



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Draft Bill

**An Act respecting police organization
and amending the Police Act and
various legislation**

Introduction

**Introduced by
Mr Gérard Latulippe
Solicitor General**



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EXPLANATORY NOTES

This draft bill proposes a recasting of police organization by establishing new mechanisms to provide support, supervision and control of police activity.

For that purpose, it proposes the creation of an independent body, called the Institut supérieur de techniques policières, whose object would be to contribute to the improvement of police service in Québec through instruction, applied research and consultation.

Also proposed is the creation of the Commission de surveillance des services policiers, with essentially quasi-judicial functions, to replace the Commission de police du Québec.

The draft bill provides for the introduction of a mechanism, akin to mechanisms existing in professional corporations, whereby penalties would be attached to conduct on the part of policemen or special constables that is not in keeping with their duties toward the public or falls short of the minimum standards of professional ethics.

Furthermore, the regulatory powers and inspection duties presently entrusted to the Commission de police du Québec would be transferred under the proposed legislation to the Government and to the Solicitor General, respectively.

ACTS AMENDED BY THIS DRAFT BILL:

- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
- Police Act (R.S.Q., chapter P-13)
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

Draft Bill

An Act respecting police organization and amending the Police Act and various legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INSTITUT SUPÉRIEUR DE TECHNIQUES POLICIÈRES

DIVISION I

ESTABLISHMENT AND ORGANIZATION

1. A body hereinafter called « the institute » is hereby established under the name « Institut supérieur de techniques policières ».

2. The institute is a corporation.

The institute is a mandatary of the Government. Its property forms part of the public domain, but the performance of its obligations may be levied against its property. The institute binds only itself when it acts in its own name.

3. The corporate seat of the institute shall be at the place determined by the Government. A notice of the location and of any relocation of the corporate seat shall be published in the *Gazette officielle du Québec*.

4. The institute shall be administered by a board of directors composed of eleven members as follows:

- (1) the Deputy Solicitor General or his representative;
- (2) the Deputy Minister of Higher Education and Science or his representative;
- (3) the Director General of the Sûreté du Québec;
- (4) the director of the Police Department of the Communauté urbaine de Montréal, established under the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- (5) a person holding the office of chief of a municipal police force, appointed for two years by the Government, after consultation with the representative association of chiefs of police in Québec;
- (6) two elected municipal officials, appointed for two years by the Government after consultation with the representative bodies of the municipalities;
- (7) one person from the associations devoted to the protection of the interests of police force members, appointed for two years by the Government after consultation with such associations;
- (8) two persons from the socioeconomic sector, appointed for two years by the Government;
- (9) the director general of the institute appointed under section 12.

Every member appointed for a fixed term shall remain in office at the end of his term until he is replaced or reappointed.

5. Each year, the members of the board of directors shall elect a chairman and a vice-chairman from among the members contemplated in subparagraphs 1 to 8 of the first paragraph of section 4. If the chairman is absent or temporarily unable to act, the vice-chairman shall perform his duties.

6. Any vacancy on the board of directors occurring during the term of a person appointed for a specified term shall be filled for the remainder of the term.

7. The members of the board of directors other than the director general shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.

8. The members of the board of directors shall meet at least once every three months.

9. The chairman shall preside at meetings of the board of directors, see to its proper management and assume any other duty assigned to him by by-law of the board.

10. The quorum at meetings of the board of directors shall be six members, including the chairman or vice-chairman. In the event of a tie-vote, the chairman or, in his absence, the vice-chairman shall have a casting vote.

11. The director general shall not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise placing his personal interest in conflict with that of the institute. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

Any other member of the board of directors having a direct or indirect interest in such an enterprise shall, on pain of forfeiture of office, disclose it in writing to the board and abstain from taking part in any debate or voting on any decision relating to the enterprise.

12. The Government shall appoint, for a term not exceeding five years, a director general responsible for the management of the institute and as many assistant directors as it may determine. At the end of their terms, the director general and the assistant directors shall remain in office until they are replaced or reappointed.

The Government shall fix the remuneration, social benefits and other conditions of employment of the director general and assistant directors.

13. The members of the staff of the institute shall be appointed and remunerated in accordance with the standards and scales established by by-law of the institute, as approved by the Government. Their social benefits and other conditions of employment may also be established by by-law of the institute.

DIVISION II

OBJECT AND POWERS

14. The object of the institute is to contribute to the improvement of police services in Québec through instruction, applied research and development and consultation.

15. To carry out its object, the institute shall

- (1) provide courses of police training and retraining;
- (2) conduct studies and applied research in any field connected with police work;
- (3) advise persons engaged in police work on police matters;
- (4) transmit the findings of the studies and research conducted pursuant to paragraph 2 to persons engaged in police work.

16. The institute may

- (1) see to the lodging of persons following courses or activities organized by the institute;
- (2) publish and distribute the findings of studies and research conducted pursuant to paragraph 2 of section 15;
- (3) make, with any researcher, expert or research or educational institution, any agreement which, in the opinion of the institute, is useful in the pursuit of its object.

17. The institute may require for its services, in addition to the tuition fees determined by government regulation, such costs or fees as may be determined by the Solicitor General.

18. The institute may devise and provide any college-level vocational training programs in police work for which it receives authorization from the Minister of Higher Education and Science and the Solicitor General.

The Minister of Higher Education and Science, in accordance with the rules he determines and on the recommendation of the institute, shall award a college leaving certificate to students having achieved the objectives of the college-level vocational training program in which they are enrolled.

The institute may, in addition, devise and provide any programs of police training and retraining for which it receives authorization from the Solicitor General and for which it issues a certificate of studies.

