

JUDICIALIZATION OF HOMELESSNESS IN MONTRÉAL:

Alarming evidence of increased social
profiling (2012–2019)

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List of abbreviations and acronyms

BEP: Brigade des espaces publics (Brigade Urbaine Unit*)

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

CERP: Commission d'enquête sur les relations entre les Autochtones et certains services publics
(Commission on relations between Indigenous Peoples and certain public services in Québec :
listening, reconciliation and progress)

FPJCM: First Peoples Justice Centre on Montréal

UCR: Uniform Crime Reporting Survey

MRITHI: Mobile Reference and Intervention Team for Homeless Individuals (EMRII in French)

STPE: Support Team for Psychosocial Emergencies (ESUP in French)

MTESS: Ministère du Travail, de l'Emploi et de la Solidarité sociale (Work, Employment and Social
solidarity Ministry*)

PDQ: Poste de quartier (Local police station)

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

RRVM: Règlement concernant la paix et l'ordre de la Ville de Montréal (By-law concerning peace
and order in the city of Montréal)

SPVM: Service de police de la Ville de Montréal (Ville de Montréal's police department)

STM: Société de transport de Montréal (Montréal transport society*)

* Our own translation when no official translation is available

Highlights

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

The study's findings are numerous, but they all point to a worsening of the situation with respect to social profiling by police officers of the Service de police de la Ville de Montréal (SPVM), despite various official statements and policies aimed at putting an end to profiling practices. We show that homeless individuals are victims of social profiling in the streets of Montréal where they are primarily targeted for their use of alcohol in the public space and for public intoxication. The analysis of the statements of offence issued against Indigenous people in a situation of homelessness shows also how much this population is even more targeted.

The extent of judicialization and social profiling

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

Places and seasonality of judicialization

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

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

Grounds for judicialization

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

Characteristics of the persons who are judicialized

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

The judicialization of Indigenous people in a situation of homelessness

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

The cost of judicialization

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

1. Setting the context

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

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

Each research report on the judicialization of homelessness has shown us how costly, counterproductive and ineffective these judicialization practices are. In 2009, they were [denounced by the Commission des droits de la personne et des droits de la jeunesse](#) (CDPDJ) as well as many organizations as social profiling practices. The Québec government's [Politique nationale de lutte à l'itinérance](#) (National policy to fight homelessness) and the [Plan d'action interministériel en itinérance 2015](#) (Interministerial action plan on homelessness) recommend that the judicialization of homeless populations should be avoided.

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

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

2. Is repression a necessity?

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

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

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

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

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

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

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

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

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

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

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

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

3. Methodology

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

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

In addition, this time we requested the extraction of statements of offence where the words “SDF,” (i.e. “sans domicile fixe”, or in English “without a fixed abode”), “sans-abri” (“homeless”) or “sans adresse FIXE” (“without a PERMANENT address”) were entered as the address for the person under investigation. 1,287 statements of offence in the database had this mention as the address declared by the person receiving the statement of offence.

Another new feature in this fourth report is that we requested additional information on the location of the offence. Although we were unable to retrieve this specific data, we did obtain information on the borough where the statement of offence was issued.

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

4. The periphery of homelessness judicialization in Montréal

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

The analyses in this report on judicialization practices in Montréal from January 1, 2012 to June 30, 2019, made it possible to study **50,727 statements of offence** issued to homeless people who either provided the address of an organization when they were issued statements of offence (see [Annex 1: List of homelessness organizations](#)) or for whom the words “SDF,” (i.e. “sans domicile fixe”, or in English “without a fixed abode”), “sans-abri” (“homeless”) or “sans adresse FIXE” (“without a PERMANENT address”) were entered as the address on the statement of offence. For the rest of our analysis, we will refer to them as "homeless people".

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

4.1. The evolution of the judicialization of homelessness from 1994 to 2019

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

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

Year	Offence Categories						Total
	Municipal by-laws (RRVM)		STM by-laws		Others		
	N	%	N	%	N	%	
1994	566	53.7	488	46.3	--	--	1,054
1995	751	54.5	628	45.5	--	--	1,379
1996	735	48.4	779	51.3	4	0.3	1,518
1997	596	49.5	580	48.2	28	2.3	1,204
1998	1,177	73.2	369	22.9	62	3.9	1,608
1999	1,693	80.4	363	17.2	49	2.3	2,105
2000	953	50.7	920	49.0	6	0.3	1,879
2001	1,515	61.4	954	38.6	--	--	2,469
2002	1,609	53.2	1,416	46.8	--	--	3,025
2003	2,219	56.2	1,730	43.8	--	--	3,949
2004	3,225	45.2	3,911	54.8	--	--	7,136
2005	2,382	37.9	3,911	62.1	--	--	6,293
2006	2,230	46.3	2,493	51.7	95	2.0	4,818
2007	2,834	46.4	3,175	52.0	99	1.6	6,108
2008	2,305	37.4	3,774	61.2	85	1.4	6,164
2009	2,962	41.0	4,153	57.5	105	1.5	7,220
2010	2,439	37.2	4,055	61.8	68	1.0	6,562
2011*	---	---	---	----	----	---	----
Sub-total	30,191	46.8	33,699	52.3	601	0.9	64,491
2012**	2,001	31.7	4,318	68.3	---	---	6,319
2013	1,957	39.9	2,952	60.1	---	---	4,909
2014	1,804	47.0	2,037	53.0	---	---	3,841
2015	2,444	41.6	3,427	58.4	----	----	5,871
2016	2,888	36.8	4,957	63.2	----	----	7,845
2017	3,477	36.3	6,103	63.7	----	----	9,580
2018	2,950	34.7	5,543	65.3	----	----	8,493
2019***	1,043	27.0	2,826	73.0	----	----	3,869
Sub-total	18,564	36.6	32,163	63.4	---	----	50,727
Total	48,755	42.3	65,862	57.2	601	0.5	115,218

