

1988, chapter 75
**AN ACT RESPECTING POLICE ORGANIZATION
AND AMENDING THE POLICE ACT
AND VARIOUS LEGISLATION**

Bill 86

Introduced by Mr Gil Rémillard, Minister of Public Security

Introduced 15 November 1988

Passage in principle 5 December 1988

Passage 22 December 1988

Assented to 23 December 1988

Coming into force: on the date or dates fixed by the Government

Acts amended:

Act respecting detective or security agencies (R.S.Q., chapter A-8)

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Police Act (R.S.Q., chapter P-13)

Public Protector Act (R.S.Q., chapter P-32)

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)





CHAPTER 75

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

[Assented to 23 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

INSTITUT DE POLICE DU QUÉBEC

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

- | | |
|-------------------------|--|
| Establishment | 1. The Institut de police du Québec is hereby established. |
| Corporation | 2. The institute is a corporation. |
| Mandatory of Government | The institute is a mandatory 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. |
| Corporate seat | 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 <i>Gazette officielle du Québec</i> . |
| Board of directors | 4. The institute shall be administered by a board of directors composed of twelve members as follows:

(1) the Deputy Minister of Public Security 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 director of a municipal police force, appointed for two years by the Government after consultation with the association representing the chiefs of police of Québec;

(6) two elected municipal officials, appointed for two years by the Government after consultation with the bodies which represent municipalities;

(7) two persons 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.

Continuance
in office

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

Chairman

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.

Vacancy

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.

Remunera-
tion

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.

- Meetings** **8.** The members of the board of directors shall meet at least once every three months.
- Duties of chairman** **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.
- Quorum** **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.
- Conflict of interest** **11.** Any member of the board of directors, other than the chairman or director general, having a direct or indirect interest in an enterprise placing his personal interest in conflict with that of the institute shall, on pain of forfeiture of office, disclose it in writing to the director general and abstain from taking part in any debate or voting on any decision relating to the enterprise and from attending any meeting at which his interest is discussed.
- Conflict of interest** The chairman, the director general and the members of the staff of the institute shall not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise placing their personal interest in conflict with that of the institute. However, forfeiture of office is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.
- Director general** **12.** The Government shall appoint, for a specified term not exceeding five years, a director general responsible for the management of the institute. The Government may also appoint, for the same term, as many assistant directors as it may determine. At the end of their terms, they shall remain in office until they are replaced or reappointed.
- Conditions of employment** The Government shall fix the remuneration, social benefits and other conditions of employment of the director general and assistant directors.
- Staff** **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.

CHAPTER II

OBJECT AND POWERS

- Object** **14.** The object of the institute is to contribute, through instruction and research, to the training and development of Québec police officers.
- Functions** **15.** To carry out its object, the institute shall
- (1) provide police training and development courses;
 - (2) conduct studies and research in any field connected with police work;
 - (3) transmit the findings of the studies and research conducted pursuant to paragraph 2 to persons engaged in police work.
- Functions** **16.** The institute may
- (1) see to the lodging of persons attending courses or participating in 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.
- Fees** **17.** The institute may require for its services, in addition to tuition fees, such costs or fees as may be determined by the Minister.
- Vocational training** **18.** The institute may devise and provide any college-level vocational training programs in police work for which it has received authorization from the Minister of Higher Education and Science and from the Minister.
- College leaving certificate** 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.
- Police training and development** The institute may, in addition, devise and provide any police training and development programs for which it has received authorization from the Minister and for which it issues a certificate of studies.

Powers
subject to
authorization not

19. The institute, unless authorized by the Government, shall

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

(2) construct, acquire, alienate or lease or in any way give as security any immovable;

(3) make any financial commitment beyond the limits or contrary to the terms and conditions determined by the Government;

(4) contract any loan which increases the total amount of its outstanding borrowings beyond the amount determined by the Government.

Powers of
Government

20. The Government may, on the terms and conditions it determines,

(1) guarantee the payment in principal and interest of any loan contracted by the institute;

(2) guarantee the performance of any other obligation of the institute;

(3) authorize the Minister of Finance to advance to the institute any sum of money considered necessary for the pursuit of its objects.

Consolidated
revenue fund

Sums which the Government may be required to pay under such guarantees or may advance to the institute shall be taken out of the consolidated revenue fund.

Act not
applicable

21. Where the institute acquires an immovable that forms part of the public domain, the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) shall not apply.

Prohibitions

22. 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 act as a surety.

Mandate
from
Minister

23. In the pursuit of its object, the institute shall carry out any specific mandate assigned to it by the Minister.

Directives

24. The Minister may issue directives concerning the aims and objectives of the institute. The directives require prior approval by the Government and come into force on the date of their approval. Once approved, they are binding on the institute which shall comply therewith.

Tabling in
National
Assembly

Every directive shall be tabled in the National Assembly within 15 days after its approval if the Assembly is in session or, if it is not sitting, within 15 days after the opening of the next session or resumption.

Internal
management

25. 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.

By-laws

26. The institute may make general by-laws 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.

Coming into
force

The by-laws come into force on the date of their approval by the Government or on any later date fixed by the Government.

CHAPTER III

DOCUMENTS, ACCOUNTS AND REPORTS

Required
signature

27. No instrument, 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.

Facsimile

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.

Authenticity
of documents

28. 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 27, is authentic.

- 29.** The fiscal year of the institute ends on 30 June each year.
- 30.** Each year, the institute shall submit its budget estimates for the next fiscal year to the Minister for approval, at the time and in the form and tenor determined by the Minister.
- 31.** The institute, within four months of the end of its fiscal year, shall submit to the Minister its financial statements and a report of its activities for the fiscal year just ended.
- The report shall also include such information as may be required by the Minister.
- 32.** The Minister shall table the report of the institute in the National Assembly within 30 days after receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.
- 33.** The institute shall provide the Minister with any information he may require on its activities.
- 34.** The books and accounts of the institute shall be audited by the Auditor General every year and also whenever the Government so orders.
- The auditor's report shall be submitted with the annual report of the institute.

TITLE II

POLICE ETHICS

CHAPTER I

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

- 35.** The Government may establish, by regulation, the Code of ethics of Québec police officers setting out the duties incumbent upon and the standards of conduct to be upheld by police officers in their relations with the public.
- The code shall apply to the members of the Sûreté du Québec, the Police Department of the Communauté urbaine de Montréal and every other municipal police force and to special constables.

CHAPTER II

POLICE ETHICS COMMISSIONER

DIVISION I

FUNCTIONS

Police ethics
commis-
sioner

36. The police ethics commissioner shall receive and examine any complaint lodged against a police officer by any person pursuant to section 51.

Functions

He shall also exercise any other function assigned to him by the Minister.

Appointment

37. The Government shall appoint a police ethics commissioner from among advocates who have been members of the Barreau for not less than 10 years and fix his remuneration, social benefits and other conditions of employment.