19. The institute, unless authorized by the Government, shall not

- (1) make, according to law, any agreement with any government or government body;

(2) contract any loan which increases the total amount of its outstanding borrowings to over \$500 000;

(3) acquire or dispose of any immovable;

(4) make any financial commitment for an amount in excess of \$500 000.

20. In no case may the institute acquire shares of another corporation or operate a commercial enterprise. Nor may the institute grant loans, gifts or subsidies or become a surety.

21. In the pursuit of its object, the institute shall carry out any specific mandate assigned to it by the Solicitor General.

22. The Solicitor General may issue directives concerning the aims and objectives of the institute; the directives require prior approval by the Government.

Every directive shall be tabled in the National Assembly within fifteen days after its approval by the Government if the Assembly is in session or, if it is not sitting, within fifteen days after the opening of the next session or resumption.

No prejudice or benefit to third persons may result from failure by the institute to comply with the directives issued under this section.

23. The institute may adopt by-laws for its internal management and the exercise of its powers, and more particularly

(1) to establish an executive committee, define its duties and powers and fix the term of its members;

(2) to define the duties and powers of the chairman, the director general, the assistant directors and the other employees of the institute.

24. The Government may make general regulations respecting

(1) programs of study, the admission of students, examinations and certificates of studies;

(2) the records that must be kept by the institute;

(3) tuition fees.

DIVISION III

DOCUMENTS, ACCOUNTS AND REPORTS

25. No deed, document or writing binds the institute unless it is signed by the chairman or the director general or, to such extent as may be determined by a resolution of the institute published in the *Gazette officielle du Québec*, by a member of the staff of the institute.

The institute may, by a resolution published in the *Gazette officielle du Québec*, allow a signature to be affixed by means of an automatic device or allow a facsimile of the signature to be engraved, lithographed or printed, subject to such conditions and on such documents as it may determine. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chairman of the institute.

26. Any document or copy of a document emanating from the institute or forming part of its records, signed or certified by a person referred to in section 25, is authentic.

27. The fiscal period of the institute ends on 31 March each year.

28. Each year, the institute shall submit its budget for the next fiscal period to the Government for approval, on the date and in the form and tenor determined by the Government.

29. Not later than 31 July each year, the institute shall submit a report of its activities for the preceding fiscal period to the Solicitor General.

The report shall also include such information as may be required by the Solicitor General.

30. The Solicitor General shall table the report of the institute in the National Assembly within thirty days of receiving it if the Assembly is in session or, if it is not sitting, within thirty days after the opening of the next session or resumption.

31. The institute shall provide the Solicitor General with any information he may require on its activities.

32. The books and accounts of the institute shall be audited by the Auditor General every year and also each time the Government orders it.

The auditor's report shall be submitted with the annual report of the institute.

CHAPTER II

COMMISSION DE SURVEILLANCE DES SERVICES POLICIERS

DIVISION I

ORGANIZATION

33. A body hereinafter called «the Commission» is hereby established under the name «Commission de surveillance des services policiers».

34. The seat of the Commission shall be in the territory of the Communauté urbaine de Québec. A notice of the location and of any relocation of the seat of the Commission shall be published in the *Gazette officielle du Québec*.

35. The Commission shall be composed of nine members, including a president chosen from among the judges of the sessions or of the Provincial Court and two vice-presidents appointed by the Government for a fixed term not exceeding five years.

Not fewer than two of the members other than the president shall be chosen from among judges, advocates or notaries, including one from the field of police work and another from the socioeconomic field.

The president or any other member chosen from among the judges, advocates or notaries shall cease to be a member of the Commission if he ceases to be a judge, an advocate or a notary.

36. On the request of the president, the Government may appoint a member ad hoc for the dispatch of business and determine his fee.

37. The Government shall appoint, for a term not exceeding five years, a syndic and, if necessary, assistant syndics, whose duties shall consist in receiving complaints concerning the conduct of members of police forces or of special constables and in laying the appropriate informations before the Commission.

The syndic shall be chosen from among advocates with at least ten years of practice. The assistant syndics shall be chosen from among advocates.

The assistant syndics shall have the same powers as the syndic.

38. The Government shall determine the salary and, where such is the case, additional salary, fees or allowances of the members of the Commission, the syndic and the assistant syndics, as well as the indemnities to which they are entitled.

39. The members of the Commission, the syndic and the assistant syndics shall attend exclusively to their duties of office.

40. The members of the Commission, the syndic and the assistant syndics shall take the oath or make the solemn affirmation provided in Schedule I.

41. The members of the Commission, the syndic and the assistant syndics shall not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise placing their personal interest in conflict with their duties of office, unless such an interest devolves to them by succession or gift and they renounce or dispose of it with dispatch.

42. The members of the Commission, the syndic, the assistant syndics and the employees of the Commission cannot be sued by reason of any official act done in good faith in the performance of their duties.

43. Except on a matter of jurisdiction, none of the extraordinary recourses provided for in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) shall be exercised and no injunction shall be granted against the Commission, its members, the syndic or the assistant syndics acting in their official capacity.

Two judges of the Court of Appeal, upon motion, may annul summarily any writ, order or injunction issued or granted contrary to the first paragraph.

44. The president is responsible for the administration and overall management of the Commission.

45. The president shall coordinate and distribute the work of the members of the Commission and they shall comply with his orders and directives in that regard.

46. Where the president is absent or unable to act, he shall designate a vice-president to replace him.

47. The president, and the other members of the Commission on the request of the president, may continue to hear an application or an information brought before them and rule upon it notwithstanding the expiry of their term.

