



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 86

(2000, chapter 12)

Police Act

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Assented to 16 June 2000

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EXPLANATORY NOTES

This bill establishes a police training school for Québec, which is to be designated as the École nationale de police du Québec and is to replace the Institut de police du Québec. The mission of the school is to provide basic training and skills in police patrolling, police investigation and police management.

A training and research commission is to be created within the school whose main purpose will be to advise the governing board of the school on all matters connected with police training and to keep the governing board abreast of developments in research in that field.

All police chiefs will be required to establish a professional training plan for their police force, and update it annually.

Most of the existing provisions of the Police Act pertaining to the organization and operation of police forces are incorporated into the new Act as are the provisions of the Act respecting police organization which concern police ethics and those of the Police Act concerning Aboriginal police forces and the police forces of Cree villages and of the Naskapi Village. Special constables who are members of the latter two police forces will acquire the status of police officers.

The bill establishes the general mission of all police organizations, and in particular the community focus of policing.

The police chiefs of municipal police forces will be appointed for five-year terms, except where otherwise authorized by the Minister.

To be hired by a police force, a person will be required to hold a diploma in police patrolling awarded by the school, and additional requirements may be imposed by the Government for the exercise of investigative and management functions within a police force.

Any person convicted of a criminal offence will be excluded from exercising functions as a police officer. Similarly, any police officer convicted of a criminal offence will be dismissed.

Municipalities will be required to make by-laws concerning disciplinary measures applicable to the members of their police force. As well, police officers will be obliged to inform the chief of police of reprehensible conduct on the part of other police officers and police chiefs will be obliged to inform the Minister of Public Security without delay of any allegation against a police officer concerning a criminal offence and to submit progress reports concerning such matters to the Minister. Furthermore, chiefs of police will be required to submit an annual activity report to the Minister, containing a statement of the progress of disciplinary, conduct-related and criminal matters as well as an annual report of the search warrants applied for by members of their police force.

A board charged with supervising the activities of the Sûreté du Québec will be appointed under the authority of the Minister of Public Security for a five-year period. The principal functions of the supervisory board will be to conduct analyses and advise, or submit recommendations to, the Minister concerning the activities of the Sûreté du Québec.

Lastly, this bill contains amending provisions for concordance and transitional provisions.

LEGISLATION REPLACED BY THIS BILL :

- Act respecting police organization (R.S.Q., chapter O-8.1);
- Police Act (R.S.Q., chapter P-13).

LEGISLATION AMENDED BY THIS BILL :

- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);

- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Public Protector Act (R.S.Q., chapter P-32);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 86

POLICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

TITLE I

TRAINING

CHAPTER I

ORGANIZATION OF PROFESSIONAL TRAINING

DIVISION I

TRAINING PROGRAMS

1. Qualifying professional training programs for police personnel shall cover the three areas of police work, namely

- (1) police patrolling ;
- (2) police investigation ; and
- (3) police management.

Qualifying professional training means training that provides the specific skills required for, and mandatory for the exercise of, a professional activity.

2. Qualifying professional training for police personnel has three aspects : basic training, advanced training and in-service training.

Basic training is the training that provides basic skills in a given area of police work. Basic training in police patrolling is a prerequisite for basic training in the remaining two areas of police work.

Advanced training is training designed to upgrade skills or develop a specialized skill in a given area of police work.

In-service training covers all activities designed to facilitate the integration of a police officer into the police force to which the officer belongs and to allow the officer to perform police work within the force in as harmonious and functional a manner as possible.

DIVISION II

POLICE FORCE TRAINING PLANS

3. The chief of a police force must establish a professional training plan.

4. The main objectives of the training plan shall be to

(1) update the knowledge and skills of police officers in the type of police work to which they are assigned, in particular through the establishment of a personal training record for each police officer;

(2) propose career paths for police officers on the basis of their interests and the needs of the police force and, more specifically, plan continued basic training leading to police investigation or police management functions;

(3) facilitate the identification of police officers able to specialize in an area of police work or move to another area of police work;

(4) define advanced training and in-service training needs.

5. The training plan shall determine the management positions for which a police management diploma issued or, where applicable, recognized by the École nationale de police du Québec is mandatory.

6. The training plan shall be updated annually and forwarded, not later than 1 April, to the École nationale de police du Québec, in the form it determines, with a summary of the results for the preceding year.