Term

38. The commissioner shall be appointed for a specified term not exceeding five years. His term may be renewed.

Deputy com-
missioners

39. The Government may appoint not more than three deputy commissioners and fix their remuneration, social benefits and other conditions of employment.

Term

40. Deputy commissioners shall be appointed for a specified term not exceeding five years. Their term may be renewed.

Oath of office

41. Before taking office, the commissioner and deputy commissioners shall take the oaths or make the solemn affirmations provided in Schedules I and II.

Administra-
tion of oath

The commissioner shall do so before a judge of the Court of Québec and the deputy commissioners, before the commissioner.

Full-time
duties

42. Subject to the second paragraph of section 36, the commissioner and deputy commissioners shall attend exclusively to the duties of their office.

Immunity

43. The commissioner, the deputy commissioners and the members of their staff cannot be sued by reason of any official act done in good faith in the performance of their duties.

Replacement

44. If the commissioner ceases to perform his duties, is absent, or is unable to act due to illness, the Government shall designate one of the deputy commissioners to replace him.

Staff

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

Duties of commissioner

46. The commissioner shall define the duties of the deputy commissioners and those of his public servants and employees and shall direct their work.

Delegation of powers

He may delegate, in writing, any of his powers to the deputy commissioners, except the powers conferred on him by sections 48, 49 and 83.

Confidentiality

47. In no case may the commissioner or the members of his staff be compelled by any court to reveal any information disclosed to them in the performance of their duties in respect of a complaint, or to produce before a court any document drafted or obtained in the performance of their duties.

Prejudicial situations

48. The commissioner shall, so as to remedy prejudicial situations he has noted in the performance of his duties or prevent the recurrence of such situations, call to the attention of the Minister or to the attention of the director general of a police force such matters as he deems to be of public interest.

Annual report

49. Not later than 31 October each year, the commissioner shall submit a report of his activities for the preceding fiscal year to the Minister.

Content

The report shall include a statement of the number and nature of the complaints received and the action taken in connection therewith as well as a summary of any interventions made pursuant to section 48.

Tabling in National Assembly

50. The Minister shall table the report of the commissioner in the National Assembly within 30 days after receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

DIVISION II

COMPLAINTS

Complaints against police

51. Any person may lodge a complaint with the commissioner against a police officer for conduct, in the performance of his duties, constituting a transgression of the Code of ethics. The complaint shall be in writing.

- Prescription** **52.** The right to lodge a complaint in matters of ethics against a police officer is prescribed by two years, except where the transgression is also a criminal offence punishable by way of indictment only.
- Prescription** Prescription runs from the occurrence of the alleged transgression.
- Former officer** **53.** Any police officer who resigns remains subject to the jurisdiction of the commissioner with respect to any act he committed while he was a police officer.
- Assistance of staff** **54.** The members of the staff of the commissioner shall assist any person who requires assistance in lodging a complaint.
- Person deprived of freedom** **55.** Every person holding an office, position or employment in a place where a person is deprived of his freedom and every police officer shall, when a person gives him a writing intended for the commissioner, transmit the writing forthwith to the commissioner without reading it.
- Transmission of writing** Similarly, where he receives a writing from the commissioner intended for a person deprived of his freedom, he shall give it to that person.
- Recording of complaints** **56.** The commissioner shall keep a record of all complaints he receives, in the form and manner he determines. He shall acknowledge receipt in writing of every recorded complaint.
- Notification of police officer** **57.** Forthwith after receiving a complaint, the commissioner shall notify in writing the police officer whose conduct is the subject-matter of the complaint and the director of the police force concerned, of the lodging of the complaint and of the time and place of the alleged conduct.
- Conciliation** **58.** Where the commissioner is of the opinion that the complaint can be settled and the complainant and the police officer agree to it, the commissioner shall take every reasonable step, with regard to all circumstances, to attempt to conciliate the parties.
- Settlement** **59.** Every settlement resulting from conciliation shall be recorded in writing, approved by the commissioner, and signed by the complainant and the police officer concerned, and the complaint shall be deemed to have been withdrawn.

No reference
in record

60. In case of a settlement, no reference to the complaint or to the settlement shall be made in the personal record of the police officer concerned.

Evidence not
admissible

61. No answer or statement made, in the course of the conciliation, by the complainant or the police officer whose conduct is the subject-matter of the complaint shall be used or admissible as evidence in any criminal, civil or administrative proceedings other than a hearing before an ethics committee into an allegation that with intent to mislead the police officer gave the answer or statement knowing it to be false.

Investigation

62. Failing a settlement, the commissioner may decide to hold an investigation.

Request of
Minister

63. The commissioner shall hold an investigation in respect of the conduct of a police officer in the performance of his duties constituting a transgression of the Code of ethics, where the Minister requests that he do so. Division III applies to such an investigation.

DIVISION III

INVESTIGATIONS

Purpose of
investigation

64. The purpose of an investigation is to allow the commissioner to establish whether a citation before an ethics committee is warranted.

Refusal to
investigate

65. The commissioner may refuse to hold an investigation or may terminate an investigation if, in his opinion,

(1) the complaint is frivolous, vexatious or made in bad faith;

(2) the complainant refuses to cooperate in the investigation;

(3) having regard to all circumstances, investigation or further investigation is not necessary.

Notification
of parties

66. Where the commissioner makes a decision pursuant to section 65, he shall notify the complainant and the police officer whose conduct is the subject-matter of the complaint, and state the reasons for his decision. He shall also inform the complainant of his right to submit the decision to review by the competent ethics committee.

Conduct of
investigation

67. The commissioner, taking all circumstances into account, including the nature and gravity of the facts alleged in the complaint, may conduct the investigation or entrust it to the police force to which

the police officer whose conduct is the subject-matter of the complaint belongs or to any other police force.

Notification
of parties

The commissioner shall forthwith notify the complainant, the police officer whose conduct is the subject-matter of the complaint and the director of the police force to which he belongs.

Investigation
unit

68. The director of every police force designated by order of the Government shall set up an administrative unit within his force one of the duties of which shall be to conduct the investigations ordered by the commissioner under section 67.

Resources

The director shall provide the administrative unit with adequate resources.

Duty of
director

69. The director of a police force to which the commissioner has decided to entrust an investigation shall comply with the commissioner's decision.

Report to
commis-
sioner

Not later than 45 days after the notification provided for in the second paragraph of section 67 and monthly thereafter, the director shall report to the commissioner on the status of the investigation.

Identification

70. Every investigator shall, on request, identify himself and produce a certificate of his capacity signed by the commissioner.

Powers of
investigator

71. The commissioner and any person acting as an investigator for the purposes of this division, may, after giving prior notice to the director of the police force concerned, enter any police station or premises and examine any books, reports, documents or other effects relating to the complaint under investigation.