48. The Commission shall adopt, by a majority vote of its members, internal management by-laws, which shall come into force on the date of their approval by the Government.

49. The minutes of the sittings of the Commission, approved by it and certified by the president, the vice-presidents, the secretary or, where such is the case, the person designated for that purpose by the president, are authentic.

Similarly, documents and copies of documents emanating from the Commission, signed by the president, the vice-presidents, the secretary or, where such is the case, the person designated for that purpose by the president, are authentic.

50. The secretary and the other members of the staff of the Commission shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

51. The Commission shall periodically publish a compilation of the decisions it has rendered.

The names of the persons involved shall be omitted where the Commission is of opinion that the decision contains confidential information which could be damaging to those persons if disclosed.

The decisions published by the Commission are public information for the purposes of the Act respecting Access to information held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

52. The fiscal period of the Commission ends on 31 March each year.

53. Not later than 31 July each year, the Commission shall submit a report of its activities for the preceding fiscal period to the Solicitor General.

The report shall also include such information as may be required by the Solicitor General.

54. The Solicitor General shall table the report of the Commission in the National Assembly within thirty days of receiving it if the Assembly is in session or, if it is not sitting, within thirty days after the opening of the next session or resumption.

55. The Commission shall provide the Solicitor General with any information he may require on its activities.

56. The books and accounts of the Commission shall be audited by the Auditor General every year and also each time the Government so orders it.

DIVISION II

JURISDICTION

57. The functions of the Commission are

(1) to hear any appeal brought pursuant to section 79 of the Police Act (R.S.Q., chapter P-13) from a decision of a municipality to dismiss, suspend without salary or reduce the salary of a member of its police force;

(2) to ascertain, in accordance with section 64, whether the police services provided by a municipality are adequate;

(3) to hear, to the exclusion of any court, arbitrator or disciplinary committee, any information laid against a member of the Sûreté du Québec, a member of any other police force or a special constable in relation to conduct constituting a derogatory act described in the regulations of the Government made under section 126;

(4) to make inquiries, in accordance with sections 91 and 92, respecting the Sûreté du Québec or any other police force.

§ 1.—*Appeal to the Commission*

58. An appeal under section 79 of the Police Act shall be brought by filing, at the head office of the Commission, a declaration containing

(1) a statement of the grounds for the appeal;

(2) a copy of the resolution of the council of the municipality;

(3) any other information required under the rules of proof, procedure and practice of the Commission.

59. On receipt of a declaration of appeal, the Commission shall issue a copy to the municipality against which the appeal is brought.

60. The appeal shall be heard and decided by preference.

61. The Commission may confirm, quash or amend the decision of the council of the municipality and, where required, substitute for it the decision it considers fair and reasonable in view of the circumstances.

62. If the Commission quashes the decision of the council of the municipality, it may also order the municipality to pay to the appellant the sum of money it determines as an indemnity for the expenses he has incurred for the appeal; it may also, if the resolution contemplated the dismissal of the appellant, order the municipality to pay to him all or part of the salary which he did not receive during his suspension and the Commission shall fix the amount of such salary, and order the municipality to re-establish for that period the other benefits and allowances which he was receiving before the suspension.

63. The order becomes executory on filing by the Commission in the office of the competent court as if it were a judgment of that court and has all the effects thereof.

§ 2.—*Inquiry respecting police service
provided by a municipality*

64. On the request of the Solicitor General, the Commission shall ascertain whether a municipality is providing adequate police services.

It may also do so on the request of a group of citizens of the municipality.

65. The Commission may hold hearings and allow the interested parties to present their views.

66. Once its inquiry is completed, the Commission shall make a report to the Solicitor General and, where such is the case, to the group of citizens of the municipality who requested the inquiry.

§ 3.—*Complaint against a member of the Sûreté du Québec,
a member of another police force or a special constable*

67. Any person may file a complaint with the syndic against a member of the Sûreté du Québec, a member of another police force

or a special constable, with respect to conduct constituting a derogatory act described in the regulations under section 126.

68. Any member of a police force or special constable who resigns remains subject to the jurisdiction of the Commission with respect to any act he committed while he held that position.

69. Every complaint shall be in writing and supported by the oath or solemn declaration of the complainant. It shall describe the conduct alleged against the member of the police force or the special constable and shall give a precise account of all the related facts and circumstances.

70. The syndic may also act of his own initiative. In such a case, he is considered to have received a complaint.

71. Where the Director General of the Sûreté du Québec, the chief of another police force or any person holding a position of authority within a police force is aware or is informed of conduct on the part of a member of the police force under his command which constitutes a derogatory act described in the regulations of the Government made under section 126, he shall bring that conduct to the attention of the syndic. In such a case, the syndic is considered to have received a complaint.

72. The syndic may inform the member of the police force or special constable of the complaint he has received, and may require him to explain the conduct alleged against him.

73. The syndic or any person he designates may investigate the complaint and require any person to furnish any information or document he considers necessary for that purpose.

74. No person may in any manner whatever hinder the syndic, the assistant syndics or any person designated by them in the performance of their duties, mislead them through concealment or by making a false declaration, refuse to furnish them with information or a document relating to the complaint they are investigating, refuse to let them make a copy of the document, or hide or destroy it.

75. If the syndic believes the complaint to be justified, he shall lay an information before the Commission and notify the complainant in writing.

If the syndic decides not to lay an information, he shall inform the complainant of his decision and of the reasons for it in writing and within a reasonable time.