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

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

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

The data analysis in Table 1 provides the following findings:

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

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

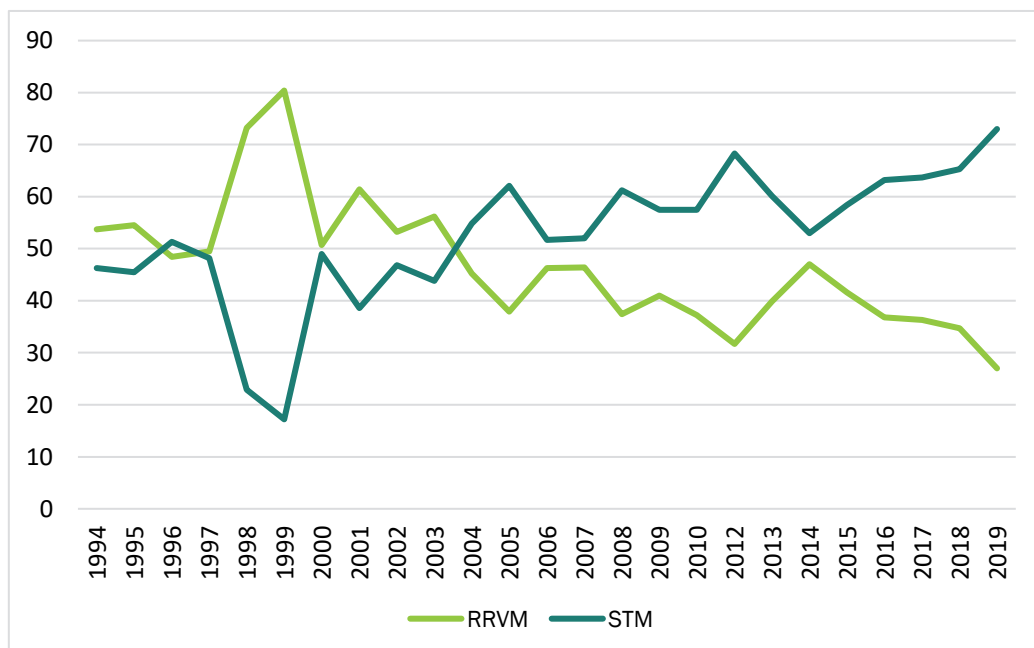


Figure 1 provides a better picture of the year-to-year swings in the types of by-laws that warrant the issuance of tickets to homeless people. There is a significant increase in the percentage of tickets issued under municipal by-laws from 1997 to 1999, followed by a general decrease until 2019. On the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

increase in the phenomenon of homelessness or its transformations with respect to the occupation of different types of public spaces (street, metro, etc.).

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

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

In order to illustrate these changes in responsibilities, Table 2 below presents the actors who issued statements of offence rather than the by-laws used to issue statements of offence. It shows that, for the period from 2012 to 2019, SPVM police officers issued 65.4% of the total number of statements of offence to homeless people (33,173 statements of offence under municipal by-laws and STM by-law [R-036](#)) while STM security officers issued 34.%, or 17,554 statements of offence (under by-law [R-105](#)).

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

SPVM (RRVM + R-036)		STM (R-105)	
N	%	N	%
33,173	65.4	17,554	34.6

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

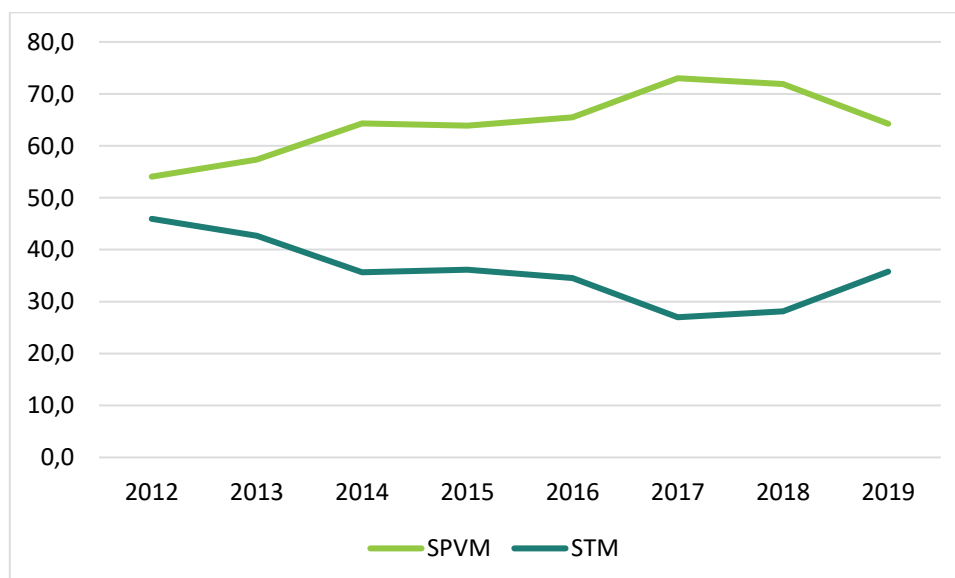
Table 3: Numbers and percentages of statements of offence issued by STM and SPVM officers, from 2012 to 2019

