which they are used, how many times firearms are used, the reasons for their usage, and the demographics of the persons the firearms were used against. These reports should be followed by public consultations with community organizations and members, in which solutions are shared regarding what should or could be done to limit unnecessary uses of firearms against civilians.

**(5) that a separate page for filing complaints be created and that the procedural steps included in the complaint process be clearly laid out on the SPVM and STM websites**

Although both the STM and SPVM websites have a “contact us” page, neither has a specific page designated for receiving complaints. The CDPDJ’s website has a page devoted to filing a complaint which outlines who can file a complaint and how to do so. The webpage also includes when to file a complaint. The CDPDJ also has a separate webpage outlining the procedural steps included in the complaint process.

The participants of this research project stated that they do not know how to enforce their rights and are unaware of the available reporting mechanisms. A clear explanation of how to file a complaint while delineating the procedural steps of the complaint process will address this issue as well as possibly increase citizens’ confidence in these institutions.

## Limitations

There are limitations present within this research project. Although the sample included youth from across Montreal, it was not a representative sample. While 128 respondents participated in this research project, the report's results cannot be generalized to the larger community in Montreal, as the sample size is too small. Additionally, access to past consultation or inquiry reports and research studies were not always easily nor publicly accessible. As such, older reports documenting individuals' experiences with racial profiling could not be as closely examined. Consequently, we were made to rely on other reports' characterizations of the information and data found in the reports we could not access.

## Future Research

While adding to the literature, this report is a starting point in addressing the negative impacts of racial profiling on racialized youth and the broader society. Future research should aim to obtain a representative sample. Future studies could also explore whether the effects of racial discrimination on youth differ based on different age groups. Furthermore, there is a need for a more intersectional approach to racial profiling research. This framework allows for the examination of individuals' multiple and intersecting social statuses, in addition to race, which can create different and complex realities of discrimination. For instance, when filing a complaint at the CDPDJ, complainants are asked to select separate boxes to represent an intersecting identity. Thus, a Black woman with a disability would be asked to check off race and/or colour, gender, and disability. If the discrimination related to each social status is analyzed independently, an analysis of an individual with intersecting identities may miss any subtle discriminatory nuances. Lastly, a similar research project should be conducted in 5-10 years to assess whether changes have been made to facilitate a shift towards eliminating racial profiling.

## Conclusion

This research project has demonstrated that racial profiling is both prevalent and persistent in Montreal. Through the completion of 128 questionnaires, 61% of respondents reported being the subject of racial profiling and 78% confirmed witnessing racial profiling, both in the public security sector. The project also confirmed findings in American studies that individuals face mental health challenges due to being the victims of racial profiling. The youth highlighted experiencing severe anxiety, stress, and heart palpitations when crossing paths with police officers and STM officials. Youth shared that they require support systems to address the psychological and emotional toll placed on them due to these discriminatory experiences.

Two strong findings emerge from this study. First, youth often do not know their rights nor how to enforce them. Second, youth are not likely to report instances of racial profiling. Many considered the processes to be too complex and time-consuming, while others shared having little to no confidence in the legal system or alternate recourses. This report also establishes that a lack of knowledge may be a way of framing a lack of belief in the likelihood that the law will defend youths' rights. To remedy this issue, we have proposed that professionals working with youth support them in accessing and navigating these systems. Included in this report are the complaint procedures available to individuals who have previously been subjected to racial profiling (p. 66). We have also outlined specific sections in both the *Canadian Charter* (p. 67) and *Quebec Charter* (p. 69) that pertain to upholding citizens' rights.

Additionally, this report has highlighted the following recommendations:

- (1) that race-based quantitative data be made available on street checks, arrests, and detentions in Montreal;
- (2) that an independent supervisory office be created in each borough to monitor their respective police station;
- (3) that all police practices that unfairly target racialized youth and result in them being forced to undergo arbitrary and involuntary contact be eliminated;
- (4) that the SPVM publish an annual report on violent interactions by SPVM officers against civilians. The report would focus on reporting each time an agent used or pointed a firearm against/at a civilian;
- (5) that a separate page for filing complaints be created and that the procedural steps included in the complaint process be clearly laid out on the SPVM and STM websites.

As a community organization, we hope to be an active participant in moving towards a more equitable society by promoting the elimination of racial profiling and systemic discrimination.



## Resources

### A. Complaint Processes

Below are four institutions through which to make a complaint when reporting racial profiling:<sup>244</sup>

#### **1- The City of Montreal:**

The complaint can be made online or by phone by dialing 311. The person filing the complaint can also contact the Montreal Ombudsman and submit a complaint by phone, postal mail, email, fax, or in person.