76. Any person may lay an information before the Commission without any intermediary.

77. Every information must be in writing and relate the conduct constituting a derogatory act described in the regulations of the Government made under section 126 and alleged against the member of the police force or the special constable. It must also give a precise account of all the related facts and circumstances.

78. Every information laid against a member of a police force or a special constable shall be filed with the secretary of the Commission.

79. The secretary of the Commission shall cause the information to be served as provided in the Code of Civil Procedure on the member of the police force or the special constable against whom it is laid.

80. Within ten days after service of the information, the member of the police force or special constable concerned shall appear in writing, either personally or through an advocate, at the seat of the Commission.

The appearance shall be accompanied with a declaration in which the member of the police force or the special constable admits or denies the charge against him; if the appearance is not accompanied with such a declaration, the member of the police force or the special constable is presumed to have denied the charge.

The appearance may be accompanied with a contestation in writing, or followed thereby within ten days.

81. The information may be amended at any time, subject to the conditions necessary to safeguard the rights of the parties.

The Commission shall not allow any amendment that would result in an entirely new information unrelated to the original, except with the consent of all the parties.

82. A member of the Commission may be recused.

Articles 234 to 242 of the Code of Civil Procedure, adapted as required, apply to such a recusation.

83. The Commission may order that the depositions of witnesses and the representations made to it at an inquiry be taken down by stenography or recorded.

84. The Commission shall rule upon an information within twelve months after it is filed.

85. After a conviction the parties may make representations respecting the penalty.

If one of the parties is absent when the Commission convicts the member of the police force or the special constable, the secretary shall serve a notice of the conviction on that party by registered or certified mail within ten days.

The Commission shall impose the penalty within thirty days following the conviction.

86. The syndic shall submit to the Commission, by way of an information, every final decision of a Canadian court convicting a member of a police force or a special constable of an indictable offence constituting a derogatory act described in the regulations of the Government made under section 126.

The Commission shall accept a duly certified copy of the judicial decision as proof of guilt and may take one of the punitive actions under section 87.

This section also applies to any decision of a foreign court convicting a member of a police force or a special constable of an indictable offence which would have entailed the application of the first paragraph had it been committed in Canada.

87. The Commission shall take one or more of the following punitive actions against a member of a police force or a special constable having been convicted:

- (1) a warning;
- (2) a reprimand;
- (3) a fine not exceeding \$10 000;
- (4) a suspension without salary for the period it indicates;
- (5) dismissal.

88. The Commission may define the terms and conditions of the penalties it imposes.

It may also make any recommendation it deems appropriate.

89. The Commission may condemn the complainant or the respondent to costs, including the cost of stenography or recording, or apportion the costs between them.

90. A decision imposing one or more penalties, filed in the office of the competent court by the Commission or any interested party, becomes executory at the expiry of the time limit for appeal as if it were a judgment of that court and has all the effects thereof.

Any fine imposed under paragraph 3 of section 87 shall be remitted to the Minister of Finance for payment into the consolidated revenue fund.

§ 4.—*Inquiry respecting a police force*

91. On the request of the Solicitor General, the Commission shall make an inquiry respecting the Sûreté du Québec or any other police force.

92. On the request of a municipality or a group of citizens of a municipality, the Commission may make an inquiry respecting the municipal police force serving the municipality.

93. If the Commission refuses to make or to proceed with an inquiry, it shall notify in writing the municipality or group of citizens concerned and give it the reasons therefor.

94. The Commission shall not, in its report, censure the conduct of any person unless it has informed him of the facts alleged against him and has permitted him to be heard.

The prohibition ceases if the person has been invited to appear before the Commission within a reasonable time and has refused or neglected to do so. The invitation to appear is served in the same manner as a summons under the Code of Civil Procedure.

95. Once its inquiry is completed, the Commission shall submit a report to the Solicitor General and, where such is the case, to the municipality which requested the inquiry. The report shall state the

findings and the recommendations of the Commission. The Commission shall not, however, recommend that punitive action be taken against any person.

DIVISION III

POWERS, PROOF AND PROCEDURE

96. The Commission may sit at any place in Québec.

97. The Commission may sit simultaneously in several divisions composed of three members where it discharges functions assigned to it by paragraph 1 or 3 of section 57, or composed of not fewer than two members where it discharges its functions under paragraph 2 or 4 of that section.

Every division shall include a member chosen from among judges, advocates or notaries.

98. The members of the Commission and any person designated by it are vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

99. The Commission may, by by-law voted by the majority of its members and approved by the Government, adopt rules of proof, procedure and practice.

100. Every hearing of the Commission shall be public.

101. Notwithstanding section 100, the Commission may, of its own initiative or on application, order that a hearing be held *in camera* in the interest of morality or public order.

102. The Commission may ban the publication or release of any information, document or evidence it indicates where it is of opinion that this is necessary in the public interest or for the protection of a person's privacy, reputation or right to a fair and equitable trial.

103. Every person who, by performing or omitting to perform an act, infringes an order to hold a hearing *in camera* or an order banning publication or release is guilty of contempt of court and may be condemned to the penalties provided in the first paragraph of article 51 of the Code of Civil Procedure.

104. The Solicitor General may intervene before the Commission at any time until the end of the proof and hearing.

He shall transmit a notice to that effect to each of the parties and to the Commission.

105. The Commission shall allow the parties to be heard and, for that purpose, shall give them notice of the proof and hearing.

106. A party wishing to produce witnesses or documents shall proceed as in the rules of proof, procedure and practice of the Commission.

107. Every witness or party at a proof or hearing has the right to be assisted or represented by an advocate.

108. For the purposes of sections 58 to 63 and 67 to 90, if a duly notified party fails to attend the hearing at the appointed time and has not given valid justification for his absence or if he refuses to be heard, the Commission may nevertheless try the matter and render a decision.