Year	SPVM (RRVM + R-036)		STM (R-105)	
	N	%	N	%
2012	3,416	54.1	2,903	45.9
2013	2,815	57.3	2,094	42.7
2014	2,471	64.3	1,370	35.7
2015	3,750	63.9	2,121	36.1
2016	5,136	65.5	2,709	34.5
2017	6,994	73.0	2,586	27.0
2018	6,106	71.9	2,387	28.1
2019*	2,485	64.2	1,384	35.8

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

Figure 2 presents the percentage curves of statements of offence issued by SPVM police officers and STM safety officers. It shows the steady **increase in the number of statements of offence issued to homeless people by SPVM police officers and the relative decrease in those issued by STM safety officers between 2012 and 2019**. These data also make it possible to consider the extent of the judicialization practices of the SPVM officers in the metro.

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



4.2. Geographical breakdown of statements of offence, 2012-2019

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

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

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

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

Boroughs	Year								Total	
	2012	2013	2014	2015	2016	2017	2018	2019*	N	%
Ahuntsic/Cartierville	131	86	78	139	130	154	109	42	869	1.7
Anjou	3	6	1	8	2	3	4	0	27	0.1
Baie d'Urfé	0	0	0	0	0	0	1	0	1	0.0
Beaconsfield	1	0	0	0	0	0	0	0	1	0.0
Côte-des-Neiges/Notre-Dame-de-Grâce	158	130	106	186	185	238	268	120	1,391	2.7
Cote Saint-Luc	0	3	0	1	2	0	2	0	8	0.0
Dorval	7	7	4	3	3	9	5	3	41	0.1
Kirkland	1	0	0	0	0	0	0	0	1	0.0
Lachine	2	4	3	10	1	2	2	3	27	0.1
Lasalle	20	3	15	9	13	7	20	4	91	0.2
Mercier/Hochelaga-Maisonneuve	378	334	277	362	372	538	476	241	2,978	5.9
Mont-Royal	0	0	1	0	2	5	6	3	17	0.0
Montréal-Est	3	2	1	1	3	3	1	0	14	0.0
Montréal-Nord	3	13	6	13	6	11	8	5	65	0.1
Montréal-Ouest	0	1	0	4	3	0	3	0	11	0.0
Outremont	7	2	3	5	5	0	7	2	31	0.1
Pierrefonds/Roxboro	0	0	1	2	2	1	4	0	10	0.0
Plateau Mont-Royal	590	409	236	375	567	626	686	243	3,732	7.4
Pointe-Claire	4	1	1	3	5	2	1	0	17	0.0
Rivière-des-Prairies/Pointe-aux-Trembles	7	6	7	6	9	6	19	8	68	0.1
Rosemont/Petite-Patrie	127	92	87	117	154	144	181	54	956	1.9
Saint-Laurent	10	16	18	23	30	46	50	15	208	0.4
Saint-Léonard	2	6	4	4	3	4	3	1	27	0.1
Sud-Ouest	370	290	221	339	401	520	463	259	2,863	5.6
Verdun	46	26	25	112	93	135	107	70	614	1.2
Ville-Marie	4,150	3,221	2,525	3,934	5,558	6,856	5,812	2,655	34,711	68.0
Villeray/Saint-Michel/Parc-Extension	296	250	218	214	287	254	245	131	1,895	3.7
Westmount	3	1	3	1	9	16	10	10	53	0.1
Total	6,319	4,909	3,841	5,871	7,845	9,580	8,493	3,869	50,727	100

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

Moreover, even if comparisons are difficult, insofar as the data do not represent exactly the same elements², the [data presented to CERP – Viens Commission](#) by the SPVM for the years 2015 and 2016 make it possible to identify the local police stations (PDQ) where officers issue the most statements of offence, all regulations combined. The PDQs 20 (Ville-Marie West), 21 (Ville-Marie East), 38 (Plateau-Mont-Royal), and 50 (Montréal metro) are the stations where officers issue more than 1,000 statements of offence per year. Thus, in the territory of PDQ 20 (Ville-Marie West), 1,022 statements of offence were issued in 2015 and 1,322 in 2016. In PDQ 21 (Ville-Marie East), 2,426 statements of offence were issued in 2015 and 2,702 in 2016. In the territory of PDQ 38 (Plateau-Mont-Royal), 2,019 statements of offence were issued in 2015 and 2,009 in 2016. Finally, in the PDQ 50 (Montréal metro), 1,514 statements of offence were issued in 2015 and 2,008 in 2016.

