

2021 Racial Profiling

Facts & Truths Explained



joeldebellefeuille.com

DRIVING WHILE BLACK IN 2021 & BEYOND

An Inside Look

Joel DeBellefeuille is regularly featured in the news and media across Canada having won numerous historical human rights cases in the Province of Quebec. His cases have set jurisprudence re-working the way law enforcement agencies, government bodies and municipalities handle systemic racism and discrimination within their communities. He is also an avid businessman, entrepreneur, investor and husband and father.

Joel DeBellefeuille

In the News



What is racial profiling and how can it affect you?

"Any action taken by one or more people in authority with respect to a person or group of persons, for reasons of safety, security or public order, that is based on actual or presumed membership in a group defined by race, colour, ethnic or national origin or religion. Taken without factual grounds or reasonable suspicion, these actions can result in the person or group being exposed to differential treatment."

As defined by the: **Commission des droits de la personne et des droits de la jeunesse**

Link: <https://www.cdpcdj.qc.ca/en/lexicon>



"Racial profiling refers to any actions taken by a person or persons in authority with regard to a person or group of people, for security or public protection reasons, based on factors such as race, colour, ethnic or national origin or religion, without a real motive or reasonable grounds for suspicion, resulting in differential examination or treatment. Racial profiling also includes any action by people in a position of authority who apply a measure disproportionately to segments of the population because, in particular, of their racial, ethnic or national origin or religious affiliation, real or presumed."



As defined by the: **Service de Police de la ville de Montreal**

Link: <https://spvm.qc.ca/en/Pages/Discover-SPVM/Who-does-what/Community-Relations/Citizen-relations-policy>

Racial profiling can make you feel **anxious, nervous, emotional, humiliated, ashamed, embarrassed, vulnerable, inadequate, judged, angry, not-worthy, unstable and uneasy.**

The subconscious feeling of unworthiness combined with all of these emotions are real and are perpetrated by those in the position of authority who seek to judge you solely on the color of your skin, your religion, your ethnicity, your gender, by the vehicle you choose to drive and by the city you choose to live in. -**Joel DeBellefeuille**

"The impact of racial profiling on visible minorities is so profound and deep that each time we embark into our vehicle we anticipate and visualize the impending "interception"~Joel DeBellefeuille

We tell our friends and partners traveling with us in the car, about all the stories or the "looks" we get each time we drive. **We do "sportsmanship bets" or "hard-money bets" on how long it will take before we get pulled over after seeing a police car drive by.**

The "ante" goes up if their car does a sharp U-turn without putting on their emergency lights.

That "feeling" of your heart thumping so loudly in your chest, it resonates in your ears. **The sudden overwhelming feeling of dizziness; while simultaneously doing a "mental check" in your head** if your car registration, license and insurance papers are up-to-date.

You swearing at your partner or friend in the vehicle with you, telling them "I told you so"

Quickly, you try to turn on your mobile phone camera, while holding the phone on your lap without them seeing you so you can record the interaction with them while trying to pull your car over carefully to the side of the road.

You hesitate to lean over towards the glove compartment because you don't want them thinking you're reaching for a firearm, or that you are trying to hide contraband. You leave your hands on the steering wheel while looking frantically in the side and rear-view mirrors as they walk closer with their hands on their guns.

You roll the window down 2/3's of the way down and before you can speak, the officer quickly says in French "C'est tu ton vehicule " You reply in French or English that it is and then you turn slightly back towards your glove compartment because you know the next thing he will ask you is for your driver's license, insurance and registration. But when you do, the other officer standing at the back right of your car is now knocking on your passenger window motioning for you to roll down your window. You're now looking to the left and to the right; not quite sure which officer you're supposed to be responding to. You keep trying to get those words out "Why are you pulling me over " Both officers quickly start to talk over each other asking you to provide your identification; they tell you to "Calm down" You explain to them that you are calm and that you're trying to get them your driver's license but you want to know why they're pulling you over. They become frustrated and are now telling you that you need to exit the vehicle.

You refuse to exit your car because you did nothing wrong and you request the attendance of a supervising officer before doing so. You know; someone that can make sense of why you're being stopped They refuse to call one and are now trying to force the car door open to get you out, while at the same time telling you that they will detain you for resisting if you do not get out of the car right way.

You decide to give in and slowly exit the car, still asking them why you're being detained and pulled over.

They start to force your arm behind your back, it hurts and you tell them. They don't care and start to ridicule you for complaining and that you should have got out of the car the first time they asked you. They look at your clothes and the way you're dressed and ask if you're part of a "Gang de rue" while repeating the question if the car is yours. Your partner or friend is video-taping the incident yelling at them, shouting profanity here and there; you tell them to be quiet and that "it's okay" and not to "worry"

The officers both say that everything is "okay, we just want to make sure the car is his because we had a report of a stolen vehicle with the same model as this one."

You think finally, that's the reason why they pulled me over. But why couldn't they tell me that in the first place Different thoughts begin to form in your head and you become angry at their very clear reasoning.

What is wrong with this example and what makes this racial profiling?

Most police cars are outfitted with license plate readers which could have very easily determined if the vehicle was stolen. You also determined that your paperwork is okay and that you had been driving correctly.

The officers did not provide a reason for the stop at first instance. The officers simply wanted to identify the individual and made up their reasoning on the spot.