109. Where an inquiry has been made in accordance with section 64 or 92 on the request of a group of citizens of a municipality or of a municipality, the Commission, if it finds that the request was frivolous, may fix the amount of all the expenses incurred by the Commission relating to the inquiry and order that they be paid by the group of citizens or the municipality. On filing by the Commission in the office of the competent court, the order becomes executory as if it were a judgment of that court and has all the effects thereof. The Commission shall then execute the judgment and transmit the moneys so recovered to the Minister of Finance, who shall pay them into the consolidated revenue fund; the Commission has the requisite powers to act for such purposes in its own name.

DIVISION IV

APPEAL

110. A person who is the subject of a resolution contemplated in section 79 of the Police Act, adopted after his conduct was censured in a report contemplated in section 95, may appeal from the decision to three judges of the Provincial Court.

111. Any interested party or municipality may appeal to three judges of the Provincial Court from a decision of the Commission on

an information laid against a member of the Sûreté du Québec, a member of any other police force or a special constable.

112. The appeal suspends the execution of the decision of the Commission.

113. The motion for appeal must be filed in the office of the Provincial Court in the judicial district where the appellant is domiciled, within thirty days of the decision; it must be accompanied with a notice of at least ten days of the date of its submission and be served on the Solicitor General.

114. The appeal shall be heard and decided by preference.

115. The rules of the Code of Civil Procedure relating to the administration of proof, hearing and judgment, adapted as required, apply to an appeal brought according to this division.

116. The judges have all the necessary powers for the exercise of their jurisdiction and may render any order they deem expedient for the safeguard of the rights of the interested parties.

117. The judges may confirm, quash or amend the decision submitted to them and, where required, substitute for it the decision they consider fair and reasonable in view of the circumstances; their decision is without appeal.

CHAPTER III

CONTROL EXERCISED BY THE SOLICITOR GENERAL

DIVISION I

INFORMATION TO BE FURNISHED TO THE SOLICITOR GENERAL

118. Every employer of a person acting as a peace officer and belonging to a class of peace officers designated by regulation of the Government shall furnish to the Solicitor General the information relating to the status of peace officer prescribed by regulation, in the manner prescribed therein.

119. The Solicitor General shall keep a register in which he shall record the name, address, date of birth and first day of employment of every person who acts as a peace officer and belongs to a class of peace officers designated by regulation of the Government.

120. The Director General of the Sûreté du Québec, the chief of every other police force and every person responsible for any other class of peace officers designated by regulation of the Government shall submit to the Solicitor General, on his request and within the time he indicates, reports on the administration and activities of the police force or peace officers under his command, detailed reports on disturbances of the peace, order or public safety occurring in the territory subject to his jurisdiction or on the crime rate in that territory and, where appropriate, reports on the corrective measures he intends to take.

DIVISION II

INSPECTION

121. To promote the effectiveness of police services in Québec, the Solicitor General shall see to the inspection of the administration and activities of the Sûreté du Québec and the other police forces, and the activities of their members and of special constables.

122. The Solicitor General shall every three years carry out the inspection or cause a person to carry it out with his authorization.

He may also do so at any time of his own initiative or on the application of a municipality, a group of citizens or an association devoted to the protection of the interests of members of police forces.

123. Every person carrying out an inspection may, in the performance of his duties,

(1) enter, at any reasonable time, any place where the administration of a police force is carried on or any place or vehicle where police activities are carried on;

(2) examine and make copies of the books, registers, accounts, records and other documents containing information relating to the administration or activities of the police forces under inspection or to the activities of the persons under inspection;

(3) require any information or explanation he needs for the performance of his duties.

Every person having the custody, possession or control of such books, registers, accounts, records and other documents shall, if so required, give communication of them to the person carrying out the inspection and facilitate his examination of them.

124. No person may impede the action of a person carrying out an inspection, deceive him through concealment or by making a false declaration, refuse to furnish him with information or documents he has a right to require or examine under this Act or hide or destroy a document or thing which is pertinent to an inspection.

125. Any person carrying on an inspection shall, on request, identify himself and produce a certificate of his office signed by the Solicitor General.

CHAPTER IV

REGULATORY PROVISIONS

126. The Government, by regulation, may establish a code of ethics for the members of the Sûreté du Québec, the members of the other police forces and special constables, imposing general and specific duties toward the public and minimum standards of professional ethics, and describing acts that in consequence shall be deemed derogatory acts.

127. Regulations under section 126 prevail over any other regulations or any by-laws respecting the ethics of the members of the Sûreté du Québec or of any other police force, wherever their provisions are identical to or inconsistent with them. The Commission has exclusive jurisdiction in such matters in accordance with paragraph 3 of section 57 and the applicable procedure is that provided in sections 67 to 90.

128. The Government may, in addition,

(1) designate classes of peace officers for the purposes of sections 118 to 120;

(2) prescribe what information employers shall furnish to the Solicitor General under section 118 and the manner in which they shall do so.

CHAPTER V

PENAL PROVISIONS

129. Every employer of a person acting as a peace officer and belonging to a class of peace officers designated by regulation of the Government who fails to furnish to the Solicitor General, in the prescribed manner, the information relating to the status of peace officer prescribed by regulation is guilty of an offence.

130. The Director General of the Sûreté du Québec, the chief of any other police force or the person responsible for any class of peace officers designated by regulation is guilty of an offence if he fails to submit to the Solicitor General, on his request and within the time indicated by him, any report provided for in section 120.