This data also highlights the particularly important role of the Brigade des espaces publics (BEP) in the judicialization of homelessness. According to the [SPVM website](#), this brigade, created in 2009, is composed of 24 patrollers and 50 cadets who "works primarily to meet the need for public safety services and to address reprehensible behaviour in the downtown area" (our translation). "All unit members have received a formation regarding homelessness, urban aboriginal reality, terrorist threat awareness, crowd control with police bicycle, drugs and new tendencies and ways to intervene with people in crisis".

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

4.3. Seasonal breakdown of statements of offence

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

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

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

the statements of offence are issued. During the months of June, July, August and September, the percentage of STM statements of offence issued is at its lowest.

Table 5: Change in monthly average number of statements of offence issued to homeless people from 2012 to 2019

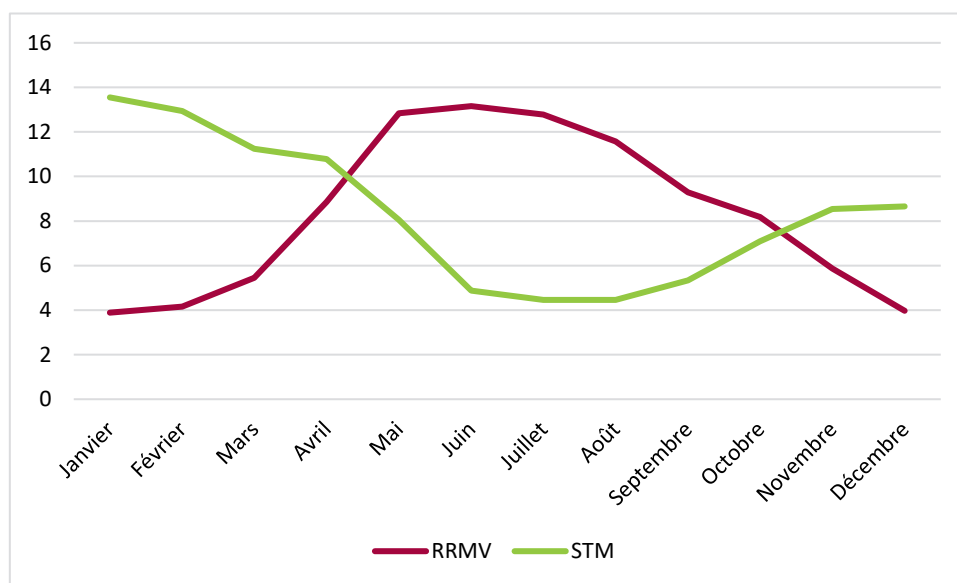
	Month	2012		2013		2014		2015		2016		2017		2018		2019*	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Peace and order by-law c. P-1 (RRVM)	Jan.	65	3.2	60	3.1	108	6.0	45	1.8	135	4.7	136	3.9	132	4.5	113	10.8
	Feb.	98	4.9	70	3.6	91	5.0	59	2.4	114	3.9	163	4.7	133	4.5	128	12.3
	March	113	5.6	103	5.3	116	6.4	83	3.4	146	5.1	194	5.6	199	6.7	148	14.2
	April	193	9.6	148	7.6	218	12.1	176	7.2	183	6.3	351	10.1	269	9.1	176	16.9
	May	222	11.1	259	13.2	264	14.6	331	13.5	371	12.8	343	9.9	431	14.6	248	23.8
	June	247	12.3	255	13.0	273	15.1	304	12.4	339	11.7	474	13.6	407	13.8	230	22.1
	July	326	16.3	266	13.6	189	10.5	390	16.0	324	11.2	425	12.2	286	9.7	0	0.0
	Aug.	250	12.5	248	12.7	162	9.0	296	12.1	339	11.7	410	11.8	332	11.3	0	0.0
	Sept.	157	7.8	178	9.1	108	6.0	248	10.1	332	11.5	376	10.8	284	9.6	0	0.0
	Oct.	157	7.8	205	10.5	105	5.8	199	8.1	276	9.6	297	8.5	202	6.8	0	0.0
	Nov.	99	4.9	104	5.3	87	4.8	193	7.9	213	7.4	192	5.5	154	5.2	0	0.0
	Dec.	74	3.7	61	3.1	83	4.6	120	4.9	116	4.0	116	3.3	121	4.1	0	0.0
	Total	2,001	100	1,957	100	1,804	100	2,444	100	2,888	100	3,477	100	2,950	100	1,043	100
STM	Jan.	603	14.0	426	14.4	336	16.5	263	7.7	586	11.8	745	12.2	1,012	18.3	645	22.8
	Feb.	556	12.9	410	13.9	262	12.9	385	11.2	583	11.8	777	12.7	846	15.3	748	26.5
	March	480	11.1	340	11.5	193	9.5	391	11.4	542	10.9	719	11.8	692	12.5	570	20.2
	April	472	10.9	408	13.8	212	10.4	326	9.5	469	9.5	646	10.6	597	10.8	462	16.3
	May	370	8.6	244	8.3	201	9.9	289	8.4	351	7.1	629	10.3	214	3.9	265	9.4
	June	200	4.6	150	5.1	76	3.7	210	6.1	245	4.9	311	5.1	252	4.5	136	4.8
	July	224	5.2	118	4.0	55	2.7	183	5.3	267	5.4	279	4.6	224	4.0	0	0.0
	Aug.	228	5.3	117	4.0	38	1.9	194	5.7	290	5.9	228	3.7	269	4.9	0	0.0
	Sept.	284	6.6	174	5.9	67	3.3	214	6.2	293	5.9	256	4.2	291	5.2	0	0.0
	Oct.	232	5.4	182	6.2	152	7.5	325	9.5	388	7.8	413	6.8	363	6.5	0	0.0
	Nov.	294	6.8	178	6.0	221	10.8	348	10.2	460	9.3	583	9.6	396	7.1	0	0.0
	Dec.	375	8.7	205	6.9	224	11.0	299	8.7	483	9.7	517	8.5	387	7.0	0	0.0
	Total	4,318	100	2,952	100	2,037	100	3,427	100	4,957	100	6,103	100	5,543	100	2,826	100