CHAPTER II

ÉCOLE NATIONALE DE POLICE DU QUÉBEC

DIVISION I

ESTABLISHMENT

7. A police training school is hereby established under the name École nationale de police du Québec.

8. The school is a legal person and a mandatary of the Government.

The school binds none but itself when it acts in its own name. The execution of the obligations of the school may be executed against its property even though its property forms part of the domain of the State.

9. The head office of the school shall be located at the place determined by the Government. Notice of the location or of any change in the location of the head office of the school shall be published in the *Gazette officielle du Québec*.

DIVISION II

MISSION AND POWERS

10. It is the mission of the school, as a think tank and an integrated police training activity centre, to ensure the pertinence, quality and coherence of police training.

It is the exclusive responsibility of the school to provide the basic training that gives access to police patrolling, police investigation and police management functions, except the training provided as part of a program leading to a Diploma of College Studies or an Attestation of College Studies in police technology.

The school shall also offer advanced training activities and conduct training-oriented research. In addition, the school shall offer in-service training activities designed to meet the needs of the various police forces.

In developing its basic training programs, the school shall, where expedient, consult university-level educational institutions concerning the recognition of its programs as university-level programs.

11. The school may, by agreement, give a mandate to a college-level or university-level educational institution, or to a police force, to develop or teach training courses or parts of its study programs. Every such agreement must state the validation standards, if any, applicable to the courses and programs concerned.

The school may also approve professional training activities that have been developed outside the school but that may be incorporated into its programs or receive its accreditation.

The school may also enter into any agreement it considers relevant to the pursuit of its mission with researchers, experts or educational or research institutions.

12. The school shall advise police forces and associations representing their members concerning professional training matters.

The school shall encourage cooperation and collaboration among the various institutions offering police training and shall keep the Minister informed in that regard.

The school shall conduct or commission research or studies in areas related to police work that may have an impact on police training; the results shall be published and disseminated by the school, in particular among the members of the law enforcement community.

13. The school shall encourage, facilitate and plan exchanges of expertise with persons or bodies outside Québec and, in particular, encourage

participation by Québec specialists in international exchange missions on police training.

The school may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization.

14. The Minister may give the school any mandate within the scope of the school's mission.

The Minister may also issue guidelines concerning the objectives and policies of the school. The guidelines, in respect of which the governing board must be consulted, are subject to Government approval. The guidelines come into force on the day of approval and shall be tabled in the National Assembly within 15 days of being approved or, if the Assembly is not in session, within 15 days of resumption.

15. The school may, with the joint authorization of the Minister of Education and the Minister of Public Security and on the conditions they determine, develop and offer college-level professional training programs and university-level programs.

16. The school shall establish, by by-law, standards for its professional training activities, the approval of training activities developed outside the school, admission requirements, teaching requirements, examinations and certificates of studies and diplomas, as well as standards of equivalence. The by-laws must be submitted to the Minister for approval.

The admission requirements for training in police patrolling shall establish, in particular, the medical requirements and the requirements relating to physical condition that must be met by students.

The school shall keep registers in the manner determined in its by-laws.

17. The school may provide lodging services to its students.

DIVISION III

OPERATION

18. The governing board of the school shall be composed of 15 members.

The following are permanent members :

(1) the Deputy Minister of Public Security or the Deputy Minister's representative ;

(2) the Director General of the Sûreté du Québec or the Director General's representative ;

(3) the chief of the police department of the Communauté urbaine de Montréal or the chief's representative;

(4) the executive director of the school;

(5) a member of the personnel of the Ministère de l'Éducation, designated by the Deputy Minister.

The following members shall be appointed by the Government for a term of two years:

(1) the chief of a municipal police force, after consultation with the association representing Québec police force chiefs;

(2) three elected municipal officers, after consultation with the bodies representing municipalities;

(3) three persons from associations representing police officers, after consultation with the associations;

(4) three persons from socio-economic groups.

At the end of their terms, the non-permanent members shall remain in office until replaced or reappointed. Any vacancy occurring before the end of a term shall be filled for the remainder of that term.

19. The Government shall appoint, from among the members of the board, a chair and a vice-chair for a term of two years.

The executive director of the school is not eligible for the position of chair or vice-chair.

20. Where the vice-chair is absent or unable to act, the governing board shall designate a member to act in place of the vice-chair.