Status report

72. Not later than 60 days after deciding to hold an investigation and monthly thereafter during the course of the investigation, the commissioner shall notify in writing the complainant, the police officer whose conduct is the subject-matter of the complaint, and the director of the police force to which he belongs, of the status of the investigation, unless, in the commissioner's opinion, to do so might adversely affect the investigation.

Further in-
vestigation

73. Where the investigation has been entrusted to a police force, the commissioner may, upon receiving the investigation report, order the director of the police force to investigate further within the time and in the manner determined by the commissioner. The commissioner himself may also investigate further.

Decision of
commis-
sioner

74. Upon completion of the investigation, the commissioner shall examine the investigation report. He may

(1) dismiss the complaint, if he is of the opinion that it has no foundation in law or is frivolous or vexatious, or that the evidence is clearly insufficient;

(2) cite the police officer to appear before the competent ethics committee if he is of the opinion that the complaint warrants such action;

(3) refer the case to the Attorney General.

Revision of
decision

The commissioner may for cause revise any decision made pursuant to subparagraph 1 of the first paragraph.

Notification
of parties

75. The commissioner shall forthwith notify the complainant, the police officer and the director of the police force to which he belongs, of his decision.

Dismissal of
complaint

If he dismisses the complaint, the commissioner shall also transmit to them the reasons therefor and a summary of the investigation report. He shall, in addition, inform the complainant of his right to submit the decision to review by the competent ethics committee.

Review by
ethics
committee

76. The complainant may, within 15 days after notification of the decision made by the commissioner pursuant to section 65 or subparagraph 1 of the first paragraph of section 74, submit the decision to review by the competent ethics committee.

Application

77. The application for review shall be made by filing with the clerk of the ethics committees a written declaration containing a statement of the grounds for the application.

Applicable
provisions

78. Sections 115, 117, 124, 128, 132, 163 and 167, adapted as required, apply to an ethics committee disposing of an application for review.

Decision on
record

79. The application for review shall be decided on the record prepared by the commissioner.

Power of
committee

80. The ethics committee may confirm or quash the decision submitted to it.

Quashing of
decision

Where the committee quashes a decision made by the commissioner pursuant to section 65, it may order him to hold or

pursue an investigation. Where it quashes a decision made pursuant to subparagraph 1 of the first paragraph of section 74, the committee may order the commissioner to cite the police officer to appear before the competent ethics committee within 15 days after its decision.

Hearing
of citation

81. No member of the ethics committee who has heard an application for review under section 76 may subsequently hear and dispose of a citation relating to the same facts.

Observations
of commis-
sioner

82. Where the commissioner dismisses a complaint, he may transmit observations to the police officer whose conduct was the subject-matter of the complaint, for the purpose of improving the police officer's professional conduct or preventing any transgression of the Code of ethics.

Transmission
to officer

The observations shall be transmitted to the police officer through the intermediary of his line supervisor or immediate supervisor but shall not be filed in his personal record.

Powers of
commis-
sioner

83. The commissioner may, in addition to exercising his powers under section 74,

(1) recommend to the director of the police force that he submit the police officer to a medical evaluation or to a period of refresher training provided by a police training institution;

(2) inform the director that the conduct of the police officer was appropriate;

(3) make to the director any recommendation he deems expedient for the enforcement of the Code of ethics.

Power of
investigator

84. The commissioner and any person acting as an investigator for the purposes of this division may require of any person any information or document he considers necessary.

Hindrance of
investigation

85. No person may hinder, in any manner whatever, the commissioner or any person acting as an investigator for the purposes of this division, deceive him through concealment or by making a false declaration, refuse to furnish him with information or a document relating to the complaint he is investigating, refuse to allow him to make a copy of such a document, or conceal or destroy such a document.

Powers and
immunity

86. The commissioner is vested, for the purposes of this division, 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 impose imprisonment.

Inapplicable
provisions

87. Sections 84, 85 and 86 do not apply in respect of a police officer whose conduct is the subject-matter of a complaint.

Immunity

88. Except on a question of jurisdiction, no action under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be brought, nor any extraordinary recourse within the meaning of the said Code exercised, nor any other provisional remedy taken against any person acting in his official capacity for the purposes of this chapter.

CHAPTER III

POLICE ETHICS COMMITTEES

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Jurisdiction
of ethics
committee

89. An ethics committee has exclusive jurisdiction

- (1) to hear and dispose of any citation in matters of police ethics;
- (2) to review any decision of the commissioner dismissing a complaint.

Citation

90. A citation is a proceeding subsequent to a complaint concerning the conduct of a police officer, the purpose of which is to decide whether the conduct is a transgression of the Code of ethics which may entail the imposition of a penalty.

Establish-
ment of
committees

91. The following are hereby established:

- (1) the ethics committee of the Sûreté du Québec which shall hear and dispose of a citation against any member of that police force;
- (2) the ethics committee of the Police Department of the Communauté urbaine de Montréal which shall hear and dispose of a citation against any member of that police force;
- (3) the ethics committee of municipal police forces which shall hear and dispose of a citation against any member of any other municipal police force.

Composition

92. Each ethics committee shall be composed of an equal number of presiding members, police officers and members who are not police officers or advocates.

Number of
members

The Government shall determine, for each committee, the number of members making up the committee. The number of members shall in no case be less than 15.

Presiding
members

93. The presiding members shall be appointed by the Minister from among advocates who have been members of the Barreau du Québec for not less than 10 years.

S.Q. ethics
committee

94. Police officers shall be appointed to the ethics committee of the Sûreté du Québec by the Minister after consultation with the Director General of the Sûreté, and members who are not police officers or advocates shall be appointed thereto by the Minister.

C.U.M.
ethics
committee

95. Police officers shall be appointed to the ethics committee of the Police Department of the Communauté urbaine de Montréal by the Minister, after consultation with the director of the Police Department, and members who are not police officers or advocates shall be appointed thereto by the Minister after consultation with the executive committee of the Communauté urbaine de Montréal.

Municipal
police forces
ethics
committee

96. Police officers shall be appointed to the ethics committee of municipal police forces by the Minister after consultation with the association representing the chiefs of police of Québec, and members who are not police officers or advocates shall be appointed thereto by the Minister after consultation with the bodies which represent the municipalities concerned.

Term of
members

97. The members of ethics committees shall be appointed to act when their services are required during a period of three years. The term of the members may be renewed.

Expiry

A member whose term has expired may continue to hear and decide a matter notwithstanding the expiry of his term.

Fees

98. The presiding members and the members who are not police officers or advocates are entitled to the fees determined by the Government. They are also entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.

Reimburse-
ment of
expenses

The police officers who are members of a committee are entitled only to the salary they receive from their employer as police officers. The Minister shall reimburse, on the conditions and to the extent determined by the Government, the expenses they incur in the performance of their committee duties.