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

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

This seasonal distribution shows the extent to which **repressive practices follow people in a situation of homelessness in the places they frequent, from public spaces in summer to the metro in winter**, without regard to their specific needs for respite in winter.

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



4.4. Amplifying profiling practices

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

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

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

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

Year	Total statements issued by the SPVM according to annual reports	Statements received by homeless people for reasons of safety/public order	
		N	%
2004	10,397	3,225	31.0
2005	12,079	2,382	19.7
2006	13,045	2,230	17.1
2007	21,276	5,437	25.5
2008	20,443	5,179	25.3
2009	21,627	5,068	23.4
2010	17,861	4,210	23.5
2011	-----	-----	-----
2012	16,457	3,416	20.7
2013	14,072	2,815	20.1
2014	11,383	2,471	21.7
2015	11,678	3,750	32.0
2016	14,556	5,136	35.2
2017	17,010	6,994	41.0
2018	15,333	6,106	39.8
**2019	11,959	2,485	20.0

* There are 132 missing data.

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

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

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

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

4.5. Categories of offences charged to homeless people

After having documented the evolution of the number of statements of offence issued to homeless people, we are now looking at the offences they are charged with.

Homeless people are ticketed for a multitude of offences under municipal and STM by-laws. These offences range from drinking alcohol to throwing ashes on the public domain, to impeding or obstructing traffic to being barefoot in the metro. Nevertheless, we have focused on the main offences charged. Table 7 presents a classification of 10 categories of statements of offences issued to homeless people in Montréal between 2012 and 2019. More than 90.8% of the statements of offence issued between 2012 and 2019 fall within these 10 categories. In fact, out of a total of 50,727 statements of offence issued during this period, 46,041 statements of offence correspond to these categories.

As in our previous studies, the most common violations of municipal by-laws for which statements of offence were issued are those related to the use of alcohol in public places, public intoxication/drunkenness and loitering. From 2012 to 2019, 82.8% of the statements of offence issued under [By-law c. P-1 concerning peace and order on public property](#) related to the use of alcohol and public intoxication. This proportion is consistent over time and confirms the analyses carried out in our previous studies. **The judicialization of homelessness is essentially due to the repression of substance and alcohol uses**, despite the creation of sobering-up places in various services, the wider acceptance of intoxicated persons in resources, the implementation of supervised injection sites and the deployment of warming centres and air-conditioned places. The third most frequent category is loitering, representing more than 10.2% of the total number of statements of offence. Here again, it is surprising, in light of the criticisms of the judicialization as a form of social profiling and despite the plans to fight racial and social profiling, that 10.2% of the statements of offence issued directly target the presence of homeless people on the streets of Montréal.

Regarding STM's by-laws, the most frequent categories of offences are of not paying one's fare (54.5%), lying on a bench or on the ground (12.6%), smoking in the metro (8.3%), consuming alcoholic beverages (7.2%) and impeding circulation (3%), as shown in Table 7.

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

Table 7: Numbers and percentages of the 10 most frequent offence categories, by type of by-law, 2012-2019

By-Law Category	Offence	N	%
Peace and Order by-law c. P-1 (RRVM)	Having consumed alcoholic beverages on public property or in a park	7,708	41.5
	Having been found lying or loitering drunk on a public thoroughfare or place	7,673	41.3
	Loitering / obstruct traffic / refusing to move on public thoroughfares and places	1,887	10.2
	Refusing to stop a violation when requested to do so by a peace officer	885	4.8
	Using skates/bicycle/skateboard/toy vehicle in a public place subject to a regulation	336	1.8
	Other offences	75	0.4
	Total	18,564	100
STM by-laws	Obtaining or attempting to obtain a trip without paying for it	17,543	54.5
	Lying down or across a bench/seat/floor	4,042	12.6
	Smoking/lit tobacco	2,672	8.3
	Drinking alcoholic beverages	2,318	7.2
	Impeding circulation	977	3.0
	Other offences	4,611	14.3
	Total	32,163	100

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

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

Table 8: Numbers and percentages of the 10 most frequent offence categories, by by-law, 2012 to 2019