21. The members of the governing board, other than the executive director, shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

22. The governing board shall meet at least once every three months.

The quorum at meetings of the governing board is eight members, including the chair or vice-chair of the board. The board may, however, proceed with the business of the meeting even if the quorum is not attained because certain members have left the meeting temporarily owing to a conflict of interest. In the case of a tie-vote, the chair or, in the absence of the chair, the vice-chair, has a casting vote.

23. The Government shall appoint an executive director for a term not exceeding five years and, where required, assistant executive directors. At the end of their terms, the executive director and assistant executive directors shall remain in office until replaced or reappointed.

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

24. The staffing plan and the selection criteria and terms of appointment of the members of the school's personnel shall be determined in a by-law made by the school.

Subject to the provisions of any collective agreement, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of the personnel shall also be determined in the by-law in accordance with the conditions defined by the Government.

25. The members of the governing board must exercise their functions in accordance with the rules of ethics and professional conduct applicable to public administration, in the best interest of the school.

No member of the personnel of the school may, on pain of dismissal, hold other employment or have a direct or indirect interest in an enterprise or body that may place the personnel member's personal interest in conflict with the interest of the school. Where the interest devolves by succession or gift, the member must renounce or dispose of it with dispatch.

26. No instrument, document or writing binds the school or may be attributed to it unless it is signed by the chair of the governing board, the executive director or a member of the personnel authorized by a resolution of the board published in the *Gazette officielle du Québec*.

The board may, also by a resolution published in the *Gazette officielle du Québec*, on the conditions and for the documents it determines, allow a signature to be affixed by automatic or electronic means, or allow a signature to be engraved, lithographed or printed. However, the facsimile has the value of the signature only if the document is countersigned by a person referred to in the first paragraph.

A document or copy of a document emanating from the school is authentic if signed or certified by a person referred to in the first paragraph.

27. The school may make by-laws for its internal management, in particular, by-laws

(1) to establish an administrative committee or any other standing or temporary committee and determine its functions and powers and the term of office of its members;

(2) to determine the functions and powers of the chair and vice-chair of the governing board and of the executive director, the assistant executive directors and the other members of the school's personnel.

DIVISION IV

COMMISSION DE FORMATION ET DE RECHERCHE

§1. — Establishment

28. A training and research commission known as the "Commission de formation et de recherche" is hereby established within the École nationale de police du Québec.

§2. — Mandate

29. The Commission shall advise the governing board of the school on any matter pertaining to police training, and more particularly on

(1) the organization of training, including study programs, training activities, admission requirements, teaching requirements, examinations, and the conditions on which the certificates of studies and diplomas awarded by the school may be obtained ;

(2) the procedures for certifying training and experience acquired outside the school ;

(3) proposed agreements between the school and other educational institutions or training services and the validation requirements for the instruction given on behalf of the school pursuant to the agreements ;

(4) training and advanced training activities suitable for approval by the school ;

(5) exchanges of expertise with foreign organizations ;

(6) changes in training needs, ideas, knowledge and practices and the planning of the school's development in response to those changes.

30. The Commission shall keep the governing board informed of developments in research in the field of police training and, in particular, research on the adaptation of training to the needs of a career in police work and to the needs of organizations.

The Commission may propose, to the governing board, areas of research to be explored and modes of cooperation with other bodies.

31. The Commission shall advise the Minister on any matter submitted to it by the Minister and, in particular, on

(1) any proposed modification to college-level police technology programs or any proposed new police technology program;

(2) any proposed university-level training program for police personnel.

32. The Commission shall report periodically on advanced professional training, for the purpose of ascertaining whether the training offered corresponds to the standards of police practice, verifying its effectiveness, and outlining new needs in that regard. The Commission may make its conclusions public and make recommendations to interested parties. The Commission shall ensure that information on innovative approaches and successful activities is widely disseminated.

The Commission shall also report on in-service training, making a full inventory of activities and results.

§3. — *Composition and operation*

33. The Commission shall be composed of 15 members.

The following are permanent members of the Commission :

(1) the executive director or the executive director's representative;

(2) the head of training.

The following persons shall be appointed for a term of three years, and may be reappointed for one term :

(1) two instructors from the school appointed by the Minister, on the recommendation of the executive director;

(2) six persons appointed by the Minister, on the recommendation of the governing board, from the various divisions of law enforcement;

(3) five persons appointed by the Minister and chosen on the basis of their qualifications.

At the end of their terms, the non-permanent members shall remain in office until replaced or reappointed. Any vacancy occurring before the end of a term shall be filled for the remainder of that term.