#### **2- Service de police de la Ville de Montréal (SPVM):**

The complaint can be made by phone by dialing 911, online, or in person at a local police station. The individual completing the complaint may also fill out a form to be submitted to the Quebec Police Ethics Commissioner, whether in person or online.

#### **3- Société de Transport de Montréal (STM):**

Complaints can be filed online or by phone (514) 786-4636.

#### **4- Commission des droits de la personne et des droits de la jeunesse:**

The complaint can be made by phone: 1-800-361-6477, by email: [information@cdpdj.qc.ca](mailto:information@cdpdj.qc.ca), or postal mail. The CDPDJ encourages individuals to contact them by phone before visiting one of their offices. It is important to note that all complaints must be associated to an instance of harassment or discrimination linked to a prohibited ground (age, civil status, disability, ethnic or national origin, language, political convictions, pregnancy, race or colour, religion, sex, sexual orientation, or social condition).<sup>245</sup>

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<sup>244</sup> The City of Montreal, “Consultation on systemic racism and discrimination; Combating Racial and Social Profiling (Thematic Session)” (2019) at 16, online (pdf): *The City of Montreal* <[ocpm.qc.ca/sites/ocpm.qc.ca/files/pdf/P99/3-6\\_profilage\\_villedemtl\\_en.pdf](http://ocpm.qc.ca/sites/ocpm.qc.ca/files/pdf/P99/3-6_profilage_villedemtl_en.pdf)>.

<sup>245</sup> Commission des droits de la personne et des droits de la jeunesse, “Human rights” (n.d.), online: *Commission des droits de la personne et des droits de la jeunesse* <[www.cdpdj.qc.ca/en/droits-de-la-personne/domaines/Pages/travail.aspx](http://www.cdpdj.qc.ca/en/droits-de-la-personne/domaines/Pages/travail.aspx)>.

## B. Canadian Charter of Rights and Freedoms<sup>246</sup>

The *Canadian Charter of Rights and Freedoms* sets out the rights and freedoms that Canadians are entitled to.<sup>247</sup>

### Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

### Search or seizure

8. Everyone has the right to be secure against **unreasonable search or seizure**.

### Detention or imprisonment

9. Everyone has the **right not to be arbitrarily detained or imprisoned**.

### Arrest or detention

10. Everyone has the right on arrest or detention

- (a) to be **informed promptly of the reasons** therefor;
- (b) to **retain and instruct counsel without delay and to be informed of that right**; and
- (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

### Equality Rights

#### ***Equality before and under law and equal protection and benefit of law***

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

#### ***Affirmative action programs***

- (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

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<sup>246</sup> *Canadian Charter of Rights and Freedoms*, s 7, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982(UK)*, 1982, c 11.

<sup>247</sup> Government of Canada, “Guide to the Canadian Charter of Rights and Freedoms” (18 June 2019), online: *Government of Canada*

<[www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html](http://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html)>.

Enforcement of guaranteed rights and freedoms

**24.** (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of evidence bringing administration of justice into disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

### C. Quebec Charter of human rights and freedoms<sup>248</sup>

The *Quebec Charter of human rights and freedoms* sets out the rights and freedoms that Quebecers are entitled to.

4. Every person has a right to the safeguard of his dignity, honour and reputation.

10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on **race**, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

10.1. No one may harass a person on the basis of any ground mentioned in section 10.

24. No one may be deprived of his liberty or of his rights except on grounds provided by law and in accordance with prescribed procedure.

24.1. No one may be subjected to **unreasonable search or seizure**.

29. Every person arrested or detained has a right to immediately advise his next of kin thereof and to have recourse to the assistance of an advocate. He has a right to be informed promptly of those rights.

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<sup>248</sup> *Charter of Human Rights and Freedoms*, CQLR c C-12, s 10; *Debellefeuille*, *supra* note 57 at paras 87-91.

#### D. Job-Related Functions of Public Security Sector Workers

**Security Guards:** Under the *Private Security Act*, security guarding is described as “watching or protecting persons, property or premises mainly to prevent crime and maintain order.”<sup>249</sup>

We acknowledge that this definition is unclear and does not address the authority security guards possess. For instance, it does not inform citizens about the role that security guards have in “protecting persons.” This definition contributes to youth’s lack of unawareness concerning the role of security guards.

**SPVM Members:** *The Police Act* states that the mission of the police force is to “maintain peace, order and public security, to prevent and repress crime, offences under the law, and municipal by-laws, and to apprehend offenders.

In pursuing their mission, police forces and police force members shall ensure the safety of persons and property, safeguard rights and freedoms, respect and remain attentive to the needs of victims, and cooperate with the community in a manner consistent with cultural pluralism. Police forces shall target an adequate representation, among their members, of the communities they serve.”<sup>250</sup>

**STM Inspectors:** The STM website holds that STM Inspectors “check fares, patrol, and play a prevention role among both passengers and employees. They also respond to emergencies and assist transit users in various situations.”<sup>251</sup> These Inspectors complete 14-weeks of intensive training at École nationale de police du Québec.