By-Law Category	Offence	2012		2013		2014		2015		2016		2017		2018		2019*	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Peace and Order by-law c. P-1 (RRVM)	Having consumed alcoholic beverages on public property or in a park	799	40.1	734	37.9	587	32.7	1,119	45.9	1,245	43.3	1,611	46.5	1,239	42.1	374	36.0
	Having been found lying or loitering drunk on a public thoroughfare or place	906	45.5	794	40.9	810	45.1	928	38.1	1,110	38.6	1,201	34.6	1,370	46.5	554	53.3
	Loitering / obstructing traffic / refusing to move on public thoroughfares and places	167	8.4	176	9.1	142	7.9	253	10.4	383	13.3	545	15.7	175	5.9	46	4.4
	Refusing to stop a violation when requested to do so by a peace officer	78	3.9	170	8.8	206	11.5	85	3.5	104	3.6	73	2.1	118	4.0	51	4.9
	Using skates/bicycle/skateboard/toy vehicle in a public place subject to a regulation	41	2.1	65	3.4	51	2.8	51	2.1	34	1.2	38	1.1	42	1.4	14	1.3
	Total	1,991	100.0	1,939	100.0	1,796	100.0	2,436	100.0	2,876	100.0	3,468	100.0	2,944	100.0	1,039	100.0
STM	Obtaining or attempting to obtain a trip without paying for it	2,898	75.8	2,093	80.0	1,370	77.5	2,121	73.1	2,708	63.5	2,583	49.5	2,386	51.1	1,384	60.3
	Lying down or across a bench/seat/floor	168	4.4	105	4.0	104	5.9	284	9.8	595	13.9	1,539	29.5	1,003	21.5	244	10.6
	Smoking/lit tobacco	346	9.1	222	8.5	157	8.9	236	8.1	372	8.7	422	8.1	549	11.8	368	16.0
	Drinking alcoholic beverages	304	8.0	158	6.0	100	5.7	207	7.1	464	10.9	459	8.8	464	9.9	162	7.1
	Impeding circulation	107	2.8	37	1.4	36	2.0	54	1.9	127	3.0	213	4.1	264	5.7	139	6.1
	Total	3,823	100.0	2,615	100.0	1,767	100.0	2,902	100.0	4,266	100.0	5,216	100.0	4,666	100.0	2,297	100.0

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

5. Portrait of judicialized individuals

5.1. Socio-demographic characteristics of the judicialized individuals

The analysis of the socio-demographic characteristics of the judicialized homeless individuals is based on gender and age data. Indeed, the gender of the person to whom the statement of offence is given, as perceived by the officer, is recorded on the statement of offence. The person must declare his or her date of birth, which makes it possible to break down the statements of offence issued according to age. Table 9 presents the evolution of statements of offence issued between 2012 and 2019 according to the gender of the person, as designated by the peace officer.

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

Year	Man		Woman		Unknown		Total
	N	%	N	%	N	%	
2012	5,571	88.2	746	11.8	2	0.0	6,319
2013	4,254	86.7	651	13.3	4	0.0	4,909
2014	3,327	86.6	502	13.1	12	0.0	3,841
2015	5,070	86.4	800	13.6	1	0.0	5,871
2016	6,649	84.8	1,193	15.2	3	0.0	7,845
2017	7,999	83.5	1,576	16.5	5	0.0	9,580
2018	7,060	83.1	1,426	16.8	7	0.0	8,493
2019*	3,258	84.2	608	15.7	3	0.0	3,869

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

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

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

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

Year		Age group			Total
		< 25 years	25 to 39 years	> = 40 years	
2012	N	1,021	2,043	3,197	6,319
	%	16.2	32.3	50.6	100
2013	N	706	1,596	2,540	4,909
	%	14.4	32.5	51.7	100
2014	N	558	1,202	2,048	3,841
	%	14.5	31.3	53.3	100
2015	N	625	1,999	3,235	5,871
	%	1.6	34.0	55.1	100
2016	N	673	2,857	4,290	7,845
	%	8.6	36.4	54.7	100
2017	N	603	3,296	5,647	9,580
	%	6.3	34.4	58.9	100
2018	N	514	3,019	4,914	8,493
	%	6.1	35.5	57.9	100
2019*	N	204	1,469	2,164	3,869
	%	5.3	38.0	55.9	100
Total	N	4,904	17,481	28,035	50,727
	%	9.7	34.5	55.3	100

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

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

The Montréal Municipal Court data does not contain information on the perceived or declared ethno-cultural origin of individuals who received statements of offence. It is therefore not possible to identify which of the statements of offence extracted from the Montréal Municipal Court system were issued to people from Indigenous communities, Black communities and other racialized communities.

However, in its [response](#) to CERP – Viens Commission, the SPVM confirmed that it collects information on perceived ethno-racial or ethno-cultural origin in accordance with the categorization established in the pan-canadian Uniform Crime Reporting Survey – Revised (UCR2) by the Ministère de la Sécurité publique du Québec. These data are then used by Statistics Canada to calculate, for example, crime rates. In its [response](#) to the CERP, the SPVM also filed the various police forms for which this information is collected. In its [final hearing](#) to the CERP – Viens Commission in December 2018, the SPVM explained more clearly that the ethno-racial data from the M-IRIS police system could be included in the UCR2 to produce statistics on the “races” of persons stopped by the police (street checks, *interpellations* in French). However, the SPVM does not appear to collect ethno-racial data in the SÉCI operating system, which records the statements of offence issued. Nevertheless, the SPVM has stated that it is looking for a solution so that it can produce ethno-cultural data when statements of offence are issued.