34. The Minister shall appoint, from among the members of the Commission, a chair and a vice-chair for a term of three years.

35. The members of the Commission shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

36. The secretariat of the Commission is the responsibility of the school. The school shall appoint the secretary who shall ensure that the minutes, reports and opinions of the Commission are drafted or recorded and preserved.

37. The school shall make a by-law for the internal management of the Commission de formation et de recherche. The by-law must be submitted to the Minister for approval.

DIVISION V

FINANCIAL PROVISIONS AND REPORTS

38. The school may not, except with the authorization of the Government,

- (1) construct, acquire, alienate or lease or hypothecate any immovable ;
- (2) make a financial commitment for a term or amount exceeding that determined by the Government ;
- (3) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government.

39. The Government may, subject to the terms and conditions it determines,

- (1) guarantee the payment of the principal of and interest on any loan contracted by the school ;
- (2) guarantee the performance of any other obligation of the school ;
- (3) authorize the Minister of Finance to advance to the school any amount considered necessary for the pursuit of its mission.

Any sums paid by the Government as a consequence of such guarantee or as an advance to the school shall be taken out of the consolidated revenue fund.

40. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to the acquisition by the school of an immovable that forms part of the domain of the State.

41. The school may not operate a commercial enterprise or acquire shares issued by an enterprise. The school may not grant loans, make gifts, give grants or act as surety.

42. The school may charge tuition fees on such conditions as it may prescribe by by-law. The school may also, with the authorization of the Minister, impose charges or fees for its other services.

43. Every municipality to which a police force is attached shall pay to the school an annual contribution based on a percentage of the total payroll of the police personnel of the police force. The Government shall pay to the school a contribution based on the total payroll of the police personnel of the Sûreté du Québec.

The percentage applicable, which may not exceed 1%, and the terms and conditions of payment shall be established by the Government, on the recommendation of the school.

A contribution paid under this section constitutes an eligible expenditure as a contribution of the employer toward the development of manpower training prescribed by the Act to foster the development of manpower training (R.S.Q., chapter D-7.1).

This section does not apply to Cree and Naskapi villages, nor to the Kativik Regional Government.

44. The fiscal year of the school ends on 30 June.

45. The books and accounts of the school shall be audited by the Auditor General each year and whenever so ordered by the Government. The auditor's report must be submitted with the financial statements of the school.

46. Within four months after the end of its fiscal year, the school shall present to the Minister its financial statements and a report of its activities for the preceding fiscal year. The Minister shall request and, where appropriate, cause to be included in the report any information the Minister considers to be relevant.

The Minister shall table the financial statement and the report of activities in the National Assembly within 30 days of receiving them or, if the Assembly is not in session, within 30 days of resumption.

47. Every year, the school shall submit its budgetary estimates for the following fiscal year in accordance with the procedure determined by the Minister.

TITLE II**POLICE ORGANIZATION****CHAPTER I****POLICE FORCES****DIVISION I****MISSION**

48. The mission of police forces and of each police force member is to maintain peace, order and public security, to prevent and repress crime and, according to their respective jurisdiction as set out in sections 50 and 69, offences under the law and municipal by-laws, and to apprehend offenders.

In pursuing their mission, police forces and police force members shall ensure the safety of persons and property, safeguard rights and freedoms, respect and remain attentive to the needs of victims, and cooperate with the community in a manner consistent with cultural pluralism. Police forces shall target an adequate representation, among their members, of the communities they serve.

49. Police officers are peace officers throughout Québec.

For the purpose of determining civil liability toward third persons, a police officer does not cease to act as an agent when the police officer is acting as a peace officer.

However, a municipal police officer who acts as a peace officer at the request of the Minister or of the Sûreté du Québec is, for the purpose of determining civil liability toward third persons and for the purposes of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), deemed to be an agent of the Minister.

DIVISION II**SÛRETÉ DU QUÉBEC****§1. — Jurisdiction**

50. The Sûreté du Québec, as the Québec police force, shall act under the authority of the Minister of Public Security and shall have jurisdiction to enforce law throughout Québec.

The Sûreté du Québec shall also have jurisdiction to enforce applicable municipal by-laws in the territories of the municipalities in which it provides police services.

51. The Sûreté du Québec may be required, subject to the conditions defined in Division III of this chapter, to act in place of a municipal police force.