Automated Licence Plate Reader System (Details)

Name of province/ territory:

Quebec

City/ Region:

Montreal

Description of Initiative:

Road safety and traffic are of great concern to Montrealers because these factors have a direct impact on the sense of safety and quality of life in Montreal's neighbourhoods and boroughs. Police officers are major players in the objective to improve road safety. The environment in which the Service de police de la Ville de Montréal (SPVM) works has changed significantly over the past few years with respect to road safety:

The car population in Quebec continues to grow: the Quebec automobile insurance agency (Société de l'assurance automobile du Québec, or SAAQ) states in its annual report for 2008 that the number of vehicles registered in Quebec in 1973 was 2,265,471, while in 2008, it had risen to 5,665,272. Each day in Montreal, drivers travel on the roads without complying with the Highway Safety Code. Many of them are on the streets in unregistered or unauthorized vehicles or, quite simply, with an unpaid, suspended or sanctioned driver's licence. Some American studies, conducted between 1995 and 2000, showed that 75% of drivers whose licences had been suspended or revoked continued to drive, thinking it was unlikely that they would be stopped. These studies revealed that these drivers represent 17% of those involved in fatal collisions. While at the time unthinkable, five years ago the government of Quebec authorized the implementation of technological tools such as photo radar and red light cameras. These tools are now viewed positively, even though they represent an extreme measure of control that is usually not well perceived ("Big Brother" of road safety).

The public is becoming less and less tolerant of certain behaviours exhibited by drivers, such as those involving driving with a suspended licence for drinking and driving or dangerous driving offences. The media places the utmost importance on road safety and contributes to the sense of urgency to act, especially when it comes to repeat offenders for driving with a suspended licence.

Since 2006, in line with citizens' expectations, the SPVM has made road safety one of its top priorities. The key components were the creation of 133 positions dedicated to road safety and the involvement of all officers. These efforts resulted in spectacular road safety results and once again showed that the perceived risk of getting a ticket is a key factor in modifying driver behaviour.

However, to enforce regulations concerning licence and registration, it is increasingly difficult to rely on random stops to create this perceived risk of being stopped. In fact, the increase in travel and the number of vehicles make it so that drivers can be on the roads without a licence and get away with it if they respect the Highway Safety Code, since, given traffic volumes, only offenders are stopped.

There are high-performance technological tools on the market that make it possible to automatically capture licence plate images and conduct a search in the databases integrated into the system. This technology, the automated licence plate reader system, makes it possible to increase the number of people pulled over, thereby increasing the perceived risk of being stopped for offences involving a suspended or revoked licence, an unregistered vehicle or expired plates. This same technology may also provide additional information for investigating other cases such as missing persons, stolen vehicles, etc.

Given that the automated licence plate reader system has been successfully implemented in other police services and that the SPVM pilot project has also been effective on various levels, the SPVM has decided to acquire this technology.

Initiative Key Objectives:

The initiative has several objectives:

- increase the perceived risk of being stopped;
- increase the level of safety on our roads;
- improve driver compliance with the Highway Safety Code;
- increase the number of people who are in compliance and pay their licence and registration fees;
- improve the effectiveness and efficiency of police work;
- increase efficiency when looking for missing persons or during Amber Alerts; and
- increase the SPVM'S organizational capacity through the use of modern and effective tools.

Section Responsible for Implementation:

Information resources division

Key Contact:

Christian Boisvert

christian.boisvert@spvm.qc.ca

Groups/ Agencies/ Key Partners Involved:

- other police services
- private agencies/corporations
- civilian governing authorities
- other government departments/agencies

Level of Involvement (consultative - information sharing) and/or cooperative - direct involvement):

Other police services: consultative; private agencies: cooperative; civilian authorities: cooperative; government agencies: cooperative.

Amount of Time Initiative has been in Place:

Since February 2011

Reason for Undertaking the Initiative:**This initiative was undertaken to achieve these objectives:**

- increase the perceived risk of being stopped;
- increase the level of safety on our roads;
- improve driver compliance with the Highway Safety Code;
- increase the number of people who are in compliance and pay their licence and registration fees; improve the effectiveness and efficiency of police work;
- increase efficiency when looking for missing persons or during Amber Alerts; and
- increase the SPVM'S organizational capacity through the use of modern and effective tools.

Resources Required to Implement this Initiative:

The costs associated with the implementation of this project resulted in a return on investment during the first year the system was used.

Proud of the results achieved during the pilot project and aware that such a system brings real gains in terms of both road safety and payments for driver's licences and registration to the SAAQ, the SPVM made a case to the SAAQ and obtained funding to cover a portion of the cost of equipment.

Method of Implementation:

Phased implementation, beginning with installation on three vehicles to test the system in the field. Thereafter, 30 SPVM vehicles were equipped with the automated licence plate reader system. In addition, the officers using the system received training before being given an access code.

Key Outcomes of the Initiative:

Since the automated licence plate reader system is still in the project phase, it is too early to evaluate outcomes. However, the SPVM is already taking steps to ensure that set objectives are met. Planned action includes monitoring of vehicle use to encourage their utilization on the three shifts; reviewing how vehicles are dispatched at the community policing centres and making any necessary changes; and loaning vehicles out for periods of several months.

Availability of a Communication Strategy:

Yes

Key Messages used to Publicize the Initiative:**The automated licence plate reader system will:**

- increase the perceived risk of being stopped;
- increase the level of safety on our roads;
- improve driver compliance with the Highway Safety Code;
- increase the number of people who are in compliance and pay their licence and registration fees;
- improve the effectiveness and efficiency of police work;
- increase efficiency when looking for missing persons or during Amber Alerts; and
- increase the SPVM'S organizational capacity through the use of modern and effective tools.

Forms of Evaluation by which the Initiative will be Assessed:

- internal
- quantitative

Further Details:

The automated licence plate reader system helps increase the efficiency of police work with respect to road safety. This system makes it possible to check the validity of a large number of licence plates (authorized road use and validity of driver's licence), as well as more effectively identify stolen vehicles, vehicles involved in an Amber Alert and vehicles of police interest.

