Gouvernement du Québec

## **O.C. 1210-97**, 17 September 1997

Code of Penal Procedure (R.S.Q., c. 25.1)

#### Form of offence reports

Regulation respecting the form of offence reports

WHEREAS under paragraph 1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1) the Government may, by regulation, prescribe the form of offence reports, including electronically-generated reports;

WHEREAS the Government made the Regulation respecting the form of offence reports by Order in Council 1411-93 dated 29 September 1993;

WHEREAS it is expedient to replace that Regulation to provide for the methods of generating offence reports both in paper form and in electronically-generated form;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the form of offence reports was published in Part 2 of the *Gazette officielle du Québec* of 17 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make this Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation respecting the form of offence reports, attached to this Order in Council, be made.

MICHEL CARPENTIER, Clerk of the Conseil exécutif

# **Regulation respecting the form** of offence reports

Code of Penal Procedure (R.S.Q., c. C-25.1, art. 367, par. 1)

#### **CHAPTER I**

METHODS OF GENERATING AN OFFENCE REPORT

#### **DIVISION I**

GENERAL

**I**. The purpose of this Regulation is to establish the form of offence reports, whether on paper or electronically-generated.

In addition, it is also intended to ensure that the paper and electronic forms of an offence report are interchangeable, to allow the concomitant use of either form, and to establish that the computer data that constitute the report in electronic form have the same legal force as the report in paper form.

**2.** This Regulation governs the form of an offence report, where it is used to disclose or to adduce evidence in a penal proceeding or where it is conserved and filed in the court record.

**3.** The expression "offence report" refers to the document in paper or electronic form comprised of the offence report form and the particulars that may be recorded therein.

An offence report may comprise as many pages as necessary to enable the persons responsible for enforcing the law or peace officers to describe the relevant facts that they have observed.

**4.** An offence report is a document containing headings, key words, pre-printed or pre-programmed texts and spaces allowing the optional or compulsory particulars prescribed by this Regulation relative to the penal proceeding to be entered by hand, mechanically or by computer.

It may also contain computer codes, marks or particulars, either underlying or visible, that are specific to the electronic form or are designed to ensure the security of electronic data and documentation in penal matters.

**5.** An offence report may be generated in paper form or in electronic form. It may also be drawn up in paper form, then transferred into electronic form by means of digitization, and may then be converted into hard copy.

Thus an offence report may be in paper form, either originally or after conversion from electronic form into hard copy; an offence report may also be in electronic form, either originally or after digitization from the paper form.

**6.** Where the offence report is originally generated in electronic form, or transferred into electronic form by means of digitization, the computer data that make it possible to display the report or convert into hard copy the report and the particulars recorded therein, have the same force as an original, if the report meets the standards provided for in this Regulation and those of a regulation respecting the security of electronic data and documentation in penal matters made pursuant to paragraph 1.1 of article 367 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

The computer data have the same force as an original during electronic transfer, transmission, consultation, use, storage and archiving in electronic form or by electronic means, if they meet the standards provided for in the regulations referred to above. The foregoing also applies to computer data comprising the digitized offence report, whether the form or particulars comprising it were digitized simultaneously or separately.

Where an offence report generated in electronic form is converted into hard copy on a pre-printed or preprogrammed form, the hard-copy offence report has the same force as an original. In addition, where a digitized offence report is converted into hard copy, the hardcopy offence report stands in lieu of the original.

**7.** An offence report in paper form is composed of pages, whereas an offence report in electronic form is composed of computer data displayed on page screens.

The form and the particulars displayed on the page screens in an offence report may be electronically attached or referenced. However, the page screens in an offence report or the sections they contain shall be intelligible and shall be accessible on a display surface, either in whole or in part, sequentially or thematically.

**8.** An offence report originally generated in electronic form or transferred into such a form by means of digitization may remain in electronic form and be so used on a display surface, or be converted into hard copy on a pre-printed or pre-programmed offence report or, if digitized, on a page intended to reconstitute the report.

#### **DIVISION II**

#### OFFENCE REPORTS: ORIGINALLY IN PAPER FORM, IN ELECTRONIC FORM, DIGITIZED OR CONVERTED INTO HARD COPY

**9.** The general offence report provided for in subparagraph 1 of the first paragraph of section 16 and originally drawn up in paper form shall be on sheets measuring not less than 10 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

The abridged offence report provided for in subparagraph 2 of the first paragraph of section 16 and originally drawn up in paper form shall be on detachable sheets of the same dimensions as the statement of offence to which it may be attached.