These Inspectors are appointed by the STM’s Board of Directors and have the authority to issue statements of offence and make arrests. If an inspector believes that [an individual has] “committed an offence and informs [the person] of the suspected offence, [the individual] must identify [themselves].”<sup>252</sup>

In some instances, the inspector could claim that the individual’s refusal to identify themselves constitutes an obstruction of their work and issue the person a statement of offence under the *Act Respecting Public Transit Authorities*. The individual could also be “charged with obstructing a public official under the *Criminal Code* or be arrested.”<sup>253</sup>

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<sup>249</sup> *Private Security Act*, CQLR c S-3.5, s 1. For more information: [legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-3.5](http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-3.5).

<sup>250</sup> *Police Act*, *supra* note 212 at s 48. For more information: [legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-13.1/](http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-13.1/).

<sup>251</sup> Société de transport de Montréal, “Inspectors and police officers” (n.d.), online: *Société de transport de Montréal* <[www.stm.info/en/info/rules/inspectors-and-police-officers](http://www.stm.info/en/info/rules/inspectors-and-police-officers)>. For more information see link.

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.*



## E. Simplified List of Selected Recommendations from the CDPDJ's 2011 Report

*These are the same recommendations included in our Discussion section under "Recommendations from the CDPDJ's 2011 Report".*

**The CDPDJ recommended that the following changes be made to the *Police Act* and the *Code of ethics of Québec police officers*:**

Recommendation 13 suggests "that racial profiling be prohibited in the *Police Act* and in the *Code of ethics of Police officers of Québec*."

Recommendation 33 asks that "the government amend the *Police Act* and the *Code of ethics of Québec police officers* to oblige police, subject to penalties, to inform citizens of their rights whenever they stop someone, make an arrest or write a ticket."

Recommendation 35 suggests that "the government amend the *Police Act* in order to make the conciliation process optional when a complaint is filed with the Police Ethics Commissioner and to guarantee an investigation when the Commissioner has reason to believe that the *Code of ethics of Québec Police officers* has been violated."

Recommendation 39 proposes that "the government amend the *Police Act* in order that, when it is proven that a ticket was issued as a result of motives or circumstances violating the *Code of ethics of Québec Police officers*, the entity that collected the fine (municipality or government) provide financial compensation equivalent to the sum and fees paid."

**The CDPDJ's report includes other interesting and beneficial recommendations, however their implementation is difficult to verify:**

Recommendation 8 asks "that the cities and their police departments review their policies for fighting crime and street gangs in order to reflect the discriminatory biases that are inherent in the policies or in their application."

Similarly, Recommendation 11 proposes that "the City of Montréal and the SPVM review the police policies and practices with respect to fighting incivility in order to detect and eliminate any discriminatory impacts on racialized persons."

Recommendation 24 recommends "that police training programs and the École nationale de police du Québec provide anti-racism training that includes a formal evaluation of what has been learned by future police officers; and that the cities and the ministère de la sécurité publique establish a similar process for police officers."

Recommendation 27 asks “that cities and police departments take steps to ensure that their practices in recruiting, promoting and evaluating police take into account intercultural competencies.”

Recommendation 28 proposes “that the ministère de la Justice and the ministère de la sécurité publique take steps to ensure that all participants in the legal system and administrative tribunals (judges, lawyers, crown prosecutors, parole officers, prison guards, etc.) be recruited, trained, evaluated and promoted in accordance with their intercultural competencies.”

Recommendation 29 suggests “that the director of Criminal and Penal Prosecutions adopt rules of practice that make it possible to detect actions involving racial profiling in the cases submitted to him.”

Recommendation 46 suggests “that the government take steps to ensure the presence of civilian investigators who are not former police officers on the teams responsible for conducting this type of investigation.”

# Annex 1 - Short Quantitative Survey Questionnaire Consent Form (English version)

Project X: Racial Profiling in Montreal

**THIS SURVEY IS ANONYMOUS.**

Please note that this questionnaire is targeting individuals with experiences of racial profiling between the ages of 14-30.

The following information is provided to tell you about our research to see if you are willing to be involved. Please read this information carefully and feel free to ask any questions you may have about this study and the information given below.

What's the research project about? This research project is being conducted through Head & Hands' Project X program. The purpose is to document the practice of racial profiling in the public security sector in Montreal (including police, STM officials, and security guards). The sharing of your experiences with racial profiling will help with documenting this practice in Montreal.

What will this involve?

