

# MUNICIPAL BYLAW P6 SHOULD POLICE DECIDE YOUR FREEDOM OF EXPRESSION AND ASSEMBLY? KNOW YOUR RIGHTS!

## WHAT IS IT?

P-6 is the City of Montreal's non-criminal municipal by-law concerning the prevention of breaches of the peace, public order and safety on public property, which was recently amended to deal with the student and public protests of Spring 2012.

More importantly, sections of P-6 have been widely criticized by many sectors of society, including human rights groups and the Quebec Bar of Lawyers, as being unjustifiable in a free and democratic society and clearly violating freedom of expression, freedom of association, freedom of peaceful assembly, and the right to privacy.

# IF YOU ARE EVER ARRESTED BY THE POLICE: REMEMBER, SILENCE IS GOLDEN

- You CAN REFUSE TO TALK TO POLICE or answer their questions unless they say you broke the law, or you are driving a vehicle, or you are in an age restricted place like a bar or cinema. In these cases, you must give them your name, birthdate and address, or show your ID, but you do NOT have to say any more.

- If you are DETAINED, DO NOT SAY ANYTHING UNTIL YOU TALK TO A LAWYER!

- Each situation is different and you must use your common sense. Stay calm and remember and record everything that happens. REMEMBER YOUR RIGHTS!

For HELP call Concordia Student Union Legal Information Clinic 514-848-7474 ext. 7375  
To report a police officer to the Police Ethics Commissioner call 1-877-237-7897.



## IN VIOLATION OF: *Bylaw P6*

## OFFENSES

**IN THE CITY OF MONTREAL ON PUBLIC PROPERTY, YOU ARE NO LONGER ALLOWED TO:**

- 1) Participate in any assembly, parade or other gathering UNLESS the exact location and itinerary is disclosed to the director of the Service de police or to the officer in charge. (sect. 2.1 of P-6)
- 2) Participate in any assembly, parade or other gathering UNLESS it is followed in accordance with the exact location and itinerary disclosed and approved by the Police (sect. 2.1 of P-6)
- 3) Participate in any spontaneous or surprise assembly, parade or other gathering, even if they are completely peaceful. (sect. 2.1 of P-6)
- 4) Cover your face with a scarf, hood or mask while participating in an assembly, parade or other gathering, even if you do not have any harmful intent, and unless you convince the Police that you have a reasonable motive, which is at their discretion. (sect. 3.2 of P-6)

## PENALTIES

**FIRST OFFENSE**

\$500 and \$1000

**SECOND OFFENSE**

Between \$1000 and \$2000

**SUBSEQUENT OFFENSE**

\$2000 and \$3000

Many claim that section 3.2 of P-6 violates not only your right to free expression because the wearing of a scarf, hood, or mask by an individual may be part of the way the message is expressed, but it also violates your right to privacy because P-6 prohibits a person's desire for anonymity, which may be necessary for many valid reasons. For example:

- the arrest and confiscation of a peaceful protester dressed in a panda costume
- communities protesting shootings, brutality or racial profiling by the police
- ethnic groups marching against controversial legislation such as the Quebec Charter of Values
- people afraid of backlash or reprisals from their employers or governments.

Also, there is **NO MINIMUM NUMBER OF PEOPLE REQUIRED** for the application of P-6, as opposed to other public security laws. So even a small group of as few as 3 people could be in violation of P-6. Eg: a small group of friends celebrating in a public place the victory of a sports team

With P-6, **THE POLICE CAN AT ITS DISCRETION FORCE A CHANGE OF LOCATION OR ITINERARY** for reasons allegedly relating to the prevention of simple disturbances of the peace, security or public order, as opposed to serious risks to public security.

Since P-6 does not require any harmful or violent intent, if you are charged by the Police with having violated any sections of P-6, even unintentionally, you risk the exorbitant non-criminal fines provided in section 7 which are:

- 1) **Between \$500 and \$1000 for a first offense**
- 2) **Between \$1000 and \$2000 for a second offense**
- 3) **Between \$2000 and \$3000 for a subsequent offense**

The ordeal and hardship of dealing with these excessive fines do not even take into account the **POSSIBILITY OF CRIMINAL CHARGES** that the Police may add on at their discretion, especially if the Police feel that you are not cooperating or that you are arguing with them.

More recently during March and April 2013, P-6 was used as an aggressive pre-emptive measure by Police to suppress protests before they can even begin. About 800 people received tickets costing at least \$637 each, even though no mischief had been committed.

P-6 instead creates a situation where peaceful protests are oppressed, non-violent participants risk being arrested and punished.

Essentially, in the City of Montreal, the Police have been given the broad and arbitrary powers to decide who can protest and how they can protest in public spaces. It is the Police who seem to have the last word on your Civil Rights. This situation has no place in our society, which sees itself as free and democratic.