- Oaths of office** **99.** Before taking office, the members of an ethics committee shall take the oaths or make the solemn affirmations provided in Schedules I and II. They shall do so before a judge of the Court of Québec.
- Chairman** **100.** The Minister shall designate the chairman of each ethics committee from among its presiding members.
- Duties** The chairman shall coordinate the work of the committee, fix the date of hearings and see to the establishment of divisions within the committee.
- Division of committee** **101.** A division of an ethics committee shall be composed of a presiding member, a police officer and a member who is not a police officer or an advocate, as designated by the chairman.
- Decisions** Every decision rendered by a division is a decision of the committee.
- Simultaneous sittings** **102.** An ethics committee may hold several sittings simultaneously.
- Citation against senior or junior officer** **103.** The chairman of the competent ethics committee shall preside over the division which hears and disposes of a citation against a senior officer or junior officer who is not an employee within the meaning of the syndical plan of the police force concerned. Moreover, the police officer designated by the chairman to form part of the division shall be of equal or higher rank than the police officer cited to appear.
- Clerk** **104.** The Minister shall designate a public servant of his department to act as the clerk of the ethics committees.
- Place of sittings** **105.** The ethics committee of the Sûreté du Québec and the ethics committee of municipal police forces may sit anywhere in Québec.
- Place of sittings** The ethics committee of the Police Department of the Communauté urbaine de Montréal may sit in any municipality of the urban community.
- Prohibition** **106.** In no case may an ethics committee hold a sitting in an immovable occupied by a police force or the police ethics commissioner.
- Court premises** **107.** Where a sitting of an ethics committee is to be held in a locality where the Court of Québec sits, the clerk of the Court is

required to allow the committee to use, free of charge, the premises used by the Court, unless the Court is sitting there at that time.

DIVISION II

PROCEDURE AND EVIDENCE

Applicable provisions

108. Sections 43, 47, 53 and 88, adapted as required, apply to an ethics committee and its members.

Filing of citation

109. An ethics committee is seized of a matter by the filing of a citation with the clerk of the ethics committees.

Commissioner as complainant

110. The commissioner may file a citation, in which case he shall act as the complainant.

Content of citation

111. The citation must describe the conduct allegedly constituting a transgression of the Code of ethics and indicate what provision of the code has allegedly been transgressed, as well as the time and place of the alleged transgression.

Service

112. The clerk shall serve the citation on the police officer concerned and a copy thereof on the person who lodged the complaint under section 51, by registered or certified mail. He shall state therein the name of the committee members designated by the chairman to hear the case.

Declaration by police officer

113. Within seven days of the service of the citation, the police officer cited to appear shall file, in the clerk's office, a declaration in which he admits or denies the facts alleged against him.

Presumption

Where the police officer fails to file such a declaration, he is presumed to have denied the facts.

Parties to the case

114. The commissioner and the cited police officer are the parties to the case.

Scheduling of sitting

115. Upon receipt of the declaration, the chairman shall fix the date and place of the sitting. The clerk shall notify the parties by registered or certified mail not less than 30 days before the date scheduled for the sitting.

Defence

116. The ethics committee must allow the cited police officer to be heard and to present a full and complete defence.

Ex parte hearing

If the police officer, although he was duly notified, does not present himself at the appointed time and has not given a valid excuse

for his absence, or if he refuses to be heard, the committee may hear the case despite his absence and render a decision.

Adjournment **117.** No ethics committee may adjourn a sitting unless it is of the opinion that an adjournment will not cause unreasonable delay in the proceedings or a miscarriage of justice.

Evidence **118.** An ethics committee may have recourse to any legal means to ascertain the facts alleged in the citation; with the consent of the parties, a committee may also, at its discretion, admit evidence obtained outside the hearing.

Witnesses **119.** The ethics committee shall summon any witness whose testimony might be useful in the opinion of the committee or any of the parties, and require the production of any pertinent document.

Cited officer For the purposes of this section, the cited police officer is regarded as a witness.

Powers and immunity **120.** In the performance of their duties, the members of an ethics committee are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Depositions **121.** Depositions shall be recorded.

Indemnities **122.** An ethics committee may award indemnities to be paid to witnesses for expenses incurred in order to testify, according to the tariff established by the Government.

**Right to re-
presentation** **123.** Every person who appears before an ethics committee has the right to be assisted or represented by an advocate or any person he designates.

Public hearing **124.** Every hearing shall be public.

In camera hearing Notwithstanding the first paragraph, the committee may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to protect a person's privacy or reputation or the confidentiality of a police investigation procedure, a source of information or a police operation procedure.

Contempt of
court

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.

Indictable
offence

125. The commissioner shall submit to the committee, by way of a citation, every final decision of a Canadian court convicting a police officer of an indictable offence constituting a transgression of the Code of ethics.

Proof of guilt

The committee shall accept a duly certified copy of the judicial decision as proof of guilt.

Foreign
court

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

Preparatory
conference

126. The presiding member of the ethics committee may convene the parties to a preparatory conference, in particular, to allow or order the presentation of any documentary evidence or report before the sitting.

Amendment
of citation

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

Prohibition

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

Majority
vote

128. Every decision shall be made by a majority vote. If there is a dissenting member, the reasons for his dissent shall be recorded in the decision.

Transgres-
sion of code

129. The committee shall decide whether the conduct of the police officer constitutes a transgression of the Code of ethics and, if so, shall impose a penalty.

Hearing of
parties

Before imposing a penalty, the committee shall allow the parties to be heard in respect of the penalty.

Penalty

130. Where an ethics committee comes to the decision that the conduct of a police officer is a transgression of the Code of ethics, it may, within 14 days after the date of the decision, impose one of the following penalties on the police officer:

- (1) a warning;

- (2) a reprimand;
- (3) a suspension without salary for a period not exceeding 60 working days;
- (4) a demotion;
- (5) dismissal.

Determina-
tion of
penalty

131. In determining the penalty, the ethics committee shall take into account the gravity of the misconduct having regard to all the circumstances, and the ethical record of the police officer.

Withholding
of salary

In fixing the duration of the suspension without salary of a police officer, the committee shall also take into account any period during which the police officer was, in respect of the same facts, provisionally relieved of his duties without salary by the director of the police force to which he belongs. Where applicable, the committee may order that the police officer be paid the salary he did not receive for the period during which he was provisionally relieved of his duties which exceeds the duration of the suspension without salary imposed on him by the committee. Upon its filing in the office of the competent court by any interested person, a decision ordering the back payment of salary becomes executory as if it were a judgment of that court and has all the effects thereof.

Service of
decision

132. Every decision of an ethics committee shall be in writing and state the reasons therefor. Within 10 days after it is rendered, it shall be served by the clerk on the parties and on the person who lodged the complaint under section 51, by registered or certified mail.