For the survey: Filling out a short survey regarding your experiences with racial profiling. You do not need to provide your name. The last question of the questionnaire will ask you if you would like to be contacted for an interview. You can say yes or no. If you say yes, there is a space for you to enter your name and contact information.

For the interview: A conversation that will last about an hour, where we will ask you about when you witnessed or experienced racial profiling. With your permission, we'll record our discussion so that we can share your story with others, while always keeping your identity confidential.

If you want to participate, answer the questions below.

Please contact the Legal Coordinator with all questions/concerns.

Thank you for your time and participation!

## Annex 2 - Short Quantitative Survey Questionnaire Consent Form (French version)

Projet X: Profilage Racial à Montreal

### **CE QUESTIONNAIRE EST ANONYME.**

Veillez noter que ce questionnaire cible les personnes ayant des expériences de profilage racial âgées de 14 à 30 ans.

Avant d'accepter de participer à ce projet de recherche, veuillez lire attentivement ces informations et assurez-vous de bien les comprendre. Nous vous invitons à poser toutes les questions que vous jugerez utiles concernant le but de ce projet et l'information qui suit.

#### Nature et objectifs du projet:

Ce projet est mené par À Deux Mains selon le programme du Projet X. L'objectif est de documenter la pratique du profilage racial dans le secteur de la sécurité public à Montréal (cela inclut la police, les responsables de la STM et les agents de sécurité). Le partage de vos expériences par rapport au profilage racial aidera à documenter cette pratique à Montréal.

#### Le Déroulement du projet:

Votre participation à cette recherche consiste à:

Pour le Questionnaire: Répondre à un bref questionnaire par rapport à votre expérience avec le profilage racial. Vous n'avez pas besoin de donner votre nom. La dernière question du sondage vous demandera si vous souhaitez être contacté pour une entrevue. Veuillez sélectionner oui si vous souhaitez participer à l'entrevue ou non si vous ne le souhaitez pas. Un espace sera fourni pour votre nom et vos coordonnées.

Pour l'entrevue: Il y aura une discussion d'une durée d'environ une heure qui porteront sur vos expériences avec le profilage racial. Nous vous demandons votre permission d'utiliser un enregistreur pendant l'entrevue pour que toutes les informations partagées soient conservés afin de pouvoir partager votre histoire avec d'autres, tout en maintenir votre identité confidentielle.

Si vous souhaitez participer, compléter ce sondage.

Si vous avez des questions, veuillez communiquer avec la coordinatrice juridique au numéro de téléphone suivant : 514-481-0277.

Merci pour votre temps et votre participation!

## Annex 3 - Interview Consent Form (English)

Project X: Racial Profiling in Montreal  
THIS INTERVIEW WILL BE CONFIDENTIAL.

Please note that this interview is targeting individuals with experiences of racial profiling between the ages of 14-30.

The following information is provided to tell you about our research to see if you are willing to be involved. Please read this information carefully and feel free to ask any questions you may have about this study and the information given below.

**What's the research project about?** This research project is being conducted through Head & Hands' Project X program. The purpose is to document the practice of racial profiling in the public security sector in Montreal (including police, STM officials and security guards). The sharing of your experiences with racial profiling will help with documenting this practice in Montreal.

### **What will this involve?**

For the interview: A conversation that will last about an hour, where we will ask you about when you witnessed or experienced racial profiling. With your permission, we'll record our discussion, while always keeping your identity confidential in the final report. Please note that another individual from the research team will take notes during the interview.

Do you have any questions? If you'd like, you can contact the Legal Coordinator with any questions or concerns.

If you'd like to do the interview, let's begin.

If you'd rather not, no problem. Thanks for considering it.

Thank you for your time and participation!

## Annex 4 - Interview Consent Form (French)

Projet X: Profilage Racial à Montréal

CETTE ENTREVUE RESTERA CONFIDENTIELLE.

Veillez noter que cette entrevue cible les personnes ayant des expériences de profilage racial âgées de 14 à 30 ans.

Avant d'accepter de participer à ce projet de recherche, veuillez lire attentivement ces informations et assurez-vous de bien les comprendre. Nous vous invitons à poser toutes les questions que vous jugerez utiles concernant le but de ce projet et l'information qui suit.

**Nature et objectifs du projet:** Ce projet est mené par À Deux Mains selon le programme du Projet X. L'objectif est de documenter la pratique du profilage racial dans le secteur de la sécurité public à Montréal (cela inclut la police, les responsables de la STM et les agents de sécurité). Le partage de vos expériences par rapport au profilage racial aidera à documenter cette pratique à Montréal.