Link: <https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/cnmcs-plcng/ndx/dtls-en.aspx?n=33>

Link: <https://spvm.qc.ca/en/Fiches/Details/User-process-on-the-automated-licence-plate-reader-ALPR-system>



Where can you file a complaint?

Experiencing racial profiling can be stressful. Correctly filing a complaint is extremely important if you want to have a fighting chance. Remember you are going up against, cities, governments and people of authority. Doing it right and filing it with the correct organizations can make or break your case.

I have been involved in advocating for equal rights and fighting against racial profiling and discrimination since 2009 with the **Center For Research-Action on Race Relations (CRARR)**. Fo Niemi the Founder and Executive Director is God sent and has been helping people in Canada since 1983. He has successfully helped me win all of my racial profiling cases. CRARR will guide you with filing your complaint to the correct authorities.

You can contact CRARR here: 460 Saint-Catherine St W, Montreal, Quebec H3B-1A7, Tel. 514-939-3342 and by email at: crarrservice@gmail.com and via their website at: www.crarr.org

What's involved with a complaint?

Depending on your complaint there are specific places that need to be filed first.

Do not file directly with the police station it will get lost in a pile of complaints. Besides, you're filing against them.

Describe your situation carefully, gather your videos, witnesses, pictures, street names, badge numbers, vehicle number, license plate and any other information that can collaborate your version of the incident.

Do not wait to file especially if you're seeking a monetary compensation. **There is a rule** not many people know.

In order to successfully be compensated monetarily in a discrimination case; you have to file your complaint with the *Commission des droits de la personne et des droits de la jeunesse* before 6 months. If you file after that time and you win your case in court, the judge cannot reward you with money as well.

A second rule not many people know, is that you have to invoke (say) that you feel you are being racially profiled or discriminated against at the time you are being stopped or you cannot use that explanation in court.

*****Do not hire a regular lawyer. Hire a lawyer that is specialized in discrimination cases.***~Joel DeBellefeuille**

Where do complaints go?

- **Commissaire à la déontologie policière**
- **Commission des droits de la personne et des droits de la jeunesse**
- **Tribunal de la droit des personnes**

Commissaire à la déontologie policière

The Commissaire à la déontologie policière receives and examines the complaints filed against police officers, wildlife protection officers, special constables, highway controllers and UPAC investigators who may have violated the Code of ethics of Québec police officers.

- **Commission des droits de la personne et des droits de la jeunesse**

We take complaints from any person or group who believes they have experienced:

- discrimination or harassment on the basis of any prohibited grounds under the Charter, where the situation prevents them from being in a Charter-protected area
- discrimination in employment on the basis of a previous conviction
- reprisals for filing a complaint or participating in a Commission investigation
- exploitation of elderly people or people with a disability
- violation of rights (as set out in the Youth Protection Act or the Youth Criminal Justice Act) for young people under the care of the Director of Youth Protection (DYP)

- **Tribunal de la droit des personnes**

The Human Rights Tribunal is a first instance tribunal that specializes in matters of discrimination, harassment and exploitation prohibited by the Charter of Human Rights and Freedoms (Québec Charter). Since 1990, the Tribunal hears cases brought forward by the Commission des droits de la personne et des droits de la jeunesse and, under certain circumstances, by private parties, in all of the judicial districts of Quebec. Its specialization and rigorous analysis of the complex law issues it is called upon to address, makes the Tribunal an essential instance in the effective guarantee of Rights and Freedoms in Québec.

Wikipedia

Driving While Black

Definition: "Driving while black" (DWB) is a sardonic description of racial profiling of African-American motor vehicle drivers. It implies that a motorist may be stopped by a police officer largely because of racial bias rather than any apparent violation of traffic law.

"Driving while black" is word play on driving while intoxicated, or DWI, the legal designation used in some US jurisdictions for the crime of driving while under the intoxicating effect of alcohol.

Example in Canada:

In July 2009, a black Canadian named Joel DeBellefeuille was pulled over (for the fourth time in several days by Longueuil police because, according to documents, "his Quebecois name did not match his skin tone". He refused to provide identification or car insurance documents when requested by the officer, and was accordingly fined by a municipal court. DeBellefeuille filed complaints with the Human Rights Commission and the police, seeking 30,000 in damages. Crown prosecutor Valérie Cohen defending the police claimed that officers were in their rights to check the ownership of the car on a reasonable suspicion: "the officers' actions were comparable to stopping a man for driving a car registered to a woman called 'Claudine'." In December 2012, his tickets were dismissed and the officers were suspended without pay. The judge wrote that the mentioned rationale for pulling over demonstrated flagrant ignorance of Quebec society. DeBellefeuille's provincial human rights complaint could not be pursued because it had been filed too long a time after receiving the initial ticket. In 2020, DeBellefeuille won another court victory over a separate, subsequent racial profiling incident that happened in 2012.

Link: https://en.wikipedia.org/wiki/Driving_while_black

Wikipedia

Racial Profiling

Definition: Racial or ethnic profiling is the act of suspecting or targeting a person on the basis of assumed characteristics or behavior of a racial or ethnic group, rather than on individual suspicion. Racial profiling, however, is not limited only to an individual's ethnicity or race, but can also be based on the individual's religion, or national origin. In European countries, the term "ethnic profiling" is also used instead of racial profiling.

