

**REFUSE
TO BE
ABUSED:
USING THE
LAW
TO FIGHT
BACK**

PROJECT X

**WORKING WITH YOUTH TO
COMBAT RACIAL PROFILING
THEPROJECTX.CA**

A lot of the time we feel helpless when us or our friends are targeted by the police because of being young and not-white, or because of hip-hop style. It's important to know that we DO have rights, and when they're disrespected we can try to combat this. Knowing how to contest tickets, how to file an abuse report, and how to file a complaint can help you take action when you are being treated unfairly. This guide will help show you how to do that.

Knowledge is power.

THIS GUIDE HAS INFORMATION ON:

- 1. TICKETS**
- 2. REPORTING
ABUSE**
- 3. FILING
COMPLAINTS**

[This document contains legal information, NOT legal advice. If you require legal advice, you should consult a lawyer. Don't use this document in legal proceedings or transactions.]

WHY THIS RIGHTS GUIDE? INFORMATION ABOUT RACIAL PROFILING

A report done by the SPVM (Montreal Police) in 2009 proved what so many of us already knew: racial profiling by the police is real, and it results in huge amounts of unfair stopping, ticketing, and charges - this is because people who are not white are way more frequently targetted and hassled.

Did you know that 40% of all blacks in the northern part of the city were stopped by police for identity checks at least once, compared with 5-6% for whites in 2007?

Racial profiling can be depressing or make us mad. It's important to know that it is NOT all in your head. Don't feel guilty or like you're alone if you are stopped for no reason with your friends, given a ticket for something you didn't do, or treated poorly by an officer. You are not the only one that this happens to!

I I WANT TO DEAL WITH MY TICKET!

Excessive ticketing can be a form of racial profiling. It has been documented both in Montreal and in other big cities that people of colour receive more tickets for the same offenses than other, non-marginalized groups of people. Youth of colour especially are often targeted in this way.

If you think you have been a victim of racial profiling and want someone to talk with about it, you want to know what your rights are, or you need help in contesting it, contact PROJECT X at info@theprojectx.ca.

I GOT A TICKET! WHERE SHOULD I GO TO PAY OR CONTEST IT?

TICKET EXAMPLES:	ADMINISTRATED BY:
<ul style="list-style-type: none"> - Jay walking - Being in a park after closing (11p.m.) - Putting your garbage out on the wrong day - Parking tickets - Loitering - Metro Infractions - Certain traffic violations 	<p style="text-align: center;">Montreal Municipal Court 775 rue Gosford Montreal, QC 514-872-2964 METRO: Champ-de-Mars</p>
<p>Tickets under provincial jurisdiction, such as traffic violations that occur off the Island of Montreal</p>	<p style="text-align: center;">Ministère de la Justice Bureau des Infractions et Amendes 1 rue Notre-Dame est, B.1.49 Montreal, QC 514-864-4030 http://si1.amendes.qc.ca METRO: Place-d'Armes</p>

Don't know where to go? Check your ticket.

Don't have the ticket any more? Call one of the organizations listed above, describe what the ticket was for, and ask which organization you should be dealing with.

PROCEDURE FOR RECEIVING & CONTESTING TICKETS:

(& WHAT HAPPENS WHEN YOU IGNORE THEM)

1. You **receive the ticket** either directly from a police officer or by mail. You have 30 days to respond.

a. You can write **“guilty”** in the box provided, and pay the fine or you could just pay the fine within the 30 days to avoid extra charges. Depending upon the type of ticket, to make a payment contact either the Municipal Court or the Bureau des Infractions et Amendes (the ticket will specify who you should contact).

b. You can also write **“not guilty”** in the box provided, and send your response to the address on the back of the ticket, within the 30 days upon receiving the ticket. If you **ignore** the ticket, a notice will be sent to you, giving you an extra 14 days to respond to the ticket, if you do not respond then you will be automatically found guilty.

2. Once the court receives a **plea of not guilty** the court clerk will evaluate the ticket and may decide to drop the case. If not, a **court date** will be set. You might want to bring someone with you to court, it can help you feel relaxed and it's good to know someone has your back.

a. If you **contest the ticket and lose**, you might have to pay court costs. Court costs are at the discretion of the judge, and are usually about \$85.

b. If you **do not show up** to present your side, the judge will decide against you. If you are found guilty by default you will be charged \$53 per ticket, plus \$19 to send a notice of judgment.