131. Every person who contravenes any provision of section 74 or 124 is liable, in addition to costs, to a fine of \$200 to \$2 000 and, for any subsequent offence within two years of conviction for the same offence, to a fine of \$400 to \$4 000.

132. Every person who contravenes any provision of section 129 or 130 is liable, in addition to costs, to a fine of \$100 to \$1 000 and, for any subsequent offence within two years of conviction for the same offence, to a fine of \$200 to \$2 000.

133. Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence is guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence.

134. Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

135. Where a corporation commits an offence under this Act, every director, employee or representative of the corporation who ordered, recommended or consented to the commission of the offence is a party to the offence and liable to the penalty prescribed for it.

136. Penal proceedings under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

CHAPTER VI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

137. The Institut supérieur de techniques policières acquires the rights and shall assume the obligations of the Institut de police du Québec established by the Police Act.

138. The Institut supérieur de techniques policières is authorized to use any document and means of identification already prepared in the name of the Institut de police du Québec until it can replace them with documents or means of identification prepared in its name.

139. The Solicitor General and the Institut supérieur de techniques policières shall enter into an agreement permitting the transfer to the institute of the public servants with permanent tenure of the Institut de police du Québec.

140. The agreement shall preserve accumulated sick-leave and vacation of the public servants and determine the classification and seniority of each.

141. The agreement shall stipulate that in no case may the salary of a public servant who agrees to be transferred to the institute be reduced by the sole fact of the transfer.

142. The agreement shall provide mechanisms for the settlement of any disagreement arising from its interpretation.

143. The institute shall take as an employee every public servant contemplated in section 139 who agrees to be transferred to the institute.

144. Every public servant who, within the time allotted in the agreement, agrees to be transferred to the institute shall become, on the date fixed in the agreement, an employee with permanent tenure of the institute. He shall then be governed solely by the conditions of employment in force at the institute and shall, if applicable, become a member of the appropriate bargaining unit.

Every public servant who, within the time allotted in the agreement, fails to signify his refusal to be transferred to the institute is deemed to have agreed to be transferred to the institute.

145. Every public servant who becomes an employee of the institute pursuant to the agreement contemplated in section 139 shall have the privilege, as long as he holds that position, to apply for a transfer or enter a competition for promotion to a position in the public service in accordance with the Public Service Act.

146. An employee contemplated in section 145 may, while he is employed by the institute, apply to the Office des ressources humaines for an opinion as to the classification he would be assigned in the public service. The opinion must take account of the classification that the

employee had in the public service and the years of experience and formal training he has acquired since he has been in the employ of the institute.

147. The Office des ressources humaines shall issue to every employee contemplated in section 145 who applies for a transfer or enters a competition for promotion a notice of classification established in accordance with the criteria provided in section 146.

148. Where some or all of the activities of the institute cease, or in the case of a lack of work, an employee contemplated in section 145 is entitled to be assigned by the Office des ressources humaines to a position in the public service that corresponds to a classification established in accordance with the criteria provided in section 146.

The employee contemplated in section 145 shall then be placed on reserve in the public service, and he remains employed by the institute until the Office des ressources humaines is able to assign him a position.

149. The Commission de surveillance de services policiers replaces the Commission de police du Québec established by the Police Act.

150. The Commission de surveillance des services policiers acquires the rights and shall assume the obligations of the Commission de police du Québec.

151. Every member of the Commission de police du Québec in office on (*insert here the date of coming into force of this Act*) and appointed under a provision repealed by this Act shall continue to hold office as a member of the Commission de surveillance des services policiers until the expiry of the term for which he was appointed or until he otherwise ceases to hold office according to law. This section does not prevent the president, or any other member on the request of the president, from continuing to hear an application or an information brought before him and ruling upon it notwithstanding the expiry of his term.

152. Cases pending before the Commission de police du Québec are continued in all respects in accordance with this Act by the Commission de surveillance des services policiers with regard to matters devolved upon it.

153. The Commission de surveillance des services policiers becomes a party to any proceeding to which the Commission de police du Québec was a party on (*insert here the date preceding the date of coming into force of this section*), without continuance of suit.

154. Every by-law of the Commission de police du Québec remains in force until it is replaced or repealed by a by-law of the Commission de surveillance des services policiers or by a regulation of the Government, as the case may be.

155. The secretary of the Commission de police du Québec becomes the secretary of the Commission de surveillance des services policiers, with no decrease in salary.

He also becomes, without further formality, a member of the public service.

156. The officers of the Commission de police du Québec become, without further formality, officers of the Commission de surveillance des services policiers.

157. The records and other documents of the Commission de police du Québec relating to matters devolved upon the Solicitor General are transferred to him. All other records and documents become, without further formality, those of the Commission de surveillance des services policiers.

158. The Commission de surveillance des services policiers is authorized to use any document and means of identification already prepared in the name of the Commission de police du Québec until it can replace them with documents or means of identification prepared in its name.

CHAPTER VII

STATUTORY AMENDMENTS

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

159. Section 179 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by replacing the words “Commission de police du Québec” in subparagraph 1 of the second paragraph by the words “Commission de surveillance des services policiers”;

(2) by replacing the words “Police Act (chapter P-13)” in subparagraph 2 of the second paragraph by the words “Act respecting police organization and amending the Police Act and various legislation (1987, chapter *insert here the chapter number of this Act*).

160. Section 192 of the said Act, amended by paragraph 1 of section 38 of the Act respecting the Ministère du Solliciteur Général and amending various legislation (1986, chapter 86), is again amended by replacing the words "Police Commission" in the second line of the second paragraph by the words "Commission de surveillance des services policiers".