In Canada:

Accusations of racial profiling of visible minorities who accuse police of targeting them due to their ethnic background is a growing concern in Canada. In 2005, the Kingston Police released the first study ever in Canada which pertains to racial profiling. The study focused on the city of Kingston, Ontario, a small city where most of the inhabitants are white. The study showed that black-skinned people were 3.7 times more likely to be pulled over by police than white-skinned people, while Asian and White people are less likely to be pulled over than more than Black people. Several police organizations condemned this study and suggested more studies like this would make them hesitant to pull over visible minorities.

Canadian Aboriginals are more likely to be charged with crimes, particularly on reserves. The Canadian crime victimization survey does not collect data on the ethnic origin of perpetrators, so comparisons between incidence of victimizations and incidence of charging are impossible. Although aboriginal persons make up 3.6% of Canada's population, they account for 20% of Canada's prison population. This may show how racial profiling increases effectiveness of police, or be a result of racial profiling, as they are watched more intensely than others.

In February 2010, an investigation of the Toronto Star daily newspaper found that black people across Toronto were three times more likely to be stopped and documented by police than white people. To a lesser extent, the same seemed true for people described by police as having "brown" skin (South Asians, Arabs and Latinos). This was the result of an analysis of 1.7 million contact cards filled out by Toronto Police officers in the period 2003-2008.

The Ontario Human Rights Commission states that "police services have acknowledged that racial profiling does occur and have taken and are taking measures to address the issue, including upgrading training for officers, identifying officers at risk of engaging in racial profiling, and improving community relations". Ottawa Police addressed this issue and planned on implementing a new policy regarding officer racially profiling persons, "the policy explicitly forbids officers from investigating or detaining anyone based on their race and will force officers to go through training on racial profiling". This policy was implemented after the 2008 incident where an African-Canadian woman was strip searched by members of the Ottawa police. There is a video showing the strip search where one witnesses the black woman being held to the ground and then having her bra and shirt cut ripped/cut off by a member of the Ottawa Police Force which was released to the viewing of the public in 2010.

In the US:

'Racial profiling' refers to the practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin. Criminal profiling, generally, as practiced by police, is the reliance on a group of characteristics they believe to be associated with crime which unfortunately leads to innocent people dying. Examples of racial profiling are the use of race to determine which drivers to stop for minor traffic violations (commonly referred to as 'driving while black, Asian, Native American, Middle Eastern, Hispanic, or brown'), or the use of race to determine which pedestrians to search for illegal contraband.

Racial Profiling in Retail:

Shopping forms one major avenue for racial profiling. General discrimination devalues the experience of shopping, arguably raising the costs and reducing the rewards derived from consumption for the individual. When a store's sales staff appears hesitant to serve black shoppers or suspects that they are prospective shoplifters, the act of shopping no longer becomes a form of leisure. Racial profiling in retail was prominent enough in 2001 that psychology researchers such as Jerome D. Williams coined the term "shopping while black", which describes the experience of being denied service or given poor service because one is black.

Commonly, "**shopping while black**" involves, but is not limited to, a black or non-white customer being followed around and/or closely monitored by a clerk or guard who suspects he or she may steal, based on the color of their skin. It can also involve being denied store access, being refused service, use of ethnic slurs, being searched, being asked for extra forms of identification, having purchases limited, being required to have a higher credit limit than other customers, being charged a higher price, or being asked more or more rigorous questions on applications. These negative shopping experiences can directly contribute to the decline of shopping in stores as individuals will come to prefer to shop online, avoiding interactions that are deemed degrading, embarrassing, and highly offensive.

The SPVM Introduces Policy on Police Checks

In this section, the Montreal Police introduce a policy on police checks in July 2020; implementing the strategy in the Fall of 2020. I have attached the policy in the following pages; prepared by Sylvain Caron the Chief of Police of Montreal.

DOWNLOAD THE POLICY HERE: https://spvm.qc.ca/upload/Fiches/Politique_sur_les_interpellations_policieres_du_SPVM_8_juillet_2020_EN_VF.pdf

Police Chief Admits Systemic

Racism Exists in Montreal

"However, this contribution cannot be complete without recognizing the societal issue of systemic racism. I therefore recognize that social inequalities can be linked to systemic discrimination, which can be observed in every sphere of our society, in every institution and organization, including the SPVM." ~ **Sylvain Caron**

Montreal Mayor Valerie Plante Admits Systemic Racism Exists in The City.

It s OK to say there is systemic discrimination, Plante said at a news conference Tuesday. It doesn t mean that everybody is a racist and everything needs to be condemned.

It s about recognizing that there is bias, there are stereotypes, ways we ve been raised, things we say and things we don t see, she added. To name it is one first step so we can better move forward, address it and find solutions.

Montreal Gazette Link, June 2nd, 2020: <https://montrealgazette.com/news/local-news/montreal-mayor-says-shes-not-against-idea-of-police-body-cameras>



Valérie Plante

Val Plante

J'accueille avec beaucoup d'ouverture le rapport tr s attendu de l' OCPMontreal sur le racisme et la discrimination systémiques. Déjà, mon administration prend des engagements sur lesquels nous agirons rapidement afin de répondre aux 38 recommandations du rapport. polmtl



Valérie Plante

Val Plante

Val Plante

De plus, je mandate le DG de MTL Ville

pour créer un poste de Commissaire la lutte au racisme et la discrimination. Nous continuerons d'améliorer l'accessibilité l'emploi, et de travailler avec nos partenaires pour déployer progressivement des caméras portatives. polmtl



POLITIQUE

SUR LES INTERPELLATIONS
POLICIÈRES DU SPVM

SPVM POLICY

ON POLICE CHECKS

JULY 8, 2020

Montréal@



MESSAGE FROM THE DIRECTOR OF THE SERVICE DE POLICE DE LA VILLE DE MONTRÉAL

I hereby present the SPVM's Policy on Police Checks. This is a concrete action, a real gesture, a historic contribution to the Québec police community, but first and foremost, a contribution to the fight against disparities in police checks.