Appeal

133. An appeal lies to the Tribunal de la déontologie policière from every final decision of an ethics committee subsequent to the filing of a citation. However, where a penalty is to be imposed under the decision, the decision shall not be appealed from until the penalty has been imposed.

No
arbitration

134. The decision of an ethics committee cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code (R.S.Q., chapter C-27) or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14).

Decision
executory

Notwithstanding any contrary Act or agreement, the decision of an ethics committee becomes executory upon the expiry of the time allowed for appeal.

CHAPTER IV

TRIBUNAL DE LA DÉONTOLOGIE POLICIÈRE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Establishment of Tribunal **135.** The Tribunal de la déontologie policière is hereby established.

Seat of Tribunal **136.** The seat of the Tribunal shall be in the place determined by the Government. A notice of the location and of any relocation of the seat of the Tribunal shall be published in the *Gazette officielle du Québec*.

Composition **137.** The Tribunal shall be composed of five members, including a president and a vice-president, appointed by the Government for a specified term not exceeding five years. The term of the members may be renewed.

President The president shall be chosen from among the judges of the Court of Québec.

Judges or advocates Two other members, including the vice-president, shall be chosen from among the judges of the Court of Québec or from among advocates who have been members of the Barreau du Québec for not less than 10 years.

Field of police work Another member shall be chosen from the field of police work.

Socioeconomic sector Another member shall be chosen from the socioeconomic sector.

Ad hoc member **138.** On the request of the president, the Government may appoint a member *ad hoc* for the dispatch of business and determine his fee.

Conditions of employment **139.** The Government shall fix the remuneration, social benefits and other conditions of employment of the members of the Tribunal.

Oaths of office **140.** Before taking office, the members of the Tribunal and the *ad hoc* members shall take the oaths or make the solemn affirmations provided in Schedules I and II.

Administration of oaths The president shall do so before the chief judge, a senior associate chief judge or an associate chief judge of the Court of Québec, and the other members of the Tribunal shall do so before any judge of the said Court.

Staff	141. The secretary and the other members of the staff of the Tribunal shall be appointed and remunerated in accordance with the Public Service Act.
Applicable provisions	142. Sections 42, 43, 47, 53, 88, 105 and 107, adapted as required, apply to the Tribunal.
President	143. The president is responsible for the administration and overall management of the Tribunal.
Duties	He shall coordinate and distribute the work of the members of the Tribunal and they shall comply with his orders and directives in that regard.
Vice-president	144. Where the president is absent or unable to act, the vice-president shall replace him.
Expiry of term	145. A member of the Tribunal whose term expires may continue to hear and decide a matter notwithstanding the expiry of his term.
Publication of decisions	146. The Tribunal shall periodically publish a compilation of the decisions it has rendered.
Omission of names	It shall omit, where an order banning publication or release has been issued to such effect, any reference to the names of the parties and other persons involved, or to the information or documents contemplated by the order.
Fiscal year	147. The fiscal year of the Tribunal ends on 31 March each year.
Budget	148. Each year, the Tribunal shall submit its budget for the next fiscal year to the Government for approval, at the time and in the form and tenor determined by the Government.
Annual report	149. The Tribunal, within four months after the end of its fiscal year, shall submit to the Minister its financial statements and a report of its activities for the fiscal year just ended.
Tabling in National Assembly	150. The Minister shall table the report of the Tribunal in the National Assembly within 30 days after receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.
Audit	151. The books and accounts of the Tribunal shall be audited by the Auditor General every year and also whenever the Government so orders.

Authenticity
of documents

152. Any document or copy of a document emanating from the Tribunal or forming part of its records, certified by the president, vice-president or secretary, is authentic.

DIVISION II

JURISDICTION

Jurisdiction

153. The Tribunal has jurisdiction, to the exclusion of any other court, to dispose of any appeal from a decision of an ethics committee subsequent to the filing of a citation.

Views of
complainant

154. Within 20 days of notification of the decision of the ethics committee, the person who lodged the complaint under section 51 may transmit in writing to the commissioner his views as to the advisability of appealing from the decision.

Appeal

155. Any person who is a party to proceedings before an ethics committee may appeal to the Tribunal within 30 days of notification of the decision.

Filing of
declaration

156. An appeal shall be brought by filing, at the seat of the Tribunal, a written declaration containing a statement of the grounds for the appeal.

Copy of
decision

The declaration shall be accompanied with a copy of the decision appealed from.

Notification
of parties

157. On receipt of a declaration of appeal, the secretary shall notify forthwith every other person who was a party to the proceedings before the ethics committee and the person who lodged the complaint under section 51.

Execution
suspended

158. The appeal suspends the execution of the decision.

New
evidence

159. The appeal shall be decided on the record prepared by the ethics committee. However, the Tribunal may allow any new relevant and useful evidence.

Hearing of
parties

160. The Tribunal shall allow the parties to be heard.

Applicable
provisions

161. Sections 115, 116 to 122, 124 and 125, the second paragraph of section 129, 131, and section 132, adapted as required, apply to the Tribunal.

Hearing

162. The appeal shall be heard by three members of the Tribunal. A member who is a judge or an advocate shall preside.

- Preference **163.** The appeal shall be heard and decided by preference.
- Powers of Tribunal **164.** The Tribunal has all the necessary powers for the exercise of its jurisdiction and may, in particular, render any order it deems expedient for the safeguard of the rights of the parties.
- Rules **165.** The Tribunal may, by way of a regulation approved by the Government, adopt rules of evidence, procedure and practice by a majority vote of its members.
- Decision on appeal **166.** The Tribunal may confirm the decision submitted to it, or it may quash the decision and it shall, in that case, render the decision which in its opinion should have been rendered in the first instance.
- Decision final and executory **167.** The decision of the Tribunal is final and without appeal and cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec. It is executory notwithstanding any contrary Act or agreement.
- Revision **168.** The Tribunal may revise or revoke any decision it has made where a new fact is discovered which, if it had been known in due time, might have justified a different decision.

TITLE III

POLICE DISCIPLINE

- Internal discipline **169.** Every municipality has the power required to adopt a body of rules relating to the internal discipline applicable to the members of its police force.
- Sûreté du Québec The Minister may exercise such power in respect of the members of the Sûreté du Québec.
- Director of municipal police Such power may also be exercised by the director of a police force if the municipality or, as the case may be, the Minister so decides.
- Purpose of rules The disciplinary rules shall determine the duties incumbent upon and the standards of conduct to be upheld by the police officers for the purpose of ensuring effectiveness, the quality of the service and respect for the authority of ranking officers.
- Content of rules The rules may contain standards and directives, impose duties of a general or particular nature and prohibitions, determine what acts or omissions constitute breaches of discipline, establish a disciplinary procedure, determine the disciplinary powers of ranking officers and prescribe penalties.