### **Le Déroulement du projet:**

Votre participation à cette recherche consiste à:

Pour l'entrevue: Il y aura une discussion d'une durée d'environ une heure qui porteront sur vos expériences avec le profilage racial. Nous vous demandons votre permission d'utiliser un enregistreur pendant l'entrevue pour que toutes les informations partagées soient conservés afin de pouvoir partager votre histoire avec d'autres, tout en maintenir votre identité confidentielle. Veuillez noter qu'une autre personne de notre équipe de recherche prendra des notes pendant l'entrevue.

Avez-vous des questions? Si vous voulez, vous pouvez contacter le Coordonnateur légal avec n'importe quelle question ou préoccupation.

Si vous êtes d'accord de faire l'entrevue, nous pouvons commencer.

Si vous préférez pas, pas de problème. Merci d'avoir pris le temps d'y réfléchir.

Merci pour votre temps et votre participation!

## Annex 5 - Short Quantitative Survey Questionnaire (Bilingual)

### A. Introduction

1- What is your age?

Quel âge avez-vous?

2- Gender: How do you identify?

Sexe: Comment vous identifiez-vous?

(Categories taken from Government of Canada's Gender and Sexual Diversity

Glossary/Catégories tirées du Lexique sur la diversité sexuelle et de genre du Gouvernement du Canada: <https://www.btb.termiumplus.gc.ca/publications/diversite-diversity-fra.html>)

- a. Male/Homme
- b. Female/Femme
- c. Transmasculine/Homme Trans
- d. Transfeminine/Femme Trans
- e. Androgynous /Androgyne
- f. Gender Fluid/Genre Fluide
- g. Non-Binary/Non-Binaire
- h. Other, please specify/Autre, veuillez préciser: \_\_\_\_\_

3- How do you feel public security sector workers (police, STM officials, and security guards) perceive your gender?

Selon vous, comment pensez-vous que les travailleurs du secteur public (policiers, agents de la STM et agents de sécurité) perçoivent votre sexe?

- a. Male/Homme
- b. Female/Femme
- c. Transmasculine/Homme Trans
- d. Transfeminine/Femme Trans
- e. Androgynous /Androgyne
- f. Gender Fluid/Genre Fluide
- g. Non-Binary/Non-Binaire
- h. Other, please specify/Autre, veuillez préciser: \_\_\_\_\_

4- Which borough do you live in?

Dans quel quartier habitez-vous?

- Ahuntsic-Cartierville
- Anjou
- Baie-d'Urfé
- Beaconsfield
- Côte-des-Neiges
- Côte Saint-Luc
- Dollard-des-Ormeaux
- Dorval
- Hampstead
- Kirkland

- Lachine
- LaSalle
- Laval
- Le Plateau
- Le Sud-Ouest
- L'Île-Bizard
- Longueuil
- Mercier-Hochelaga-Maisonneuve
- Montréal-Nord
- Montréal-West
- Mont-Royal
- Notre-Dame-de-Grâce
- Parc-Extension
- Pierrefonds
- Pointe-Claire
- Pointe-aux-Trembles
- Rivière-des-Prairies
- Roxboro
- Rosemont
- South Shore
- St-Laurent
- St-Léonard
- St-Michel
- St-Geneviève
- Verdun
- Ville-Marie
- Villeray
- Westmount
- Other/Autre

5- What is your primary language?  
 Quel est votre langue principale?

6 - Please select all categories that you identify with:

Veillez cocher chaque catégorie dans laquelle vous vous identifiez:

(Categories taken from the Ontario Human Rights Commission/Catégories tirées de la Commission ontarienne des droits de la personne -

<http://www.ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario/appendix-b-survey-demographic-information>)

- Indigenous (Inuit, Métis, First Nations, etc.)/Autochtones (Inuit, Métis, Première Nations)
- Arab/Arabe
- Black (e.g., African, Haitian, Jamaican, etc.)/Noir(e) (africain(e), haïtien(ne), jamaïcain(ne), etc.)
- Chinese/Chinois(e)

- Filipino/Philippin(e)
- Japanese/Japonais(e)
- Korean/Coréen(ne)
- Latin American/Latino-américaine
- South Asian/ Asiatique du Sud
- South East Asian/Asiatique du Sud-Est
- West Asian (e.g., Armenian, Egyptian, Iranian, Lebanese, Moroccan, Afghan, etc.)/Asiatique occidental(e) (arménien(ne), égyptien(ne), iranien(ne), libanais(e), marocain(e), afghan(e), etc.)
- White (Caucasian)/ De race blanc(he)
- Buddhist/Bouddhiste
- Christian/Chrétien(ne)
- Hindu/Hindou(e)
- Jewish/Juif ou Juive
- Muslim/Musulman(e)
- Sikh/Sikh(e)
- Indigenous Spirituality/Spiritualité autochtone
- No religion/ Aucune religion
- Other/Autre: please specify (even if multiple)/veuillez préciser (même s'il y en a plusieurs)