The research results that have highlighted disparities in police checks practices allow us to go beyond the recognition of the issue of racial profiling. We are faced with the challenge of making changes in our systems and in the way we govern our practices, without hindering police officers in their primary mission of maintaining peace and ensuring safety. The SPVM is setting the pace with a policy that reflects these two intentions.

However, this contribution cannot be complete without recognizing the societal issue of systemic racism. I therefore recognize that social inequalities can be linked to systemic discrimination, which can be observed in every sphere of our society, in every institution and organization, including the SPVM.

The cultural shift initiated at the SPVM doesn't stop there. The Policy on Police Checks will be evolutionary and accompanied by several measures in the organization of work which will always aim to make Montréal a safe city that respects individual freedoms.

With great openness to dialogue, I sincerely thank the Montreal population and the SPVM's personnel for their confidence.

A handwritten signature in blue ink, reading "Sylvain Caron". The signature is fluid and cursive, with the first name "Sylvain" and the last name "Caron" clearly distinguishable.

Sylvain Caron

Director

1. A MAJOR CHANGE IN DIRECTION – BACKGROUND

In 2017, the Commission de la sécurité publique and the Commission sur le développement social et la diversité montréalaise jointly held a series of consultations on racial and social profiling. At the end of this process, a report presented 31 recommendations addressed to various Ville de Montréal services, including 12 to the Service de police de la Ville de Montréal (SPVM). The SPVM set up a working committee to develop a second strategic plan on racial and social profiling. The process led to the creation of the *2018-2021 Écouter, Comprendre, Agir* plan, based on internal consultations and enriched by other public ones.

Among the actions identified in this plan, one of them involved accompanying the SPVM with a team of independent researchers, which was to be mandated to carry out analyses on police data. In October 2019, the publication of the report of the independent researchers confirmed disparities in police check practices. A reflection began on the creation of a new policy on police checks. The Director of the SPVM then was convinced that a new vision was necessary and that concrete actions had to be considered. A committee composed of police officers and civilians was established and the work began immediately for the submission of a policy on police checks.

Finally, in June 2020, the Office de consultation publique de Montréal (OCPM) set out recommendations to various Ville de Montréal services, including about a dozen for the SPVM. Among them, the OCPM: “endorses the five recommendations of the Armony-Hassaoui-Mulone Report and takes note of the SPVM’s commitment to develop a policy on police checks”¹.

Currently, provinces and police organizations across the country are adopting normative frameworks to standardize the practice of police checks. The SPVM is also dedicated to this approach and today becomes the first police force in Québec to adopt such a policy.

The SPVM's head officials made sure the policy development process was a collaborative and inclusive approach. It was therefore the subject of an internal and external consultation involving police officers, civilian personnel, citizens, community leaders and institutional partners. For example, over 160 consultations were held by commanders of neighbourhood police stations.² The purpose of these consultations was to ensure a vision of openness to an external point of view.

The Policy on Police Checks will take effect in the fall, after its presentation to all police personnel. It is bound to evolve and constitutes one means among several commitments intended to foster conciliation and a fair balance between public safety and respect for individual liberties.

¹ Office de consultation publique de Montréal. June 2020. Rapport de la consultation publique sur le racisme et la discrimination systémiques. p. 224.

² To respect confidentiality and maintain the confidence of these partners, their identity will not be made public.

2. BASIS OF THE POLICY ON POLICE CHECKS

Police officers are among the only professionals mandated by the public to use a power in their interventions, which seek to account the mission of maintaining peace and ensuring safety. In Montreal, they exercise these functions under the neighbourhood policing model, which notably proposes sharing between the police and the community in the identification, prioritizing and resolution of crime and safety issues. This approach, implemented in North America in the 90s, to essentially reframe the legitimacy of the police, was thereby supposed to increase trust between the police and the community. It also created an extension of police functions, which henceforth went beyond suppression of crime.

Although the powers granted to police officers are governed by statutes, teaching and oversight, in an era where bringing citizens and the police community closer together is encouraged, tensions may occur regarding inappropriate use of these functions or an expression of inappropriate attitude on the part of police officers. Other tensions between the community and the police come from the feeling of injustice suffered by citizens resulting from lack, felt by them, of disciplinary measures applied regarding complaints filed against the police.

Since the late 90s, Canadian and Québec police forces have been reconsidering their practices with members of ethnocultural groups. Moreover, to better equip the personnel, the first training on interventions with ethnocultural groups was established in 1986 and all SPCUM³ police personnel were invited to participate. Over the years, these training measures, consultations, evaluations, detection strategies, awareness and rapprochement with the community succeeded each other and still remain essential today to dialogue and respect of the “moral and social contract”. The SPVM, formerly the SPCUM, has always been at the forefront of the issues raised and has shown great openness in the course of its history.

In 2020, the time has come to question the target of our organizational efforts to remedy the issue of racial profiling. The approach recommended to identify, induce awareness, educate and supervise police officers who knowingly would engage in racial profiling certainly has its merits and must continue to be applied. However, it does not seem sufficient to explain the importance of the disparities in the data on police checks. More plausible, the approach that maintains that police behaviours are mainly influenced by situational factors, such as the suspects’ actions, the context of interaction between police personnel and the suspects, the composition of the neighbourhood, and factors such as the gender, ethnic origin and socioeconomic status of both parties, is retained to explain the alleged systemic biases.