**10.** An offence report form may be pre-printed or pre-programmed. The type size of the printer or the printing press, as the case may be, shall be no smaller than 6 point.

The offence report made up of pages comprising computer data constitutes an offence report in paper form subject to the standards of this Division and must be signed by hand.

**11.** An offence report originally generated in electronic form is displayed on page screens containing computer data and corresponding to the form and the particulars contained in the pages of an offence report in paper form.

**12.** An offence report originally drawn up in paper form may be digitized. Furthermore, the form and the particulars contained in that offence report may be digitized either simultaneously or separately. In the latter case, the digitized offence report is composed of super-imposed page screens.

**13.** An offence report originally generated in electronic form and a digitized offence report may be converted into hard copy on sheets measuring not less than 9 cm wide by 20 cm high nor more than 21.5 cm wide by 35.5 cm high.

Where an offence report is converted into hard copy, it results from the combination of a virtual part and a material part. The virtual part is comprised of the particulars and the pre-programmed form contained in the offence report generated in electronic form; in case of digitization, the virtual part is comprised of the digitized form and particulars. The material part is comprised of the offence report form in paper form, which may be pre-printed or pre-programmed; in case of digitization, the material part is comprised of either a pre-printed or pre-programmed form or the reconstitution in paper form of the digitized form and particulars in the offence report.

**14.** The paper used to convert a report into hard copy shall be such that the report can be recognized as an original, either by use of paper of a special grain, or by means of a seal, an acronym, a code, a number, a mark or a distinctive indication.

**15.** The type size of the printer or the printing press, as the case may be, used to convert an offence report into hard copy shall be no smaller than 6 point.

### CHAPTER II

SPECIAL PROVISIONS

**DIVISION I** TYPES OF OFFENCE REPORTS

**16.** The two types of offence reports that may be used are the following:

(1) a general offence report, a model for which appears in Schedule I, applies to all offences and may be adduced as evidence with any statement of offence referred to in the Regulation respecting the form of statements of offence; and

(2) an abridged offence report, a model for which appears in Schedule II, applies to all offences and may be attached to the statement of offence referred to in subparagraph 2 of the first paragraph of section 23 of the Regulation respecting the form of statements of offence made by Order in Council 1211-97 dated September 17, 1997 or to the statement of offence referred to in subparagraph 3 of the first paragraph of section 23 of that Regulation.

A model for the offence report bearing an attestation of hard-copy conversion appears in Schedule III.

## DIVISION II

GENERAL OFFENCE REPORT

**17.** The first page or the corresponding page screens in a general offence report shall comprise at least seven sections containing the headings, key words, texts and spaces allowing the following particulars to be indicated:

(1) in respect of the origin of the report:

(*a*) the name of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report;

(*b*) the investigation file number of the department, public body, municipality or authority;

(c) the name and address of the person responsible for the investigation; and

(d) optionally, the event code number used for statistical purposes;

(2) in respect of the defendant's identity:

(a) his or its name, address and telephone number;

(b) whether the defendant is a legal or natural person and, in the latter case, whether male or female;

(c) the type of document or file and the items in the document or file confirming his identity; and

(d) optionally, his birthdate, his distinguishing features, his occupation or the type of activity carried out by the enterprise;

(3) in respect of the offence in question:

(*a*) the reference to the legislative provisions creating the offence to which the offence report pertains;

(b) a description of the offence; and

(c) the date and the time when the offence was committed;

(4) in respect of the place where the offence was committed:

(a) the place where the offence is alleged to have been committed;

(b) the address and description of the place;

(c) the location code, if relevant; and

(d) the judicial district in which the place is located;

(5) in respect of the property seized and related documents or events, in particular:

(*a*) mention of the fact that property was seized, a description of the property and mention of the existence of a record of the seizure;

(b) mention of the existence of any other document added to the offence report and, if that document is in electronic form, the computer codes, marks or particulars making it possible to locate the document electronically attached or referenced to the offence report; (c) the type of intervention by the peace officer or person responsible for enforcing the law; and

(d) where applicable, the type of documents from which particulars were obtained;

(6) in respect of the facts: both the relevant facts observed in regard to the essential aspects of the offence and the actions taken by the peace officer or person responsible for enforcing the law, who shall present them in one or more of the following ways, as appropriate for paper form or electronic form:

(a) a lined space in which the facts are to be typed or written by hand, as provided for in model 1 in Schedule IV;