The services of the Sûreté du Québec may also be placed at the disposal of any person, in the cases and according to the tariff determined by regulation of the Government. In addition, in the public interest or where justified by a specific situation, its services may be placed at the disposal of any person, at the expense of that person, pursuant to an agreement between that person and the Minister.

52. The Sûreté du Québec shall maintain a central information service designed to assist in fighting crime, and make the information service available to other police forces.

The Minister may, after consulting the director general of the Sûreté du Québec, make all or part of the information available to any body of peace officers whose functions, in the opinion of the Minister, justify such action. The Minister shall determine, in writing, the conditions of access to the information.

§2. — *Organization*

53. The headquarters of the Sûreté du Québec shall be located in the territory of Ville de Montréal but the Government may, in an order published in the *Gazette officielle du Québec*, direct that the headquarters be moved to another location.

54. The Minister shall establish such Sûreté du Québec police stations and offices as are required.

55. The Sûreté du Québec shall be under the administration and command of a Director General, assisted by deputy directors. The Director General and deputy directors shall rank as senior officers.

The other members of the Sûreté du Québec shall be as follows :

- (1) chief inspectors, inspectors, captains and lieutenants, who shall rank as senior officers ;
- (2) sergeants and corporals, who shall rank as junior officers ;
- (3) constables and assistant constables.

The Sûreté du Québec shall also include

- (1) non-police personnel, such as specialists in various areas whose services are required to accomplish the mission of the Sûreté du Québec ;
- (2) cadets.

56. The Director General shall be appointed by the Government.

The deputy directors and the other senior officers shall be appointed by the Government on the recommendation of the Director General.

The junior officers, constables and auxiliary constables shall be appointed by the Director General with the approval of the Minister.

57. The salary of the members and cadets of the Sûreté du Québec shall be determined by the Government. Their pay scales and classifications and the other conditions for the exercise of their functions, except with regard to the Director General, shall be established by the Government.

The orders appointing the Director General and the deputy directors general shall, in addition, determine the requirements applicable to their hiring.

58. The Director General shall be appointed for a term not exceeding five years, which may be renewed provided the total duration of successive appointments does not exceed ten years.

The Director General must reside in or in the immediate vicinity of the locality in which the Sûreté du Québec headquarters are situated.

The Director General may only be dismissed on the recommendation of the Minister, following an investigation carried out by the Minister or a person designated by the Minister.

59. Where the Director General is absent or unable to act, or where the position of Director General is vacant, the deputy director designated by the Minister shall act as interim director general.

60. The members of the Sûreté du Québec shall take the oaths set out in Schedules A and B before the following persons :

(1) the Director General, before a judge of the Court of Québec ;

(2) the deputy directors, before the Director General ;

(3) the other members of the Sûreté du Québec, before the Director General or one of the deputy directors.

In the exercise of their functions, the Director General and the deputy directors are authorized to administer, throughout Québec, the same oaths as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).

61. A member of the Sûreté du Québec who wishes to leave the employment of the Sûreté du Québec must give the Director General 30 days prior notice.

Before leaving the employment of the Sûreté du Québec, the member must surrender to the Director General all uniforms, badges, weapons, identity papers and other articles belonging to the Sûreté du Québec.

62. The public servants and employees of the Sûreté du Québec other than its members shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). The Director General of the Sûreté du Québec may make the hiring requirements set out in subparagraphs 2 and 3 of the first paragraph of section 115 applicable to them, where justified in the exercise of their functions.

63. On the recommendation of the Director General, the Government may, by regulation,

(1) set rules governing the operation of the Sûreté du Québec;

(2) establish training requirements for the cadets and members of the Sûreté du Québec, and provide for the payment of their medical costs.

§3. — *Investigations and sanctions*

64. The Director General shall investigate the conduct of any member of the Sûreté du Québec where the Director General has serious cause to believe that the member's conduct may compromise the exercise of the duties of the member's functions. For the purposes of the investigation, the Director General shall have the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

The Director General may, for cause, suspend the member concerned with or without pay, provided the Minister is notified without delay. If the member is a junior officer, constable or auxiliary constable, the Director General may, for serious cause, dismiss the member subject to the authorization of the Minister.

The Director General may delegate the power to investigate to any other senior officer of the Sûreté du Québec. The Director General may delegate the power to suspend a member to a deputy director.

The power to investigate and the power to suspend or dismiss a member do not exempt the Director General from the obligation to notify the Minister in the case set out in section 286.

§4. — *Retirement and pension plan*

65. The pension plan established under the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) applies to all members of the Sûreté other than senior officers.