³ Service de police de la Communauté urbaine de Montréal

How can we act on these biases? By a change in the system or in practice. At least, that is another point of view. For example, our experience with the Équipe mobile de référence et d'intervention en itinérance (EMRII) was also part of a change of practice in the approach to homelessness in Montreal. Traditionally riddled with criticisms for overly repressive interventions and overjudicialization of homeless people in Montréal, the SPVM deployed a team composed of police officers and social workers, who work together in the field to take on the challenges presented by homelessness. This has allowed the SPVM to really make a difference. Its direct action on the "system" and the concrete measures of success make EMRII a model that has been reproduced by other police forces to date. Were all the police officers ill-intentioned or discriminatory when they previously ticketed homeless people to make them respond or who took them to hospital to give them respite?

This is the basis of the introduction of an SPVM policy on police checks. A concrete action on the system of recording police checks and an obligation for our personnel to think about the basis of each check. The police officers who swear an oath to serve the public do so with integrity and an intention of respect. Nonetheless, they are human beings operating in a society influenced by omnipresent systematic biases. This new way of working should have an impact on the practice of police checks resulting from bias. The direct measurement of data on police checks over a period of time will allow us to assess its scope in the confirmed disparities.

This being said, we recognize that any police check based on ethnocultural identity, religion or social status is a violation of the fundamental rights of Montrealers. When this is done with a clear intention of racial profiling, the perpetrator of this police check must be dealt with.

3. DEMYSTIFYING THE PRACTICE OF POLICE CHECKS

Police checks are performed, in particular, with the aim of assisting a person and preventing uncivil behaviour and offences against laws, regulations and by-laws. They constitute an important activity for police officers to do their job. For example, some officers may proceed with police checks to look for a missing person or a fugitive. Police checks also result from complaints to 9-1-1 or concerns reported by citizens.

However, police checks must be based on observable facts and not on the police officers' perceptions or on the biases indirectly associated with the complaints, reports or requests for assistance transmitted to them. Although the results of the report presented by the independent researchers on October 7, 2019 do not address individual discriminatory behaviour by police personnel, the SPVM today is establishing guidelines to prevent any unfounded or random police check.

4. CONCRETE IMPLICATIONS OF THIS NEW POLICY

This Policy is an internal technical document, creating an operational framework for police personnel regarding the practice of police checks. The Policy is part of the SPVM's operating standards, so compliance with its application is mandatory. Management measures already in place within the SPVM for any deviation from compliance with a policy will be enforced, if applicable.

Concretely, the Policy will allow to:

- have a common definition of the concepts, such as police check and social interaction, and an explanation of the principles of application;
- better establish the context of police checks and identify the disparities of police checks of members of ethnocultural, known as “racialized” or belonging to a visible minority or an Indigenous communities.
 - In fact, the computerized police check records from now on will indicate whether the check was initiated by the police officer or resulted from a 9-1-1 call, or a report by a citizen or another police officer.
 - The police officer will also have to indicate the circumstances that justified the check and the objective sought.
 - This practice will be made possible by the improvement of the computerized system used by the SPVM. This will be completed when the Policy takes effect in fall 2020;
- require police officers to inform citizens of the summary reasons justifying checks (subject to exceptions described in the Policy);
- inform and give awareness to police officers regarding citizens' rights in the context of the practice of police checks.

Concretely, the Policy will prohibit:

- any police checks that are unfounded, random or based on a discriminatory criterion;
- the use of a power, provided for in a statute or arising from common law, as a pretext for the sole purpose of identifying a person and obtaining information and resorting to a regulation or by-law for such purposes.

5. NEXT STEPS

As mentioned in the introduction, the Policy will be implemented in the fall of 2020, throughout the SPVM, after its presentation to the police officers and the completion of changes to the computer system. It is essential to comply with these time frames. Only presenting the Policy, without the computer support for more accurate recording, would not allow evaluation of the success of the expected changes.

Starting in September, to support the implementation of the Policy, the SPVM will deploy a team of Coaches in police checks, who will have the mission of providing awareness, advising and accompanying the police officers. This team will encourage appropriation of the change embodied by this Policy and will be able to provide feedback on the key adjustments and improvement desired.

From now on, a second mandate is assigned to the independent researchers who have accompanied the SPVM for several months. The SPVM wishes to pursue this collaboration in order to obtain an external and neutral perspective to update the Policy in 2021 and introduce follow-up measures favourable to the success of this organizational change. Summarily, this mandate will break down into three main objectives:

- Understand the decision-making mechanisms of police officers regarding checks;
- Analyze the work tools deployed in support of the Policy;
- Evaluate the evolution of police checks, particularly by using indicators developed by the researchers⁴.

In due course, and following the researchers' recommendation, the SPVM will proceed with a consultation of the members from the ethnocultural communities to get to know their appreciation and new expectations regarding the practice of police checks, while accounting for the comments of police officers who have experimented in the field with the principles of application of the Policy. Until then, innovative actions and measures in community policing will be studied by the SPVM.

Finally, the Policy on Police Checks will certainly make it possible to mitigate the systemic biases confirmed in the previous analyses. Because the Policy is not an end in itself, the SPVM and its partners will also have to address the promising means for dealing with any profiling or discriminatory behaviour, for example, as opportunities for learning and awareness to the reality experienced by police officers and citizens. The desired cultural change thus may evolve more positively.


⁴ This objective particularly includes training given by the researchers for the future analysis of the data on police checks to make this activity systematic in the SPVM.

CLOSING REMARKS

Given the scope of the challenges posed by the complexity of the issues pertaining to the disparities in police checks, this Policy sets the pace for several essential complementary actions. The police community is attentive to the Montreal experience, which will blaze the trail for the achievement of a fair balance between public safety and individual freedoms. This balance is the basis of the Policy on Police Checks. The SPVM remains humble in view of the progress accomplished, but optimistic and determined to meet Montrealers' expectations.