3. You will then receive a **Notice of Judgment from the Collector of Fines**. You will have 30 days to pay.

4. If you don't contact the Collector of Fines, you will be issued a **Writ of Seizure**. This costs \$33. In the case of offences related to driving (parking tickets, speeding, etc) your license could be suspended until you pay in full or make payment arrangements.

5. If you still do not contact the Collector of Fines, a **bailiff** will come to your house to seize property to pay the fine. If a bailiff is sent to your house, you will be charged the bailiff's fees. There is an exemption for movable property used by and necessary for the life of the household up to \$6000. The bailiff gets to choose which items to seize by making an inventory of your belongings.

Note: the further along you get in this process before you pay the fine, the more money you will owe. For example, there are fees associated with court costs, and these are charged per ticket. So three parking tickets can end up costing \$100.

PROCEDURE FOR PAYING TICKETS:

(& WHAT HAPPENS WHEN YOU CAN'T PAY)

1. You can **pay a ticket immediately** by contacting the Municipal Court or the Bureau des Infractions et Amendes (see above for contact information).

2. If you **don't have the money to pay right away**, there are a few other possibilities:

a. **Payment Arrangement:** the Collector of Fines (at either the Municipal Court or the Bureau des Infractions et Amendes) will try to work out a payment arrangement with people who cannot afford to pay a fee or fine immediately. This will allow for payment of the fee or fine in manageable payments over time. To start a payment arrangement you may have to pay 10% of the total amount owing. Minimum monthly payments are usually about \$10.

Note: one of the benefits of making a payment arrangement is that no new fees (such as fees for sending a bailiff) will be added to the amount you owe. So, the earlier in the process you make the arrangement, the less you will have to pay.

b. **Seizure:** the court can dispatch a bailiff to seize your property. A bailiff can only seize property in excess of \$6000 - so if you own less than \$6000 worth of valuables you can't be seized. Cars are an exception and are always subject to seizure. There is an exemption for movable property used by and necessary for the life of the house hold up to \$6000. The bailiff gets to choose which items to seize.

c. **Arrest Warrant:** If you do not pay the fees or fines that you owe, a warrant may be issued for your arrest. However, this is considered a last resort (particularly in the case of youth under the age of 18).

d. **Compensatory Work:** The Compensatory Work Program offers an option to pay fees or fines by doing work instead of paying money. It is not a right, but rather an option that may be offered to people who meet certain criteria (namely the inability to make full payment or work out a payment agreement).

Note: the procedure for Compensatory Work is different for adults vs. youth under the age of 18. Depending upon your age, consult “Compensatory Work – Minors” or “Compensatory Work – Adults”.

2

I WANT TO REPORT ABUSE AND DISCRIMINA- TION BY THE POLICE!

We strongly encourage people to fill out the form at the link listed below even if you file a complaint (info in the next section), because it's a way of putting political pressure on the authorities to denounce police abuse of our communities. The system is maintained by community organizations, not for the police, so that we can keep community tabs on the abuse that people are facing. The project RADIS is trying to keep tabs on what is happening, and where, and filling out an abuse form is a way to help the island of Montreal document the abuse and profiling that we're facing.



You can get to the form by following this link!

<http://www.rapsim.org/docs/RADIS%20Form%20anglais.pdf>

3

I WANT TO FILE A COMPLAINT!

In so many cases, when discrimination takes place, we feel like there is nothing that can be done. Even though complaints can feel intimidating and take a lot of time, it can be really worth it to try to stand up for your rights: it shows them that you aren't willing to accept their harassment, and it can help people who may be abused in the future by the same officer, because it could mean stronger repercussion for them next time somebody complains.