7- Given the following groups, how do you feel public security sector workers identify you? Parmi les groupes suivants, selon vous, comment êtes-vous perçu par les agents du secteur public? (Categories taken from the Ontario Human Rights Commission/Catégories tirées du Ontario Human Rights Commission -

<http://www.ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario/appendix-b-survey-demographic-information>

- Indigenous (e.g., Inuit, Métis, First Nations, etc.)/Autochtones (ex. Inuits, Metis, Première Nations)
- Arab/Arabe
- Black (e.g., African, Haitian, Jamaican, etc.)/Noir (africain, haitien, jamaicain, etc.)
- Chinese/Chinois
- Filipino/Philippin
- Japanese/Japonais
- Korean/Coreen
- Latin American/Amerique Latine
- South Asian/ Asiatique du Sud
- South East Asian/Asiatique Sud-Est
- West Asian (e.g., Armenian, Egyptian, Iranian, Lebanese, Moroccan, Afghan, etc.)/Asiatique occidentale (arménien, égyptien, iranien, libanais, marocain, afghan, etc.)
- White (Caucasian)/ Blanc
- Buddhist/Bouddhiste
- Christian/ Chrétien
- Hindu/Hindou
- Jewish/Juif

- Muslim/Musulman
- Sikh
- Indigenous Spirituality/Spiritualité autochtone
- No religion/ Sans religion
- Other/Autre: please specify (even if multiple)/veuillez préciser (même s'il y en a plusieurs)

B. Part 2/Partie 2

Please check off all that apply/Choisissez toutes les options pertinentes:

8- Do you believe that you have previously been the subject of racial profiling?

Yes  No

Pensez-vous avoir déjà fait l'objet de profilage racial?

Oui  Non  Je préfère ne pas répondre

9- Have you ever witnessed racial profiling?

YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Avez-vous déjà été témoin de profilage racial?

OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  
 NON  Je préfère ne pas répondre

10- Have you been stopped while driving and either not given a ticket or given a ticket for something trivial (unimportant)?

YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Avez-vous déjà été arrêté lorsque vous conduisiez et n'avez pas reçu de contravention ou reçu une contravention pour quelque chose de banal?  OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  NON  Je préfère ne pas répondre

11- Have you ever been randomly stopped on the street and asked for your ID?

YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Avez-vous déjà été arrêté au hasard et on vous a demandé pour une preuve d'identité au hasard?

OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  NON  Je préfère ne pas répondre

12- Have you ever been told to leave a park by police or a security guard?

YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Est-ce que la police ou un garde de sécurité vous a déjà demandé de quitter un parc?  
 OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  
 NON  Je préfère ne pas répondre

13- Have you ever been stopped on the street by police for no apparent reason?  
 YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Avez-vous déjà été arrêté par la police sans aucune raison apparente?  
 OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  
 NON  Je préfère ne pas répondre

14- Have you been stopped in a public place by a security guard for no apparent reason?  
 YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Avez-vous déjà été arrêté par un garde de sécurité sans aucune raison apparente?  
 OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  
 NON  Je préfère ne pas répondre

15- Have you been stopped by a STM official for no apparent reason?  
 YES, 1-5 times  YES, 6-10 times  YES, 11-15 times  YES, 16-19 times  
 YES, 20+ times  NO  I prefer not to answer

Avez-vous déjà été arrêté par un agent de la STM sans aucune raison apparente?   
 OUI, 1-5 fois  OUI, 6-10 fois  OUI, 11-15 fois  OUI, 16-19 fois  OUI, 20+ fois  
 NON  Je préfère ne pas répondre

### C. Part 3/Partie 3

16- Do you feel that your religious affiliation (or physical displays of your religious affiliation) was a factor in you being racially profiled?  Yes  No  I prefer not to answer

Pensez-vous que votre religion (ou les manifestations physiques de votre religion) a contribué à votre expérience de profilage racial?  Oui  Non  Je préfère ne pas répondre

17. If yes, please disclose your assumed/perceived religious affiliation:

\_\_\_\_\_

Si oui, veuillez indiquer votre religion supposée/perçue:

\_\_\_\_\_

18- Do you believe that a police officer, a security guard or a STM official was rude or disrespectful to you based on any of the following grounds (check all that apply)/Avez-vous eu

le sentiment qu'un policier, un agent de sécurité ou un responsable de la STM était irrespectueux avec vous pour l'une ou plusieurs des motifs suivantes:

Age/Âge

Race

National or Ethnic Origin/L'origine nationale ou ethnique

Gender/Sexe

Religion or Spirituality/Religion ou spiritualité

Language/Langue

Disability/En situation de handicap

NO/NON

I prefer not to answer/Je préfère ne pas répondre

Other/Autre

19 Have you ever exercised your rights when wrongfully arrested?

Yes  No  I prefer not to say  N/A

Avez-vous déjà exercé vos droits lors d'une arrestation injustifiée?