The cultural shift announced by the organization is punctuated by a sincere and complex process. This reflection, which extends to society as a whole, must be part of a collective effort by all organizations, communities, groups and citizens of the Ville de Montréal. The SPVM intends to contribute in encouraging concrete changes to enable the Montreal population to operate in an inclusive environment. The SPVM thanks its personnel, its partners and the population for the confidence granted, which is essential to the accomplishment of the positive changes in progress.

APPENDIX 1 – SPVM POLICY ON POLICE CHECKS

 POLITIQUE <i>INTERPELLATION POLICIÈRE</i>	NUMERO
	EN VIGUEUR
	ANNULE

Le SPVM se dote d'une politique en matière d'interpellation policière afin de promouvoir sa vision d'excellence dans le service offert à l'ensemble de la population. Cette politique vise le maintien du climat de confiance dans les interactions entre les policiers et les personnes.

1. PRINCIPES GÉNÉRAUX

Le SPVM reconnaît les droits et libertés de la personne énoncés dans la Charte canadienne des droits et libertés et la Charte québécoise des droits et libertés de la personne, les diverses lois et les règlements en vigueur.

Le SPVM exige de ses policiers un comportement professionnel et respectueux lorsqu'ils interagissent avec une ou plusieurs personnes.

Dans l'exécution de ses fonctions, le policier est légitimé à procéder à une interpellation, activité policière essentielle en matière de sécurité publique, lorsque celle-ci s'inscrit dans l'accomplissement de la mission du SPVM.

Une interpellation basée sur un motif discriminatoire est sans fondement et à proscrire.

Cette politique ne limite en rien les interactions sociales entre le policier et une personne lorsqu'il s'agit d'échanges dans un contexte communautaire ou social.

2. DÉFINITIONS

2.1. INTERACTION SOCIALE

Échange réciproque entre un policier et une personne afin notamment de dialoguer, d'informer ou de participer à des activités communautaires et sociales.

2.2. INTERPELLATION POLICIÈRE

Interaction entre un policier et une personne au cours de laquelle le policier tente de l'identifier et de collecter des informations. L'interpellation policière n'est pas une interaction sociale ni une forme de détention. L'interpellation doit reposer sur un ensemble de faits observables⁵ qui fournit au policier une raison pour interagir avec une personne dans l'atteinte de l'un des objectifs suivants :

- assister une personne dans le besoin;
- prévenir les incivilités;
- prévenir le crime ou les infractions aux lois ou aux règlements;
- collecter des informations s'inscrivant dans la mission du SPVM;
- identifier une personne recherchée (mandat, disparition).

N'est pas une interpellation policière au sens de la présente politique :

- une arrestation;
- une détention aux fins d'enquête;
- une situation où la personne est légalement tenue de fournir son identité et des informations à un policier;
- une enquête auprès d'une personne, à titre de suspect ou témoin, pour une infraction criminelle ou pénale dont le policier soupçonne raisonnablement qu'elle a été, est en train ou sera commise;
- une exécution d'un mandat, d'une ordonnance ou d'une autorisation judiciaire.

⁵ Faits, circonstances, informations.

3. PRINCIPES D'ORIENTATION

3.1. RESPECT DES DROITS ET LIBERTÉS

- l'identité ethnoculturelle réelle ou perçue;
- la religion;
- les opinions politiques;
- l'appartenance ou l'affiliation à un groupe non criminalisé;
- l'âge;
- le genre, l'identité ou l'orientation sexuelle;
- un handicap physique ou intellectuel;
- le statut socio-économique;
- la condition médicale.

Toute interpellation policière est effectuée dans le respect des droits et des libertés individuelles des personnes interpellées et ne peut reposer sur un motif discriminatoire, incluant :

3.2. MOTIF OBLIQUE

L'utilisation d'un pouvoir, prévu dans une loi ou découlant de la common law, comme prétexte dans **le seul but** d'identifier une personne et d'obtenir des informations est à proscrire. Le recours à une infraction réglementaire à de telles fins n'est pas permis.

4. PRINCIPES D'APPLICATION

4.1. RAISON DE L'INTERPELLATION

Le policier informe la personne de la raison de l'interpellation de façon sommaire, sans toutefois divulguer des informations qui pourraient nuire à d'autres opérations en cours ou qui sont confidentielles ou privilégiées.

4.2. DÉTENTION PSYCHOLOGIQUE

La personne interpellée n'a aucune obligation légale de s'identifier ou de répondre aux questions du policier. N'étant pas détenue, elle peut quitter les lieux en tout temps.

Le policier doit être sensible aux circonstances entourant l'interpellation, à son approche, ainsi qu'aux caractéristiques de la personne ou à sa situation particulière. Il doit être conscient que la personne interpellée peut se sentir psychologiquement détenue donc obligée de s'identifier ou de répondre à ses questions.

4.3. FICHE D'INTERPELLATION

Une fiche doit être produite à l'issue de l'interpellation lorsque les informations recueillies sont d'intérêt au regard de la mission du Service. Elle doit notamment comprendre les informations suivantes :

- l'objectif;
- la date, l'heure et l'endroit;
- les informations nominatives de la personne interpellée;
- l'identité ethnoculturelle perçue ou présumée de la personne interpellée;
- le contexte (interpellation initiée par le policier, résultant d'une demande d'une personne, d'un appel au 9-1-1 ou d'une demande d'un autre policier);
- la raison de l'interpellation;
- les faits observables ayant mené à l'interpellation;
- les informations recueillies à la suite de l'interpellation;
- les mesures prises à la suite de l'interpellation.