That being said, in the [Armony et al. report](#) (2018, p. 62), the researchers claim to have obtained “All entries in the SPVM system on municipal by-law statements of offence and criminal incidents for the years 2014, 2015, 2016 and 2017. The information available is the same as for the street checks, namely gender, age group, ‘race’ and place of residence of the person, type of location of the event, as well as the type of offence” (our translation). The authors conclude that Indigenous people received 9% of all the statement of offence issued under the municipal by-laws they analyzed (5,184 statements of offence), i.e., 13 times more than their proportion in the population (Armony et al., 2018, pp. 80 and 102). They were also disproportionately stopped by the police in relation to their weight in the population (six times more in 2017), particularly Indigenous women (11 times more) (Armony et al., 2018, p. 80). The number of statements of offence issued to Indigenous people was even higher than the number of Indigenous people stopped by the SPVM during the same period, i.e., 2,369.

In addition, the Armony et al. report (2018, p. 103) presents in a table entitled “Annual indicators of over-stopping on the basis of municipal by-laws by “racial” belonging” (our translation), a total of 20,618 racialized persons stopped for offences under municipal by-laws in 2017, while the SPVM’s [annual report](#) for the same year reports a total of 17,010 statements of offence issued under municipal by-laws. Given the inconsistencies between the SPVM’s statement and that of the researchers regarding the fact that ethno-racial data is collected for statements of offence issued under municipal by-laws, understanding these results remains difficult.

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

We conducted a specific analysis of the statements of offence issued to individuals who provided the civic address of four Indigenous organizations that offer services to the homeless when issued statements of offence. Those four organizations are: Projets Autochtones du Québec, Native Friendship Centre of Montréal, Open Door and Native Montréal (see [Annex 2: list of Indigenous organizations](#)). We assume here that the people who used these civic addresses are Indigenous people, without being able to verify that these people self-identify as such. As a result, any homeless person who considers themselves Indigenous, but who did not use the address of one of these organizations, could not be detected and is not included in our analysis. This is a major limitation due to the lack of ethno-racial and/or ethno-cultural data collected in relation to the statements of offence. Furthermore, this fact does not allow us to conduct analyses concerning the judicialization of homeless people from Black communities and other racialized communities.

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

Table 11 shows that individuals who gave the address of an Indigenous organization when they received their statement of offence cumulated 2,425 statements of offence from 2012 to 2019. Of these, 1,803 statements of offence were issued to men (74.4% of all statements of offence issued) and 611 statements of offence were issued to women (25.2% of all statements of offence issued). Thus, **people reporting the address of an Indigenous organization received more than 4% of all statements of offence analyzed**. In addition, the proportion of statements of offence given to women declaring the address of an Indigenous organization (25.2%) is particularly high compared to the statements of offence given to homeless women who did not report the address of an Indigenous organization, since this percentage is more generally around 12 to 15%. Thus, women who give the address of an Indigenous organization seem to be subject to a more intense judicialization, despite the known and documented vulnerability and marginalization.

Table 11: Numbers and percentages of statements of offence issued to individuals declaring the address of an Indigenous organization, by gender, from 2012 to 2019

	Men		Women		Unknown		Total
	N	%	N	%	N	%	
Statement with address of a homelessness organization	43,188	85.1	7,502	14.8	37	0.1	50,727
Statement with address of an Indigenous organization	1,803	74.4	611	25.2	11	0.5	2,425

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

This trend, which reflects the dynamics of racial and social profiling, is alarming, especially since the difficulties and needs of Indigenous people experiencing homelessness reveal situations of major vulnerability, even more so than the non-Indigenous people experiencing homelessness. The statements of offence were issued mainly in the borough of Ville-Marie (1,638 statements of offence in total); the borough of Plateau Mont-Royal (404 statements of offence in total) and the borough of Sud-Ouest (192 statements of offence in total).

Table 12: Numbers and percentages of statements of offence issued to individuals declaring the address of an Indigenous organization, 2012 to 2019

Year	Statement with address of a homelessness organization		Statement with address of an Indigenous organization	
	N	%	N	%
2012	6,319	12.5	135	5.6
2013	4,909	9.7	141	5.8
2014	3,841	7.6	150	6.2
2015	5,871	11.6	252	10.4
2016	7,845	15.5	449	18.5
2017	9,580	18.9	544	22.4
2018	8,493	16.7	547	22.6
2019*	3,869	7.6	207	8.5
Total	50,727	100	2 425	100

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

As for the infractions for which these individuals are charged, Table 13 shows that compared to the total population in our study, they receive more statements of offence related to alcohol use and intoxication. These infractions represent more than 93.1% of the statements of offence issued to people who gave the address of an Indigenous organization, compared to 84.6% for the total population of our study. As for STM by-laws, individuals who gave the address of an Indigenous organization received comparatively fewer statements of offence for non-payment of a fare (39.9% versus 63.7% for the total population in our study). On the other hand, they received more statements of offence relating to safety and public order (62.4% versus 39.8% for the total population under study).