Oui  Non  Je préfère ne pas répondre  N/A

20- If not, why?

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Si, non, pourquoi?

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21- Other comments

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Autre Commentaires?

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22- We are interested in collecting individuals' narratives regarding their experiences with racial profiling with the goal of addressing and documenting the practice in Montreal. Would you like to be contacted for an interview?  Yes  No

On mène des recherches sur le profilage racial à Montréal. On veut rassembler les expériences des individus qui ont vécu le profilage racial. Notre but est d'adresser et documenter la pratique à Montréal. Souhaitez-vous être contacté pour une entrevue?  Oui  Non

## Annex 6 - Qualitative Interview Questions (Bilingual)

Questions taken from/ces questions ont été tirées du rapport #MTLSansProfilage  
[https://drive.google.com/file/d/0B-8vqv\\_856jERzhfX2E4cWdVdkRqdEY0MGFkZ3NwNUpDc\\_kw0/view?fbclid=IwAR2yaS30KharyY4sLR0pqWkxZooCRqpmFS1\\_slzoAikoMYyjRoRHPfgnQ](https://drive.google.com/file/d/0B-8vqv_856jERzhfX2E4cWdVdkRqdEY0MGFkZ3NwNUpDc_kw0/view?fbclid=IwAR2yaS30KharyY4sLR0pqWkxZooCRqpmFS1_slzoAikoMYyjRoRHPfgnQ)

### A. Introduction:

1. Quel âge as-tu?  
What is your age?
2. Tu habites à quel quartier? Quelle est ta relation avec le quartier? Est-ce que tu passes la majorité du temps dans le quartier?  
What neighbourhood do you live in? What is your relationship to the neighbourhood? Do you spend most of your time in your neighbourhood?
3. Quel est ton statut social (ex. étudiant(e), travailleur/euse à temps plein ou partiel)?  
What's your social status (i.e. student, employed part-time or full-time)?

### B. Perceptions et perspectives des jeunes/ Youths' Perceptions et Perspectives

4. Où vois-tu la police ou les agents de sécurité dans ton quotidien?  
Where do you see police or security guards in your daily life?
5. Comment perçois-tu la police, les agents de sécurité et les agents de la STM dans ton quartier?  
How do you perceive the police, security guards, and STM officials in your neighbourhood?
6. Que ressens-tu lorsque tu croises des agents de la police, les agents de sécurité et les agents de la STM?  
What do you feel when you are in the same area as police officers, security guards, or STM officials?
7. Comment penses-tu que la police, les agents de sécurité et les agents de la STM perçoivent les jeunes du quartier?  
In your opinion, how do police, security guards and STM officials view the youth in your neighbourhood?
8. Selon toi, qui sont les jeunes ciblés par la police, les agents de sécurité et les agents de la STM dans le quartier?  
In your opinion, which youth are targeted by the police, security guards, and STM officials in your neighbourhood?
9. Selon toi, est-ce que ton quartier est sécuritaire? S'il te plait, explique.  
In your opinion, is your neighbourhood safe? Please explain.
10. Si tu as un problème concernant ta sécurité, vers qui vas-tu aller chercher de l'aide?  
If you have a problem concerning your security, who do you turn to for help?
11. Les jeunes ont des droits, et selon toi est-ce qu'ils sont respectés par les autorités, et plus particulièrement la police, les agents de sécurité et les agents de la STM? S'il te plait, explique.  
Youth have rights, in your opinion, are these rights respected by authorities, more specifically, the police, security guards, and STM officials? Please elaborate.
12. De façon générale, comment vois-tu les relations entre la police, les agents de sécurité et les agents de la STM et les jeunes dans le quartier?

In general, how do you see the relationship between the police, security guards, and STM officials and the youth in your neighbourhood?

### C. Témoignages/Testimonies

13. Est-ce qu'il y a des personnes dans ton entourage qui a déjà:

Has anyone in your network/friend group been:

- a. Été interpellé de manière brusque ou insultante par la police, les agents de sécurité ou des agents de la STM? ? Ont-ils été insultés par ceux-ci? Comment est-ce que ça s'est passé? Où? Quand? Comment?  
Spoken to in a curt manner or insulted by the police, security guards, or STM officials? How did it happen? Where? When? How?
- b. Interrogé par la police, les agents de sécurité ou des agents de la STM? Comment ça s'est passé? Où? Quand? Comment?  
Interrogated by the police, security guards, STM officials? How did it happen? Where? When? How?
- c. Arrêter par la police, les agents de sécurité ou des agents de la STM? Comment ça s'est passé? Où? Quand? Comment?  
Stopped by the police, security guards, or STM officials? How did it happen? Where? When? How?
- d. Reçu une contravention? Pour quelles raisons? Comment ça s'est passé? Quand? Pourquoi? Qu'elle a été la suite?  
Received a traffic ticket? For what reason? How did it happen? When? Why? What happened afterwards?