Collective
agreement

170. The disciplinary rules shall in no way affect a labour contract within the meaning of the Act respecting the Syndical Plan of the Sûreté du Québec or a collective agreement within the meaning of the Labour Code.

TITLE IV

CONTROL EXERCISED BY THE MINISTER OF PUBLIC SECURITY

CHAPTER I

INFORMATION TO BE FURNISHED TO THE MINISTER

Transmission
of informa-
tion

171. 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 Minister the information relating to the status of peace officer prescribed by regulation, in the manner prescribed therein.

Register

172. The Minister shall keep a register in which he shall record, in particular, 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.

Reports to
Minister

173. The Director General of the Sûreté du Québec, the chief of any other police force and every person responsible for any other class of peace officers designated by regulation of the Government shall submit to the Minister, 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 security 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.

CHAPTER II

INSPECTION

Inspection
services

174. To promote the effectiveness of police service in Québec, the Minister shall provide general inspection services in respect of the administration and activities of the Sûreté du Québec and the other police forces, and in respect of the activities of their members and of special constables.

Time of
inspection

175. The Minister shall conduct an inspection every three years.

Citizens'
request

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.

Powers of
inspector

176. Every person conducting an inspection may, in the performance of his duties,

(1) enter, at any reasonable time, any police station or premises, or any police vehicle;

(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.

Obligation to
cooperate

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 conducting the inspection and facilitate his examination of them.

Hindrance of
inspection

177. No person may hinder a person conducting 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 conceal or destroy a document or thing which is pertinent to an inspection.

Identification

178. Every person conducting an inspection shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

Inspection
by other
person

179. The Minister may authorize in writing a person other than a member of his staff to conduct an inspection and report on it to him.

Powers of
Government

180. The Government may

(1) establish classes of peace officers for the purposes of sections 171 to 173;

(2) prescribe what information must be furnished to the Minister under sections 172 and 173 and the manner in which it must be furnished.

CHAPTER III

INQUIRIES RESPECTING A POLICE FORCE

Inquiry by
Minister

181. The Minister may make an inquiry respecting the Sûreté du Québec or any other police force.

Inquiry by
other person

He may commission a person to make such an inquiry.

Citizens'
request

182. On the request of a municipality or a group of citizens of a municipality, the Minister may commission a person to make an inquiry respecting the municipal police force serving the municipality.

Adequacy of
service

183. The Minister, of his own initiative or on the request of a recognized association of police officers or a group of citizens of the municipality concerned, may commission a person to make an inquiry to ascertain whether a municipality is maintaining adequate police service.

Public
hearings

The person commissioned to make an inquiry may hold public hearings and hear the interested persons and groups.

Time to
correct
situation

The Minister may, if he considers it in the public interest, grant the municipality a reasonable period of time to correct the situation.

Powers and
immunity

184. The person commissioned to make an inquiry is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.

Refusal to
make inquiry

185. If the Minister refuses to commission an inquiry, he shall notify in writing the municipality, group of citizens or association of police officers concerned and give it the reasons for his refusal.

Prohibitions

186. The person commissioned to make an inquiry shall not, in his report, censure the conduct of any person or recommend that sanctions be taken against any person.

Inquiry
report

187. The inquiry report shall be transmitted to the Minister and to the municipality which requested the inquiry, where such is the case. It shall relate the findings of the inquiry and contain such recommendations as the person who made the inquiry may see fit to make.

Advice

188. The Minister may advise on police matters persons engaged in police work.

TITLE V

PENAL PROVISIONS

Failure to
furnish
information

189. 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 Minister, in the prescribed manner, the information relating to the status of peace officer prescribed by regulation is guilty of an offence.

Failure to
submit
report

190. The Director General of the Sûreté du Québec, the director of any other police force or the person responsible for any class of peace officers designated by regulation of the Government is guilty of an offence if he fails to submit to the Minister, on his request and within the time indicated by him, any report provided for in section 173.

Offence and
penalty

191. Every person who contravenes any provision of section 85 or 177 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.

Offence and
penalty

192. Every person who contravenes any provision of sections 55, 189 and 190 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.

Complicity

193. 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.

Complicity

194. 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.

Offence by
corporation

195. 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.

Penal
proceedings

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

TITLE VI

STATUTORY AMENDMENTS

ACT RESPECTING DETECTIVE OR SECURITY AGENCIES

c. A-8,
s. 10, am.

197. Section 10 of the Act respecting detective or security agencies (R.S.Q., chapter A-8) is amended by inserting, after paragraph *a*, the following paragraph:

“(a.1) use any vehicle unless its characteristics and identification meet the standards approved in writing by the Minister of Public Security;”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
s. 178, am.

198. Section 178 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by adding, at the end, the words “, subject to the Act respecting police organization and amending the Police Act and various legislation (1988, chapter 75)”.

c. C-37.2,
s. 179, am.

199. Section 179 of the said Act is amended by replacing the second paragraph by the following paragraph:

Exception

“However, in no case may the committee proceed with consultations on any question being the subject of an investigation of the police ethics commissioner or of a person commissioned to make an inquiry under sections 181 to 183 of the Act respecting police organization and amending the Police Act and various legislation.”

c. C-37.2,
s. 192, am.

200. Section 192 of the said Act is amended by striking out the second paragraph.

c. C-37.2,
s. 196, am.

201. Section 196 of the said Act is amended by striking out the words “and to the Solicitor General” in the first and second lines of paragraph 3.

c. C-37.2,
ss. 201, 202,
repealed

202. Sections 201 and 202 of the said Act are repealed.

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 204, am.

203. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding, at the end of paragraph 2.1, the words “or the Institut de police du Québec”.

c. F-2.1,
s. 255, am.

204. Section 255 of the said Act is amended by replacing the words “or the Société de la Place des Arts de Montréal” in the third and fourth lines of the first paragraph by the words “, the Société de la Place des Arts de Montréal or the Institut de police du Québec”.

POLICE ACT

c. P-13,
s. 1, am.

205. Section 1 of the Police Act (R.S.Q., chapter P-13) is amended

(1) by striking out paragraphs *a*, *e* and *k*;

(2) by striking out, in paragraph *i*, the words “but not a municipal cadet”.

c. P-13,
ss. 2.2, 2.3,
repealed

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

c. P-13, s. 3,
replaced

207. Section 3 of the said Act is replaced by the following section:

Qualifica-
tions

“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 Minister of Public Security, by the municipality or by the person who employs the special constable;

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

Special
constable

A person who is appointed as a special constable for less than 30 days is not required to comply with subparagraphs 4 and 5 of the first paragraph.”

c. P-13,
s. 6, am.