EXAMPLES OF EXPERIENCES TO FILE A COMPLAINTS ABOUT:

- You were forced to give your name and address or your ID without being told why, or being under arrest
- You were forced to leave a park or an area without being given any reason
- You were unfairly charged with something you didn't do, like loitering, disturbing the peace, etc.
- A police officer would not identify themselves when you asked, or was not wearing a badge or any identification
- A police officer threatened you, called you a racial slur, or generally disrespected you

THINGS YOU SHOULD TRY TO GET BEFORE FILING THE COMPLAINT (TO HELP YOU OUT):

- If you had any witnesses, their names and numbers
- The time, place, and date that the incident took place
- If you remember the badge number, the car number, and what the officer looked like
- Support! Contact someone at Project X (info@theprojectx.ca) and we can help you throughout the process, from knowing your rights to supporting you.

It's really helpful to know what filing a complaint actually MEANS, and what it can achieve for you. We strongly encourage filing complaints!

Complaints can be really frustrating because they take so long, and a lot of people find difficult, especially because even if you are eligible for Legal Aid, a lawyer will not be covered. It's good to get proper support from someone who knows the police system, this can make this much easier for you.

The end-result of most complaints is "conciliation," which means you and the officer agree together on a 'fair' solution to the problem. It is rare that the officer faces actual punishment, but it will stay on their record at the Police Ethics Commission, which means that next time instead of going to conciliation there will automatically be an investigation into their abusive behavior. On the other hand, if this "conciliation" does not work because you do NOT agree, it is possible that the offending officer faces repercussions, to have this complaint on their record, to be suspended, or even dismissed. Here is a step by step guide to the complaint process.

WHAT DOES IT LOOK LIKE TO FILE A COMPLAINT?

1) FILING THE COMPLAINT

You can do this within one year of the event that took place. A report needs to take place in writing, and you can do this either directly at the office of the Police Ethics Commission or at any police station. We strongly recommend that you do it in writing, and you can get the forms from Project X or RADIS, and mail them in –this way there is no risk of more abuse or harassment by going to the police station. The officer will then have to come before the Police Ethics Commission at the date and time fixed by the Comité for Conciliation.

2) THE CONCILIATION PROCESS

You, the police officer, and a conciliatory officer will meet together. (If you refuse conciliation without just cause, the case will be dropped). You can bring a lawyer if you choose to (though Legal Aid will not cover this), but you can also bring anybody else that you'd like to bring. Neither your comments nor the police officers can be used in any criminal or civil proceedings after this meeting. The conciliatory officer is NOT an SPVM officer, but they are mostly ex-police officers.

3) THE OUTCOME

- a. You and the officer come to an agreement on how to resolve the complaint. This is written down, approved by the Commissioner, and signed by yourself and the officer. It is kept on their police's record at the Ethics Commission and if there is another complaint against them, it will go straight to an investigation.
- b. You do not come to an agreement on how to resolve the complaint. The Commissioner designates an

investigator to determine if there is enough evidence to hold a hearing about the complaint before the Police Ethics Commission. The investigator can then reject the complaint and must provide the reasons why (though you have a right to appeal this with the Police Ethics Commission).

- If it is accepted, your case will be seen before the Police Ethics Commission. Witnesses can be called on, and this is public so you can bring whomever you like.

- If the Police Ethics Commission decides that your complaint is valid, the officer can face these repercussions:

- Warning;
- Reprimand;
- Rebuke;
- Suspension without pay for a period of up to 60 working days;
- Demotion;
- Dismissal.

Hopefully this information can help you deal with **unfair ticketing, police harrassement and abuse in a more informed way.**

We know that just fighting these case by case isn't enough since these abuses are happening so often, and knowing your rights does NOT necessarily mean that they will be respected, but it's important to know what your options are when it comes to using the legal system to challenge racial profiling.

We need to stay strong together in the face of this repression, and we don't have to do it alone!

Contact us at info@theprojectx.ca

WHAT IS PROJECT X?

Project X is a group of people who work with youth to help combat racial profiling based in N.D.G. We document and take testimonials about youth and racial profiling. We also give legal workshops that help inform you about your rights when it comes to racial profiling, and the DO's and DON'Ts of interacting with the police. We think it's important to acknowledge that racial profiling is real, to be vocal about it, and to try to fight it. **If you want a workshop, to contribute a testimonial, or just to share your experiences, contact info@theprojectx.ca.**

A graphic consisting of a dark grey vertical bar on the left and a black vertical bar on the right. The words "PROJECT X" are written in a bold, white, sans-serif font across the bottom of both bars.

PROJECT X