**Le directeur,
Sylvain Caron**

APPENDIX 1 – SPVM

POLICY ON POLICE CHECKS

English Translation:

The SPVM is adopting a policy on police questioning to promote its vision of excellence in service to the public at large. This policy aims to maintain a climate of confidence in interactions between police and individuals.

1. GENERAL PRINCIPLES

The SPVM recognizes the human rights and freedoms set out in the Canadian Charter of Rights and Freedoms, and the Quebec Charter of Human Rights and Freedoms, the various laws and the regulations in force. The SPVM requires its police officers to behave in a professional and respectful manner when they interact with one or more people. In the performance of his duties, the police officer is entitled to proceed to an interpellation, activity essential to public safety, when it is part of the public safety and security of the accomplishment of the SPVM's mission.

An interpellation based on a discriminatory ground is unfounded and should be prohibited. This policy in no way limits the social interactions between the police officer and a person when they exchange in a community or social context.

2. DEFINITIONS

2.1. SOCIAL INTERACTION

Reciprocal exchange between a police officer and a person in order to dialogue, inform or participate in community and social activities.

2.2. POLICE QUESTIONING

Interaction between a police officer and a person during which the officer attempts to identify it and to collect information. Police questioning is not a social interaction or a form of detention. The arrest must be based on a set of observable facts that provides the police officer with a reason to interact with a person in the violation.

one of the following objectives :

- to assist a person in need;
- to prevent incivility;
- prevent crime or violations of laws or regulations;
- to collect information that falls within the mission of the SPVM;
- to identify a wanted person (warrant, disappearance).

This is not a police stop within the meaning of this policy:

- an arrest;
- Detention for investigative purposes;
- a situation in which the person is legally required to provide his or her identity and information on the person's whereabouts.
- information to a police officer;
- an investigation of a person, as a suspect or witness, for an offence criminal or penal offence that the police officer reasonably suspects has been, is in train or will be committed;
- an execution of a warrant, order or judicial authorization. Facts, circumstances, information.

3. GUIDING PRINCIPLES

3.1. RESPECT FOR RIGHTS AND FREEDOMS

All police arrests are carried out with respect for rights and freedoms.

The decision of the court must be based on the individual nature of the persons involved and cannot be based on a discriminatory ground, including :

- real or perceived ethnocultural identity;
- religion;
- political views;
- membership or affiliation with a non-criminalized group;
- age;
- gender, sexual identity or orientation;
- physical or intellectual disability;
- socio-economic status;
- medical condition.

3.2. OBLIQUE REASON

The use of a statutory or common law power as a pretext to for the sole purpose of identifying a person and obtaining information is to be proscribed. The use of a regulatory offence for such purposes is not permitted.

4. PRINCIPLES OF APPLICATION

4.1. REASON FOR APPREHENSION

The police officer informs the person of the reason for the stop in a summary manner, without however disclose information that could prejudice other ongoing operations, or that are confidential or privileged.

4.2. PSYCHOLOGICAL DETENTION

There is no legal obligation for the person being questioned to identify himself or herself or to respond to questions from the police officer. As she is not in custody, she may leave the premises at any time. The police officer must be sensitive to the circumstances surrounding the stop, to the approach of the officer, and to the characteristics of the person or his or her particular situation. He or she must be aware that the person questioned may feel psychologically detained and therefore obliged to identify himself or herself or to answer his questions.

4.3. INTERPELLATION SHEET

A form must be produced at the end of the interpellation when the information collected are of interest with regard to the Service's mission. In particular, it must include following information :

- the objective;
- date, time and location;
- personal information of the person contacted;
- the perceived or presumed ethnocultural identity of the person contacted;
- the context (police-initiated apprehension resulting from a request for a person, a 9-1-1 call or a request from another police officer);
- the reason for the stop;
- the observable facts that led to the apprehension;
- the information gathered following the stop;
- the measures taken following the stop.

In Conclusion

The key points to take away from this, are the following:

- The Montreal Mayor Valerie Plante admits that systemic racism exists in the City of Montreal.
- The Montreal Police Chief Sylvain Caron admits that systemic racism exists in the the City of Montreal
- *"According to the Policy on Police Checks in Montreal All police arrests are carried out with respect for rights and freedoms. The decision of the court must be based on the individual nature of the persons involved and cannot be based on a discriminatory ground, including :
- real or perceived ethno-cultural identity;" (Section 3.1 of the policy)*
 - religion;
 - political views;
 - membership or affiliation with a non-criminalized group;
 - age;
 - gender, sexual identity or orientation;
 - physical or intellectual disability;
 - socio-economic status;
 - medical condition.
- **The police HAVE to give you a valid reason for stopping you in their FIRST interaction with you.**
(Meaning they must say; "license and registration and I'm pulling you over because of....." If they do not tell you at this time or give you the reason when you ask them once, and you believe you have done nothing wrong and your paperwork is in order; it is at this time that you **MUST** question their motive and invoke that they are racial profiling you if that is what you feel.
- *"There is no legal obligation for the person being questioned to identify himself or herself or to respond to questions from the police officer. As she is not in custody, she may leave the premises at any time. The police officer must be sensitive to the circumstances surrounding the stop, to the approach of the officer, and to to the characteristics of the person or his or her particular situation. He or she must be aware that the person questioned may feel psychologically detained and therefore obliged to identify himself or herself or to answer his questions." (Section 4.2 of the policy)*
- Continue to file complaints and put pressure on our elected officials.

*"Working together towards
common ground and resolve,
will defeat the evil of systemic
racism in the Province"
~Joel DeBellefeuille*