14. Connais-tu des personnes qui ont eu des conflits avec la police, les agents de sécurité ou des agents de la STM? Peux-tu me décrire qu'est ce qui s'est passé et comment?

Do you know anyone who has had conflicts with the police, security guards, or STM officials? Can you please describe what happened and how it happened?

### Expériences personnelles/Personal Experiences

15. Peux-tu nous parler de tes propres expériences avec les forces de l'ordre dans le quartier (ex.: police, les agents de la STM, les agents de sécurité)?

Could you speak about your experiences with those responsible for keeping the peace in your neighbourhood (ex.: police, STM officials, and security guards)?

- a. As-tu eu des moments/expériences où la police t'as interpellé? Quand, pourquoi, comment?  
Have you had moments/experiences during which the police questioned you with much scrutiny? When? Why? How?
- b. As-tu déjà été interrogé par la police, les agents de sécurité ou des agents de la STM?  
Have you been interrogated by the police, security guards, or STM officials?
- c. T'on t'il déjà demandé une preuve d'identité?  
Have they asked you for proof of ID?
- d. As-tu déjà été arrêté? À quelle fréquence et pourquoi? Quelles sont les raisons que la police, les agents de sécurité ou des agents de la STM t'a donné d'intercepter ou t'arrêter?

Have you been stopped in the past? How many times? Why? What reasons were you given for the stop by police, security guards, or STM officials?

e. Que s'est-il passé après cette arrestation? (ex., comparution judiciaire, contraventions, etc.)

What happened after this arrest? (i.e. ticket, court appearance, etc.)

f. As-tu déjà reçu une contravention? À quelle fréquence et pourquoi?  
Have you already received a traffic ticket? How many times? Why?

g. As-tu eu à déboursé une somme? As-tu déjà eu une infraction qui a été annulée?  
Did you have to pay money towards the ticket? Have you had an infraction canceled in the past?

16. As-tu eu des rencontres négatives avec la police, les agents de sécurité ou des agents de la STM? Quand? Dans quelles circonstances?

Have you had negative experiences with the police, security guards, or STM officials? When? In what circumstances?

17. As-tu eu des rencontres positives avec la police, les agents de sécurité ou des agents de la STM? Quand? Dans quelles circonstances?

Have you had positive experiences with the police, security guards, or STM officials? When? Under what circumstances?

18. Comment t'es-tu senti après cette (ou ces) expériences?

How did you feel after this/these experiences?

19. Comment cela a-t-il affecté tes habitudes de vie? Et tes points de vue?

How did this/these events affect your lifestyle and perspectives of the police, security guards, and STM officials?

#### E. Suivi/Follow-up

20. Dans une situation de conflit avec la police, les agents de sécurité ou des agents de la STM, y a-t-il eu un suivi? Qu'est-ce que tu as fait? Qu'aurais-tu aimé faire?

In cases where there is a conflict with police, security guards, or STM officials, are there opportunities for follow-up? What did you do? What would you have liked to do?

21. Si toi ou une personne que tu connais rencontriez des difficultés avec la police, les agents de sécurité ou des agents de la STM, que ferais-tu pour aller chercher de l'aide? Tu te tournerais vers quelle personne ou quelle institution et organisme?

If you or someone that you know was having difficulties with the police, security guards, or STM officials, what would you do in terms of seeking help? What organizations, institutions or people would you turn to for help?

22. Que vois-tu comme recours à la justice pour des jeunes qui ont vécu des conflits ou des abus physiques avec la police, les agents de sécurité ou des agents de la STM?

In terms of seeking justice for young people who have had conflictual experiences with police, security guards, or STM officials or have been physically abused by police security guards, or STM officials, what do you see as an appropriate recourse?

#### F. Changements à faire/ Needed Changes

23. Quels changements aimerais-tu proposer pour les forces de l'ordre dans le quartier?

What changes would you propose to ensure that order is enforced in the neighbourhood?

24. Quel rôle penses-tu que la police, les agents de sécurité ou des agents de la STM devraient jouer dans le quartier? Et pourquoi?

What role do you believe police, security guards, or STM officials should play in your neighbourhood? Why?

25. Aimerez-vous nous donner votre courriel ? Si oui, on peut vous informer du lancement du rapport final et vous inviter à l'événement associé.

Would you like to be added to an e-mail list so that you can be informed about the launch of the final report and invited to the associated event?