(b) a blank space in which a statement of the facts may be typed or a graphic representation of a fact may be drawn, as provided for in model 2 in Schedule V;

(c) pre-printed or pre-programmed texts within which blanks are provided for the purpose of entering the particular facts of the case, as provided for in model 3 in Schedule VI; and

(d) multiple-choice pre-printed or pre-programmed texts describing the observable facts in respect of the offence to which the offence report pertains, among which a selection is to be made by checking off the appropriate boxes, as provided for in model 4 in Schedule VII; and

(7) in respect of the attestation of the facts:

(a) the attestation of the facts, with mention of the facts to which the attestation pertains;

(b) the name, quality and signature of each person responsible for enforcing the law or each peace officer who attests to those facts or, as the case may be, their respective signatures affixed electronically or the validation code for their signatures so affixed, and the peace officer's number; and

(c) the date and, where the signature is affixed electronically, the time when the attestation is signed.

**18.** Where a general offence report originally generated in electronic form is converted into hard copy, the hard-copy page of the offence report shall also contain the following particulars:

(1) in the section concerning the conversion of the report into hard copy:

(a) the attestation of hard-copy conversion;

(b) the name and quality of the person attesting to the hard-copy conversion, and the date and exact time of conversion; and

(c) the signature of the person attesting to the hardcopy conversion or, as the case may be, his signature affixed electronically or the validation code for his signature so affixed;

(2) the computer codes, marks or particulars making it possible to locate the documents electronically attached or referenced to the offence report; and

(3) the computer codes, marks or particulars making it possible to ensure the security of the data contained in the offence report.

#### DIVISION III ABRIDGED OFFENCE REPORT

**19.** The first page or the corresponding page screens in an abridged offence report shall comprise at least three sections containing the headings, key words, texts and spaces allowing the following particulars to be indicated:

(1) in respect of the origin of the report:

(*a*) the number of the statement of offence to which it may be attached;

(b) the investigation file number of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report; and

(c) optionally, the event code number used for statistical purposes;

(2) in respect of the facts: both the relevant facts observed in regard to the essential aspects of the offence and the actions taken by the peace officer or person responsible for enforcing the law, who shall present them in one or more of the ways provided for in paragraph 6 of section 17; and

(3) in respect of the attestation of the facts, the particulars provided for in paragraph 7 of section 17.

Where an abridged offence report originally generated in electronic form is converted into hard copy, the hard-copy page of the offence report shall also contain the particulars provided for in section 18.

#### **DIVISION IV**

#### SUPPLEMENT TO AN OFFENCE REPORT

**20.** Each additional page in an offence report originally drawn up in paper form shall allow at least the following particulars to be indicated:

(1) in the section concerning the origin:

(a) the origin of the offence report, that is, the name and address of the department, public body, municipality or authority having jurisdiction over the peace officer or person responsible for enforcing the law who prepares the offence report; and

(*b*) the investigation file number of the department, public body, municipality or authority;

(2) in the section concerning the facts:

(a) a selection of texts, one of which is to be checked off in order to indicate that the facts are:

— the continuation of the statement on the first page of the report;

— an additional statement by peace officers or persons who did not report facts on the first page; and

- the continuation of the additional statement; and

(*b*) the description of the facts, which shall be presented in one or more of the ways provided for in paragraph 6 of section 17; and

(3) in the section concerning the attestation of the facts:

(*a*) the attestation of the facts, with mention of the facts to which the attestation pertains;

(b) the name, quality and signature of each person responsible for enforcing the law or each peace officer who attests to those facts or their respective signatures affixed electronically or the validation code for their signatures so affixed, and the peace officer's number; and

(c) the date and, where the signature is affixed electronically, the time when the attestation is signed.

**21.** Where the offence report is originally generated in electronic form, it requires additional pages only if it is converted into hard copy. In such case, each additional page shall reproduce the sections provided for in section 20 and shall contain the particulars provided for in section 18.

Notwithstanding the foregoing, the section provided for in paragraph 3 of section 20 shall allow a signature affixed electronically or the validation code for a signature so affixed to be entered therein. That signature shall be affixed at the end of the statement of the facts by the person who observed them and shall be reproduced on each of the additional pages in the hard-copy offence report containing the statement made by that person.

A model for a supplement to an offence report bearing an attestation of hard-copy conversion appears in Schedule VIII.

**22.** Offence report forms pre-printed in accordance with the provisions of the Regulation respecting the form of offence reports, made by Order in Council 1411-93 dated 29 September 1993, may continue to be used to generate offence reports originally in paper form.