208. 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.

c. P-13,
s. 6.1, added

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

Regulations

“6.1 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 standards governing badges, deeds of appointment and other identification papers of policemen or special constables;

(3) prescribe 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 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 as well as the characteristics of and identification standards for such vehicles;

(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.”

c. P-13,
Div. II,
repealed

210. Division II of the said Act is repealed.

c. P-13,
s. 43, am.

211. Section 43 of the said Act is amended

(1) by replacing the word “five” in subparagraph 2 of the first paragraph by the word “four”;

(2) by striking out the second paragraph.

c. P-13,
ss. 44, 45,
replaced

212. Sections 44 and 45 of the said Act are replaced by the following section:

Director
general

“44. The Government shall appoint the Director General of the Police Force for a term not exceeding five years and shall fix his salary.

Renewal of
term

The term of the Director General may be renewed.

Residence

The Director General must reside in the locality where the headquarters of the Police Force are situated or in the immediate vicinity of that locality.

Dismissal

The Director General may be dismissed only by the Government upon a report of the Minister following an inquiry.”

c. P-13,
s. 46, am.

213. 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 of the Government”.

c. P-13,
s. 47,
replaced

214. Section 47 of the said Act is replaced by the following section:

Appoint-
ments

“47. The Director General, with the approval of the Minister of Public Security, 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.”

c. P-13,
s. 48, am.

215. Section 48 of the said Act is amended by adding, at the end, the following paragraph:

Administra-
tion of oaths

“The Director General and the Deputy Directors General are authorized, in the performance of their duties and throughout Québec, 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).”

c. P-13,
s. 49, am.

216. Section 49 of the said Act is amended by striking out the words “cadets and” in the first line.

c. P-13,
s. 50, am.

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

c. P-13,
s. 51, am.

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

c. P-13,
s. 52, am.

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

c. P-13,
s. 54, am.

220. Section 54 of the said Act is amended by striking out the words “cadet or” in the second line of the first paragraph.

c. P-13,
s. 55, am.

221. Section 55 of the said Act is amended by striking out the words “cadet or” in the second and third lines.

c. P-13,
s. 56, am.

222. Section 56 of the said Act is amended by striking out the words “cadet or” in the second line.

c. P-13,
ss. 57-57.3,
repealed

223. Sections 57 to 57.3 of the said Act are repealed.

c. P-13,
s. 64, am.

224. Section 64 of the said Act is amended by replacing the words “Commission, which, in formulating its” in the second line of the third paragraph by the words “Minister, who, in formulating his”.

c. P-13,
s. 64.1, am.

225. Section 64.1 of the said Act is amended

(1) by replacing the word “seven” in the first line of the second paragraph by the word “six”;

(2) by striking out the words “, another the Commission’s representative,” in the second and third lines of the second paragraph.

c. P-13,
s. 64.2,
repealed

226. Section 64.2 of the said Act is repealed.

c. P-13,
s. 64.3, am.

227. Section 64.3 of the said Act is amended by replacing the first paragraph by the following paragraph:

Inadequate
police service

“64.3 If a municipality fails to comply with its obligation under section 64 or if, following an inquiry under the Act respecting police organization and amending the Police Act and various legislation (1988, chapter 75), it appears that a municipality does not maintain adequate police service, the Minister of Public Security may direct the Police Force to maintain peace, order and public security in the territory subject to the jurisdiction of the municipality and to enforce the municipal by-laws.”

c. P-13,
s. 65, am.

228. Section 65 of the said Act is amended

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

Application

"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 "Minister of Public Security".

c. P-13,
s. 69, am.

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

Administra-
tion of oaths

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

c. P-13,
s. 73, am.

230. Section 73 of the said Act is amended by replacing the word "Commission" in the second line of the second paragraph by the words "Minister of Public Security".

c. P-13,
s. 74.1, am.

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

Powers

"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."

c. P-13,
s. 75, am.

232. Section 75 of the said Act is amended by striking out the second paragraph.

c. P-13,
s. 79, am.

233. Section 79 of the said Act is amended

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

Service

"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 in accordance with Division VII.1.";

(2) by replacing the last two paragraphs by the following paragraph:

Payments to
appellant

“If the decision of the council of the municipality is quashed by the judges, they may also order the municipality to pay to the appellant a sum of money which they determine as an indemnity for the expenses he has incurred for such appeal; they may also, if the resolution contemplated the dismissal of the appellant, order the municipality to pay to him all or part of the salary he did not receive during his suspension and the judges shall fix the amount of such salary, and to re-establish for such period the other benefits and allowances which the appellant received before the suspension.”

c. P-13,
s. 79.2, am.

234. Section 79.2 of the said Act is 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”.

c. P-13,
s. 88, am.

235. Section 88 of the said Act is amended by replacing the words “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”.

c. P-13,
Div. VI,
repealed

236. Division VI of the said Act is repealed.

c. P-13,
s. 98.6, am.

237. Section 98.6 of the said Act is amended by striking out the words “, a cadet” in the second line.

c. P-13,
s. 98.7, am.

238. Section 98.7 of the said Act is amended by striking out the words “, a cadet” in the second line.

c. P-13,
s. 98.8,
replaced

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

Offence and
penalty

“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 under \$100 nor over \$1 000.”

PUBLIC PROTECTOR ACT

c. P-32,
s. 18, am.

240. Section 18 of the Public Protector Act (R.S.Q., chapter P-32) is amended

(1) by striking out the word and figure “or 2.2” in the first line of paragraph 4;

(2) by adding, after “(chapter P-13)” in the second line of paragraph 4 the words “or in section 171 of the Act respecting police organization and amending the Police Act and various legislation (1988, chapter 75)”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12,
Sch. I, am.

241. Schedule I to 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 Tribunal de la déontologie policière”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

c. V-6.1,
s. 370,
replaced

242. 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:

Applicable
Act

“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 (R.S.Q., chapter P-13) and of the Act respecting police organization and amending the Police Act and various legislation (1988, chapter 75), which shall then apply, *mutatis mutandis*, subject to this division.”

c. V-6.1,
s. 372, am.

243. 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”.

TITLE VII

TRANSITIONAL PROVISIONS

Succession

244. The Institut de police du Québec established by this Act acquires the rights and shall assume the obligations of the Institut de police du Québec established by the Police Act.

Transfer of
public
servants

245. The Minister and the Institut de police du Québec 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.

Content of
agreement

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

Salary
guaranteed

247. 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.

Disagree-
ments

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

Obligation to
hire

249. The institute shall take as an employee every public servant referred to in section 245 who agrees to be transferred to the institute.

Permanent
tenure

250. 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.

Presumption

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.

Transfer to
public
service

251. Every public servant who becomes an employee of the institute pursuant to the agreement provided for in section 245 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.

Classification

252. An employee contemplated by section 251 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.

Notice of
classification

253. The Office des ressources humaines shall issue to every employee contemplated by section 251 who applies for a transfer or enters a competition for promotion a notice of classification established in accordance with the criteria provided in section 252.

