

Strip Searches Before a First Video-Appearance at Rivière-des-Prairies and Bordeaux Detention Centres

Notice of Settlement of a Class Action

A **settlement agreement** has been reached in the class action *Bergeron v. Procureur general du Québec*, which challenged the legality of strip searches of individuals taken to Rivière-des-Prairies and Montréal (Bordeaux) detention centres for the purposes of a first video-appearance.

Who is concerned by this agreement?

All persons who were:

- 1) Brought for the purpose of a first video-appearance to Rivière-des-Prairies or Montréal (Bordeaux) detention centre, **and**
- 2) Between October 11, 2016 and March 20, 2020, **and**
- 3) Strip searched at the detention centre before the video-appearance **and**
- 4) Released by the Court, following the video-appearance, with or without conditions.

What does the agreement provide?

The settlement agreement provides for a **payment of \$7,650,000** by the Attorney General of Quebec. This amount covers the compensation of members, legal fees, fees associated with the publication and distribution of notices, administrative fees, and the fees of the representative's lawyers and the claims administrator.

The agreement provides that, should there be sufficient funds remaining after subtracting legal fees, notice publication and distribution fees, administrative fees, and the representative's lawyers' and claims administrator's fees, each claimant will receive an indemnity of \$2,000 for each eligible strip search.

Should the remaining funds be insufficient to fully compensate each eligible claimant based on this schedule, the agreement provides for the following:

- a. First, each eligible claimant will receive an indemnity of \$2,000 or, if there are insufficient funds for each claimant to receive \$2,000, an equal share of the remaining funds;
- b. Second, claimants with two or more eligible strip searches will receive an additional \$2,000 or, if there are insufficient funds for each claimant to receive the additional \$2,000, an additional indemnity of an equal share of the remaining funds;
- c. And so on until all funds are distributed.

This class action does not include strip searches where the person was not released the same day (including situations where the release conditions were not fulfilled the same day).

Finally, it does not cover strip searches conducted by police.

The agreement calls for the appointment of **the *Association des services de réhabilitation sociale du Québec* and the firm Raymond Chabot** as the co-administrators of the claims process.

Approval of the settlement agreement

On **January 27, 2023** at **9h30**, counsel for the representative plaintiff will apply to the Honourable Justice Catherine Piché of the Quebec Superior Court for approval of this agreement and of the amount of their fees and disbursements. You **must** notify the representative's lawyers if you wish to attend the hearing or make oral representations. They will make arrangements for you to participate.

The agreement, as well as the application for approval of the agreement and of the representative's lawyers' fees, can be found at <https://tjl.quebec/en/class-actions/illegal-strip-search-in-riviere-des-prairies-and-bordeaux/>. You can also obtain a copy by calling the representative's lawyers at 514 871-8385.

Objection

If you are a class member, you have the right to object to the approval of this agreement or the approval of the lawyers' fees. To do so, you must submit an objection by email, fax or mail to the representative's counsel at the contact information below no later than **January 20, 2023**. The objection must contain the following information:

- your name
- the detention centre where you were strip searched before the video-appearance and the approximate date
- your reasons for contesting

The representative's lawyers will file any written objection received to the Superior Court. You may also be able to explain to Justice Catherine Piché your reasons for objecting to the settlement agreement at the **January 27, 2023** hearing.

If the settlement agreement is approved, further notices will be issued to inform class members of the procedure to follow to claim their compensation.

The address for the representative's counsel is as follows:

Trudel Johnston & Lespérance

750, côte de la Place-d'Armes, suite 90

Montréal (QC) H2Y 2X8

T : 514 871-8385 | F : 514 871-8800

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Do not hesitate to contact them if you need more information.