

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

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### RECOMMENDATIONS OF THE COMMISSION

1. **THAT** the institutional standards and policies of the SPVM to combat uncivil behaviour be amended to remove any element that targets and stigmatizes the homeless.
2. **THAT** the use of repressive methods by the SPVM against the homeless be based, not on a perception that their presence might be disturbing or threatening, but on neutral behavioural criteria applicable to all citizens, such as the degree of nuisance or danger created by the behaviour.
3. **THAT** training on the social causes of homelessness and the risk of being profiled facing the homeless be provided for police officers employed by the City of Montréal.
4. **THAT** each municipality and borough, as well as the provincial government, review all the regulatory and legislative provisions that punish behaviour in public spaces to ensure that they identify a specific nuisance and that the provision is justified. In addition, the Commission recommends that the enforcement of by-laws that are not consistent with the *Charter* be suspended until amended or repealed by the relevant authority.
5. **THAT** the by-law enacted by the Ville-Marie borough to close the last remaining 15 parks that were still open at night be repealed.
6. **THAT** the provision of the *By-law concerning dog and animal control* introduced by the Ville-Marie borough to specifically ban dogs from Émilie–Gamelin park and Viger square be repealed.
7. **THAT** the *Code of Penal Procedure* be amended to eliminate the discriminatory impact, especially on the homeless, of the current provisions imposing a prison sentence for unpaid fines.
8. **THAT** the State strengthens the economic and social rights set out in the *Charter* at the earliest opportunity to protect the rights of the most vulnerable people in society, and in particular the rights of the homeless.
9. **THAT** a policy on homelessness be introduced to ensure that the State, its representatives and its service providers formally launch a joint and planned action to allocate targeted resources with priority given to the homeless.
10. **THAT** as part of the policy on homelessness, the government:
  - a. Implements concrete measures to improve coordination between the stakeholders dealing with the homeless, thereby ensuring continuity of services and a better harmonization of the various categories of intervention;
  - b. Strengthens and enhances existing measures to reach the homeless with mental health or addiction problems wherever they are, to ensure that they benefit from appropriate support and medical supervision from the health and social services network;
  - c. Strengthens and increase the resources allocated to allow the homeless to benefit from personalized, long-term therapeutic supervision;

- d. Strengthens existing measures and programs supporting the social reintegration of young people leaving youth centres, especially when enrolled in education or seeking employment;
  - e. Strengthens and enhances measures and programs to support the homeless or individuals at risk of homelessness when enrolled in educational or vocational integration programs;
  - f. Uses the Market Basket Measure (MBM) to set the level of financial support for poor individuals provided by social assistance and social solidarity programs.
11. **THAT** the State give priority to a preventive and proactive approach to homelessness, in particular by providing sufficient and adequate housing for the homeless or individuals at risk of homelessness, if they so desire.
  12. **THAT** the government increase and make recurrent the funding provided for new social housing projects through the various programs administered by the Société d'habitation du Québec;
  13. **THAT** the government increase the budget of \$5 million allocated to the *Cadre de référence sur le soutien communautaire en logement social* to match the dollar estimates made by its partners in the social and community housing sector.
  14. **THAT** the government provide stable and recurrent funding for the *Cadre de référence sur le soutien communautaire en logement social*, adjusted annually to reflect the actual needs of the public and private organizations offering community support for social housing.

November 6, 2009