Position
guaranteed

254. If some or all of the activities of the institute cease, or in the case of a lack of work, an employee contemplated by section 251 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 252.

- Reserve The employee contemplated by section 251 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.
- Succession **255.** The Tribunal de la déontologie policière acquires the rights and shall assume the obligations of the Commission de police du Québec, to the extent and on the dates determined by the Government.
- Expiry of term **256.** The term of the members of the Commission de police du Québec expires on (*insert here the date of coming into force of this section*).
- Continuance of inquiries **257.** Inquiries in progress before the Commission de police du Québec on (*insert here the date of coming into force of Title IV*) and pertaining to matters devolved upon the Minister shall be continued by the Minister in accordance with the provisions of the Police Act as it read on the day preceding the date of coming into force of the said title.
- Continuance of inquiries and appeals **258.** Inquiries in progress before the Commission de police du Québec on (*insert here the date of coming into force of Title II*) and appeals to the Commission brought before that date, pertaining to any matter other than those contemplated by section 257, shall be continued by the Tribunal de la déontologie policière in accordance with the provisions of the Police Act as it read on the day preceding the date of coming into force of the said title.
- Proceedings involving C.P.Q. **259.** The Minister shall become a party to any proceedings to which the Commission de police du Québec was a party on (*insert here the date of the day before the coming into force of this section*), without continuance of suit.
- By-laws and regulations **260.** Every by-law of the Commission de police du Québec or regulation of the Government remains in force until it is replaced or repealed by the Government, where such is the case.
- Secretary **261.** The secretary of the Commission de police du Québec becomes the secretary of the Tribunal de la déontologie policière.
- Conditions of employment He shall continue to be governed by the provisions of his deed of appointment; he may be dismissed only in accordance with section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1).
- Retirement **262.** The provisions governing the retirement of the secretary and members of the Commission de police du Québec are those

contained in their deeds of appointment. Nevertheless, retirement with a pension may be granted to such a person if he is a participant in a pension plan and applies therefor after 25 years of service.

Effect of
section

This section has effect, in respect of each such person, from the date of his deed of appointment.

Former
members

Every such person may avail himself of the provisions of this section whether or not he ceases to be the secretary or a member of the Commission.

Transfer of
investigators

263. The officers of the Commission de police du Québec who act as investigators become, to the extent and on the dates determined by the Government, members of the staff of the police ethics commissioner, without further formality.

Other
officers

The other officers of the Commission de police du Québec become, on the conditions and in the manner determined by the Government, public servants of the Ministère de la Sécurité publique.

Records and
documents

264. The records and other documents of the Commission de police du Québec relating to matters devolved upon the Minister of Public Security are transferred to him.

Records and
documents

All other records and documents become, without further formality, those of the Tribunal de la déontologie policière.

Applicability
of provisions

265. Any breach or transgression of police ethics or discipline having occurred before (*insert here the date of coming into force of Titles II and III*) remains governed by the legislative or regulatory provisions applicable to it on (*insert here the date immediately preceding the said date*).

TITLE VIII

FINAL PROVISIONS

C.U.M. as
municipality

266. The Communauté urbaine de Montréal is a municipality for the purposes of Titles III and IV of this Act.

Special
constables

267. A special constable is regarded as a police officer solely for the purposes of Titles II and V.

Citation
against
constable

268. The ethics committee of municipal police forces and the Tribunal have exclusive jurisdiction to hear and dispose of any citation against a special constable.

Director of
police force

269. For the purposes of Title II, the following person or body is regarded as the director of the police force of the person whose conduct is the subject-matter of a complaint:

(1) the Minister, if the person concerned is the Director General of the Sûreté du Québec;

(2) the executive committee of the Communauté urbaine de Montréal, if the person concerned is the director of the Police Department of the community;

(3) notwithstanding any contrary provision of any general law or special Act, the council of the municipality, if the person concerned is the director of the police force of that municipality;

(4) the employer, if the person concerned is a special constable.

Inapplicable
provision

270. Paragraph 4 of section 130 does not apply to a special constable.

Power of
employer

271. This Act shall not be interpreted as restricting the administrative power of the employer or, as the case may be, of the director of a police force, to provisionally relieve a police officer or special constable of his duties, with or without salary, if he has reasonable cause to believe that the police officer or special constable has infringed the Code of ethics, committed an indictable or penal offence or a serious transgression likely to jeopardize proper performance of his duties.

Grievance

Nothing in this section affects in any way the right of the police officer or special constable to contest the decision by way of a grievance or otherwise.

Minister
responsible

272. The Minister of Public Security is responsible for the administration of this Act.

Coming into
force

273. The provisions of this Act come into force on the date or dates fixed by the Government.

SCHEDULE I

OATH AND SOLEMN AFFIRMATION

(Sections 41, 99 and 140)

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.

SCHEDULE II

OATH OR SOLEMN AFFIRMATION OF SECRECY

(Sections 41, 99 and 140)

I, A. B. swear (*or solemnly affirm*) that I will neither reveal nor disclose, without being so authorized by law, anything I may gain knowledge of in the performance of my duties.

TABLE OF CONTENTS

		<i>Sections</i>
TITLE I	INSTITUT DE POLICE DU QUÉBEC	1-34
CHAPTER I	ESTABLISHMENT AND ORGANIZATION	1-13
CHAPTER II	OBJECT AND POWERS	14-26
CHAPTER III	DOCUMENTS, ACCOUNTS AND REPORTS	27-34
TITLE II	POLICE ETHICS	35-168
CHAPTER I	CODE OF ETHICS OF QUÉBEC POLICE OFFICERS	35
CHAPTER II	POLICE ETHICS COMMISSIONER	36-88
Division I	Functions	36-50
Division II	Complaints	51-63
Division III	Investigations	64-88
CHAPTER III	POLICE ETHICS COMMITTEES	89-134
Division I	Establishment and organization	89-107
Division II	Procedure and evidence	108-134
CHAPTER IV	TRIBUNAL DE LA DÉONTOLOGIE POLICIÈRE	135-168
Division I	Establishment and organization	135-152
Division II	Jurisdiction	153-168

TITLE III	POLICE DISCIPLINE	169-170
TITLE IV	CONTROL EXERCISED BY THE MINISTER OF PUBLIC SECURITY	171-188
CHAPTER I	INFORMATION TO BE FURNISHED TO THE MINISTER	171-173
CHAPTER II	INSPECTION	174-180
CHAPTER III	INQUIRIES RESPECTING A POLICE FORCE	181-188
TITLE V	PENAL PROVISIONS	189-196
TITLE VI	STATUTORY AMENDMENTS	197-243
TITLE VII	TRANSITIONAL PROVISIONS	244-265
TITLE VIII	FINAL PROVISIONS	266-273