161. Section 196 of the said Act, amended by paragraph 1 of section 38 of the Act respecting the Ministère du Solliciteur Général and amending various legislation, is again amended by striking out paragraph 3.

POLICE ACT

162. Section 1 of the Police Act is amended

(1) by replacing paragraph *a* by the following paragraph:

"(a) "Commission": the Commission de surveillance des services policiers established by section 33 of the Act respecting police organization and amending the Police Act and various legislation (1987, chapter *insert here the chapter number of this Act*);";

(2) by striking out paragraphs *e* and *k*;

(3) by striking out, in paragraph *i*, the words "but not a municipal cadet".

163. Sections 2.2 and 2.3 of the said Act are repealed.

164. Section 3 of the said Act, amended by section 212 of the Act to amend various legislation having regard to the Charter of human rights and freedoms (1986, chapter 95), is replaced by the following section:

3. To become a member of the Police Force, a municipal policeman or a special constable, a person must

(1) be a Canadian citizen;

(2) be of good moral character;

(3) not have been found guilty or pleaded guilty following an information for an offence under the Criminal Code which, according to the information, was prosecuted by way of indictment;

(4) have successfully undergone a medical examination, in accordance with the standards prescribed by regulation of the Government, performed by a physician selected by the Solicitor General, by the municipality or by the person who employs the special constable;

(5) fulfil the other requirements prescribed by regulation of the Government.

A person who is appointed as a special constable for less than thirty days is not required to comply with subparagraphs 4 and 5 of the first paragraph.”

165. Section 6 of the said Act is amended

(1) by striking out the words “cadet or” in the first line of the first paragraph;

(2) by striking out the words “cadet or” in the third line of the second paragraph.

166. The said Act is amended by inserting, after section 6, the following section:

“**7.** In addition to the other regulatory powers conferred on it by this Act, the Government may, by regulation,

(1) provide for the classification and establish the scale of salaries applicable to the members of the Police Force referred to in subparagraphs 2, 3, 4 and 5 of the first paragraph of section 43;

(2) prescribe the standards governing badges, deeds of appointment and other identification papers of policemen or special constables;

(3) prescribe the standards governing the required medical examination of any person wishing to become a member of the Police Force, a member of another police force or a special constable;

(4) prescribe the standards governing the hiring of members of the Police Force, members of other police forces and special constables;

(5) determine what positions may be held and what ranks may be awarded in a police force other than the Police Force, in view of the size of the force;

(6) prescribe what qualifications are required to hold a position or to be awarded a rank in a police force other than the Police Force;

(7) prescribe the characteristics of the uniforms which may be worn by members of the Police Force, members of other police forces and special constables, prescribe their equipment and how it may be used, and prescribe what equipment may be installed in the motor vehicles they use;

(8) prescribe what statistics and documents must be kept by the Police Force, other police forces, their members and special constables, and what forms they must use;

(9) prescribe what decorations and citations may be awarded, and in what cases, the procedure for awarding such decorations and citations and who may qualify therefor.”

167. Sections 8 to 12 and 14 to 37 of the said Act are repealed.

168. Section 43 of the said Act is amended by striking out the second paragraph.

169. Section 46 of the said Act is amended by replacing the words “provided in the regulations made under subparagraph *a* of section 57” in the fourth and fifth lines by the words “prescribed by regulation”.

170. Section 47 of the said Act, amended by paragraph 8 of section 41 of the Act respecting the Ministère du Solliciteur Général and amending various legislation, is replaced by the following section:

“**47.** The Director General, with the approval of the Solicitor General, shall appoint the members of the Police Force mentioned in subparagraphs 4 and 5 of section 43. Their salary shall be determined by the classification and scale of salaries prescribed by regulation of the Government.”

171. Section 48 of the said Act is amended by adding the following paragraph:

“The Director General and the Deputy Directors General are authorized, in the performance of their duties, to administer the same oath or receive the same solemn affirmation as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).”

172. Section 49 of the said Act, amended by section 221 of the Act to amend various legislation having regard to the Charter of human rights and freedoms, is again amended by striking out the words “cadets and” in the first line.

173. Section 50 of the said Act is amended by striking out the words “cadet or” in the first line of the first paragraph.

174. Section 51 of the said Act is amended by striking out the words “and cadets” in the second line.

175. Section 52 of the said Act is amended by striking out the words “cadets and” in the first line.

176. Section 54 of the said Act, amended by section 223 of the Act to amend various legislation having regard to the Charter of human rights and freedoms, is again amended by striking out the words “cadet or” in the second line of the first paragraph.

177. Section 55 of the said Act, amended by section 8 of section 41 of the Act respecting the Ministère du Solliciteur Général and amending various legislation, is again amended by striking out the words “cadet or” in the second and third lines.

178. Section 56 of the said Act, amended by paragraph 8 of section 41 of the Act respecting the Ministère du Solliciteur Général and amending various legislation, is again amended by striking out the words “cadet or” in the second line.

179. Sections 57 to 57.3 of the said Act are replaced by the following section:

“**57.** In addition to any regulations under section 126 of the Act respecting police organization and amending the Police Act and various legislation, the Government may make regulations respecting the ethics and discipline of the members of the Police Force. The regulations shall include

(1) provisions defining the duties of the members of the Police Force, and the acts and omissions which constitute breaches of discipline;

(2) provisions determining the occupations, activities or employments that members of the Police Force are not permitted to carry on by reason of their status as peace officers;

(3) provisions respecting the establishment, powers and composition of a committee for the examination of complaints, and the mode of appointment of its members;

(4) provisions respecting the establishment, powers and composition of a committee on discipline, and the mode of appointment of its members;

(5) provisions respecting the rules of procedure and proof applicable to disciplinary proceedings; the disciplinary powers of the Director General and of the officers of the Police Force; the disciplinary penalties, including demotion and dismissal, which may be imposed on members of the Police Force;

(6) provisions determining the conditions under which a disciplinary penalty imposed on a member of the Police Force may be lifted;

(7) provisions respecting any other matter relating to the development of conscientiousness and the exercise of disciplinary authority within the Police Force.”