**23.** This Regulation replaces the Regulation respecting the form of offence reports, made by Order in Council 1411-93 dated 29 September 1993.

**24.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

( )	Code of Penal Procedur (a. 367, par. 1)	e)	
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• CR-89A (93-10)

(Form prescribed by regulation to be used as documentary evidence)

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(Référence)

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		SIGNA	TURES		
I have personally observed the facts mentioned in			I have personally obser the facts mentioned in	ved 🗌 A 🗌 B 🥅	C 🗆 D 🗆 E 🗆 F
Peace officer or	Person re	sponsible for	Peace officer	or Person re	sponsible for
Sumame and given name (in		ent of the law	Sumame and given nar		ent of the law
Officer's No.		Date	Officer's No.		Date Y M D
Signature			Signature		
• CR-89A-1 (93-10)	(Form prescrib	ed by regulation to I	be used as docume	ntary evidence)	

Supplement to a offence report (additional page) MODEL 2	SCHEDI		I for: • The continue • An additiona or persons d on the prece • The continue	I statement of facts ( ifferent from those wh ding page.	section F) by officers o presented a report
Department, municipality, public	body or other auth		GIN	Record No.	
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• CR-89A-2 (93-10)	(Form prescrib	ed by regulation to	be used as docume	entary evid <b>en</b> ce)	

Supplement to a offence report (additional page)	SCHE	This page m DULE VI , par. 6c	ay be used t	• Ar or or	addition	nal state differer ceding p	ement of fac nt from those page.	ts (section who pres	F) by officers ented a report
Department, municipality, publ	ic body or other	authority	ORIC	iIN		Reco	ord No.		
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Sumame and given name (in I				Sumame a	and given r	name (in l	block letters)		
Officer's No.		Date	M D	Officer's N	0.			Date Y	M D
Signature				Signature					

+ CR-89A-4 (93-10)

(Form prescribed by regulation to be used as documentary evidence)

Supplement offence rep (additional page MODEL 4	sched	is page may b JLE VII par. 6d)	or per on the	ditional stateme	ent of facts (sec rom those who p le.	tion F) by officers presented a report
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	pality, public body or other au	hority		Record N		
Name and address o	of person responsible				E	vent code
		RELEVANT	FACTS AND ACT	IONS		
Check off the appropriate bo Continuation o New section F Continuation o	r E					
	LIGHTING	WEATHER	ZONE	ROA	DWAY	
	Day 1 Daylight 2 Semi-darkness Night 3 Lighted highway 4 Unlighted highway	5 Clear 6 Cloudy 7 Fog 8 Rain 9 Sleet 0 Snow	11 School 12 Residential 13 Commercial 14 Industrial 15 Rural 16 Park	Type 17 Concrete 18 Asphalt 19 Gravel 20 Dirt	Condition           21         Dry           22         Wet           23         Snow           24         Ice           25         Mud           26         Construct.	
	PRESENCE ON ROAD			VEHICLE	_	
	27 None 28 Veh. same directio 29 Veh. opp. direction 30 Veh. inters. road 31 Pedestrian(s) 32 Cyclist(s)	43 Truck 44 Truck 45 Vehicl	truck mobile 47 Special tractor 48 Bus le 49 School 50 Minibus dous 51 Truck	equipment 53 ized vehicle 54 55 bus 56 57 57	Emergency veh. Motorcycle Moped Recreational veh Snowmobile Bicycle Other	
			MakeModel			
	1st RADAR	CHECK	Elec	2nd RADAR CHE	ECK Tuning fork	
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Peace officer Sumame and given		responsible for ment of the law	Peace office Surname and	er or given name (in bloc	Person resp enforcemer ck letters)	
Officer's No.		Date Y M	Officer's No.			Date Y M D
Signature			Signature			
CR-89A-3 (93-10)	(Form prescr	ibed by regula	tion to be used as o	locumentary ev	idence)	

his page may be used for:	<ul> <li>The continuation of E.</li> <li>An additional statement of fa or persons different from tho on the preceding page.</li> <li>The continuation of F.</li> </ul>	ose who presented a report	SCHEDULE V . 21, 3rd	offence repo	rt for statemen of offence No (additional page
MODEL 5		(5		par.,	
Origin Activity, public bo	dy or other authority	·	Event code	Record No.	
ame of person responsible		Address of person responsible	)		
Relevant facts, details or pa	rticulars			iyan	
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