Table 13: Numbers and percentages of statements of offence issued to people who gave the address of an Indigenous organization, by offence categories, 2012-2019

By-law Category	Infraction	Statement with address of a homelessness organization		Statement with address of an Indigenous organization	
		N	%	N	%
Peace and Order by-law c. P-1 (RRVM)	Having consumed alcoholic beverages on public property or in a park	7,708	42.4	542	37.5
	Having been found lying or loitering drunk on a public thoroughfare or place	7,673	42.2	803	55.6
	Loitering / obstructing traffic / refusing to move on public thoroughfares or places	1,887	10.4	73	5.1
	Refusing to stop a violation when requested to do so by a peace officer	885	4.9	25	1.7
	Possessing a wind-operated rifle/wind-operated pistol/sling shot/bow in a public space	39	0.2	1	0.1
	Total	18,192	100	1,444	100
STM	Obtaining or attempting to obtain a trip without paying for it	17,543	63.7	347	39.9
	Lying down or across a bench/seat/floor	4,042	14.7	247	28.4
	Smoking/lit tobacco	2,672	9.7	71	8.2
	Drinking alcoholic beverages	2,318	8.4	155	17.8
	Impeding circulation	977	3.5	50	5.7
	Total	27,552	100	870	100

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

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

5.3. The evolution of over-judicialization

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

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

Table 14: Breakdown in numbers and percentages of homeless persons who received statements of offence, according to the number of statements received, from 2012 to 2019

Number of statements of offence issued, 2012-2019	N	%	% cumulated
1 statement only	5,932	51.9	51.9
Between 2 and 5 statements	3,343	29.3	81.2
Between 6 and 9 statements	891	7.8	89
Between 10 and 25 statements	916	8.0	97
More than 25 statements	344	3.0	100
Total	11,426	100	--

The next table shows the evolution of annual over-judicialization, i.e., those people who received more than 10 statements of offence in a single year.

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

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

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

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

Year	Total number of people	Number of people >10 statements	Percentage people >10 statements	Total number of statements	Total number of statements >10	Percentage statements / person >10 statements	Average statement / person	Average statements / person > 10 statements
2012	2,893	52	1.8	6,319	839	13.3	2.2	16.1
2013	2,430	31	1.3	4,909	444	9.0	2	14.3
2014	2,019	18	0.9	3,841	272	7.1	1.9	15.1
2015	2,781	36	1.3	5,871	565	9.6	2.1	15.7
2016	3,201	92	2.9	7,845	1,406	17.9	2.5	15.3
2017	3,499	145	4.1	9,580	2,574	26.9	2.7	17.8
2018	3,412	117	3.4	8,493	1,982	23.3	2.5	16.9
2019*	1,945	27	1.4	3,869	398	10.3	2	14.7

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

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

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

6. The cost of judicialization

6.1. The financial burden of statements of offence for homeless people

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

Table 16 shows a fraction of the annual judicial debt of homeless people in Municipal Court, which includes the initial amounts of the fines and the costs of the statements of offence at the time of data extraction in December 2019. The data obtained did not include the various costs that can accumulate over the years when these individuals are unable to deal with their debt, such as the costs of the payment request, the writ of seizure or the warrant to bring a defendant. As a result, the total debt could be much higher in reality. Even if underestimated, **the debt accumulated by homeless people at the Municipal Court of Montréal between 2012 and 2019 totaled more than \$17 million.**

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

Year	Fines (\$)	Initial fees (\$)	Total (\$)
2012	1,028,227.0	1,428,047.5	2,456,274.5
2013	796,323.0	1,099,370.8	1,895,693.8
2014	598,577.0	738,918.5	1,337,495.5
2015	929,115.0	1,155,794.2	2,084,909.2
2016	1,213,891.0	1,566,733.0	2,780,624.0
2017	1,412,690.0	1,719,446.0	3,132,136.0
2018	1,249,222.0	1,505,706.0	2,754,928.0
2019*	611,674.0	656,711.0	1,268,385.0
Total	7,839,719.0	9,870,726.9	17,710,445.9

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

6.2. The cost of issuing statements of offence

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

Our database contains 50,727 statements of offence issued between 2012 and 2019. Assuming that the issuance of a statement of offence lasts approximately 15 minutes and usually involves two

patrollers, more than 25,363 hours ($50,727 \text{ statements of offence} \div 4 \times 2$) of salary were spent issuing statements of offence to people who are homeless in Montréal.

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

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

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

7. Conclusion and Recommendations

At the end of this fourth report on the judicialization of homelessness in Montréal, it is clear that the situation is still alarming, considering the extent of judicialization and profiling practices against homeless people and in particular Indigenous people who are homeless. Thus, far from having diminished, the repressive practices of the SPVM and, to a lesser extent, of the STM, have increased, going against the grain of the National policy to fight homelessness, the Interministerial action plan on homelessness 2015-2020, the various plans to fight social and racial profiling by the SPVM, but also the CDPDJ's opinion on social profiling.

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

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

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

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

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

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

2- Strengthen social and community responses:

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

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Annex 1: list of homelessness organizations

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

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

Annex 2: list of Indigenous organizations

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