180. Section 64 of the said Act is amended by striking out the third paragraph.

181. Section 64.1 of the said Act, amended by paragraph 4 of section 38 and by paragraph 2 of section 39 of the Act respecting the Ministère du Solliciteur Général and amending various legislation, is again amended by replacing the second paragraph by the following paragraph:

“The committee shall have six members appointed by the Solicitor General, one of whom is his representative and another, the representative of the Minister of Municipal Affairs; the other members shall be chosen, in equal numbers, from among the representatives of the representative municipal organizations and the associations devoted to the protection of policemen’s interests.”

182. Section 64.2 of the said Act is repealed.

183. Section 64.3 of the said Act, amended by paragraph 8 of section 41 of the Act respecting the Ministère du Solliciteur Général and amending various legislation, is again amended by replacing the words “according to the Commission,” in the second line of the first paragraph by the words “following an inquiry held by the Commission under section 64 of the Act respecting police organization and amending the Police Act and various legislation, it appears that”.

184. Section 65 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

« The by-laws apply subject to the other provisions of this Act, the Act respecting police organization and amending the Police Act and various legislation and the government regulations thereunder. »;

(2) by replacing the word « Commission » in the third line of the third paragraph by the words « Solicitor General ».

185. Section 69 of the said Act is amended by adding the following paragraph:

« The chief of police is authorized, in the performance of his duties, to administer the same oath or to receive the same solemn affirmation as a commissioner for oaths appointed under the Courts of Justice Act. »

186. Section 73 of the said Act is amended by replacing the word « Commission » in the second line of the second paragraph by the words « Solicitor General ».

187. Section 74.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

« In such a case, the management board has the powers and responsibilities of a municipality under this Act and the Act respecting police organization and amending the Police Act and various legislation; in particular, it has the exclusive power to pass a by-law contemplated in section 65 or a resolution contemplated in section 79. »

188. Section 79 of the said Act is amended

(1) by replacing the third and fourth paragraphs by the following paragraphs:

“The resolution shall be served upon the person concerned in the same manner as a summons under the Code of Civil Procedure; the person may, however, appeal from the decision to the Commission.

Notwithstanding the third paragraph, if the resolution of the municipality was passed after the Commission censured the person’s conduct in a report provided for in section 95 of the Act respecting police organization and amending the Police Act and various legislation, the appeal must be brought in accordance with the rules of Division IV of Chapter II of the said Act. »;

(2) by striking out the last two paragraphs.

189. Section 79.2 of the said Act, amended by paragraph 8 of section 41 of the Act respecting the Ministère du Solliciteur Général

and amending various legislation, is again amended by replacing the words «by-law to the same effect made by the Commission» in the second paragraph by the words «regulation of the Government to the same effect».

190. Section 88 of the said Act is amended by replacing the words «the by-laws of the Commission» in the second line by the words «regulations of the Government» and by replacing the words «by-law of the Commission» in the fourth line by the words «regulation of the Government».

191. Division VI of the said Act is repealed.

192. Division VII.1 of the said Act is repealed.

193. Section 98.6 of the said Act is amended by striking out the words «, a cadet» in the second line.

194. Section 98.7 of the said Act is amended by striking out the words «, a cadet» in the second line.

195. Section 98.8 of the said Act is replaced by the following section:

«**98.8** Any person who contravenes section 50 or 88 or a regulation under paragraph 8 of section 7 is liable to a fine of not over one thousand dollars.»

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

196. Schedule 1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words «the Commission de police du Québec» in paragraph 2 by the words «the Commission de surveillance des services policiers».

ACT RESPECTING NORTHERN VILLAGES
AND THE KATIVIK REGIONAL GOVERNMENT

197. Section 370 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is replaced by the following section:

«**370.** If the Regional Government establishes and maintains such a regional police force, it shall be a «municipality» within the meaning of the Police Act (chapter P-13) and of the Act respecting police organization and amending the Police Act and various legislation (1987,

chapter *insert here the chapter number of this Act*), which shall then apply, *mutatis mutandis* subject to this division.»

198. Section 372 of the said Act is amended by replacing the letters and word «*d* and *e*» in the first line by the figures and word «4 and 5».

CHAPTER VIII

FINAL PROVISIONS

199. The Communauté urbaine de Montréal is a municipality for the purposes of this Act.

200. The sums required for the administration of this Act are taken, for the fiscal period 1987-88, out of the consolidated revenue fund to the extent determined by the Government.

201. The Solicitor General is responsible for the administration of this Act.

202. This Act comes into force on the date fixed by the Government.

SCHEDULE I

OATH OR SOLEMN AFFIRMATION OF THE MEMBERS OF THE COMMISSION DE SURVEILLANCE
DES SERVICES POLICIERS, OF THE SYNDIC AND THE ASSISTANT SYNDICS

(Section 40)

I, A. B. swear (*or* solemnly affirm) that I will fulfil the duties of my office honestly, impartially and justly, and that I will not receive any sum of money or benefit for what I may do in the performance of my duties other than what may be allowed me according to law.

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