

THE JUDICIARIZATION OF THE HOMELESS IN MONTRÉAL: A CASE OF SOCIAL PROFILING

FACT SHEET 2: DISPROPORTIONATE USE OF AUTHORITY – DEFINITION

In Montréal, the homeless are liable to be subjected to social profiling because the standards and policies of the SPVM make them designated targets for police monitoring and surveillance.

The over-judicialization of the homeless is more likely to result from a bias, with the goal of clearing public spaces of the homeless, than from a neutral and impartial enforcement of the by-laws.

Social profiling occurs when in particular when individuals, because they are homeless, are ticketed for minor offences that are rarely, if ever, punished by the police when committed by other citizens (for example, loitering, spitting, dropping cigarette butts, lying on a public bench, being drunk in public, jaywalking, etc.).

In addition, vaguely-drafted by-laws can open the way to the targeting of the types of behaviour associated with the homeless. The opinion cites the case of a municipal court judge who was surprised to find that lying down on a public bench could result in being charged by the police under a municipal by-law prohibiting the misuse of street furniture. The judge was even more uncomfortable with the fact that, for this offence, the minimum fine was \$500, completely out of proportion to the seriousness of the offence committed – lying down on a public bench.

It is also possible to infer social profiling when police officers behave unsuitably with the homeless, for example by making uncalled-for or offensive remarks concerning their social condition, or by issuing tickets repeatedly.

One example given by the SPVM involves five men aged between 27 and 48 who had received between three and five tickets each on the same day for offences such as “loitering while drunk” or disrupting traffic.

Social profiling also occurs when police officers make unusual decisions concerning the homeless, for example by making identity checks without reasonable grounds or issuing fines that are disproportionate to the seriousness of the offences committed.

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