The Government may, however, make the pension plan applicable, with or without amendment, to the Director General, to one or more deputy directors or to all the other senior officers.

In addition, the Government may authorize the Director General or a deputy director to continue to participate in the pension plan established under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), notwithstanding paragraph 5 of section 4 of that Act, if the pension plan applied to that member of the Sûreté at the time of appointment.

66. Retirement is mandatory for a member of the Sûreté after 32 years of service or 60 years of age, whichever comes first.

The Government may, however, fix a number of years of service different from the number mentioned in the first paragraph if the Government makes the pension plan referred to in the first paragraph of section 65 applicable to the Director General or to one or more deputy directors.

67. Contributions under the pension plan referred to in the first paragraph of section 65 shall be paid into the consolidated revenue fund and the amounts paid to the beneficiaries under the plan shall be taken out of the consolidated revenue fund. The administration expenses of the plan shall be paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan.

A benefit or reimbursement payable pursuant to the pension plan is untransferable and unseizable.

68. The years of service that a member of the Sûreté is entitled to count for pension purposes under the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) may be counted for the purposes of the pension plan referred to in the first paragraph of section 65 in which the member is participating, provided the contributions have not been refunded.

DIVISION III

MUNICIPAL POLICE FORCES

§1. — Jurisdiction

69. A municipal police force shall have jurisdiction to prevent and repress offences under municipal by-laws in the territory of the municipality to which it is attached and in any other territory in which it provides police services.

§2. — Obligation of municipalities

70. The territory of a local municipality must be under the jurisdiction of a police force.

71. Local municipalities having a population of 5,000 inhabitants or more may

(1) establish their own police forces by way of a by-law approved by the Minister; or

(2) share the services of a police force with other municipalities pursuant to intermunicipal agreements entered into in accordance with the Acts governing the municipalities.

The Minister may, on the conditions determined by the Minister, authorize a municipality having a population of 5,000 inhabitants or more to be served by the Sûreté du Québec subject to the same conditions as municipalities having a population under 5,000 inhabitants.

Municipalities and territories where police services are provided by the Communauté urbaine de Montréal or the Kativik Regional Government, and Native communities, Cree villages and the Naskapi Village provided with police services, are not subject to the provisions of the first paragraph.

72. In local municipalities having a population under 5,000 inhabitants, police services shall be provided by the Sûreté du Québec pursuant to an agreement entered into by the Minister with the regional county municipality of which the municipality is a part, subject to the conditions provided for in section 76. Where justified by specific circumstances, the agreement may be entered into directly by a local municipality.

The Minister may, on the conditions determined by the Minister, authorize a municipality having a population under 5,000 inhabitants to establish its own police force or to enter into an agreement with other municipalities, in accordance with the Act governing the municipality, to share police services, in accordance with the terms and conditions set out in section 74.

Municipalities and territories where police services are provided by the Communauté urbaine de Montréal or the Kativik Regional Government, and Native communities, Cree villages and the Naskapi Village provided with police services, are not subject to the provisions of the first paragraph.

73. Before abolishing its police force or reducing its size, a municipality must obtain authorization from the Minister, who shall consult representative municipal organizations and the associations representing police officers, and fix the time within which they are to give their opinion.

If authorization is given under the first paragraph, the Minister shall establish, where expedient, a reclassification committee to examine the possibility of integrating the police officers concerned into another police force or of finding them other employment within the municipality. The abolition or reduction in size of the police force has effect from the date on which the

committee makes its recommendations, or on the date occurring six months after the date on which the committee begins its examination, whichever is sooner.

If no reclassification committee is established, the abolition or reduction in size of the police force becomes effective on the date authorization is given by the Minister.

The reclassification committee shall consist of six members appointed by the Minister of Public Security, including two members from the Ministère de la Sécurité publique and the Ministère des Affaires municipales et de la Métropole respectively, the other members being chosen, in equal numbers, from organizations representing municipalities and associations representing police officers. Where the abolition or reduction in size of the police force of a municipality is followed by an agreement under which the Sûreté du Québec is to provide police services in the municipality, two additional members of the committee must represent the administration of the Sûreté du Québec and the association representing its members, respectively.

§3. — *Intermunicipal boards and intermunicipal agreements on police services*

74. Every agreement to share police services within the meaning of section 71 must be submitted to the Minister for approval and may not cover a period exceeding ten years. Unless a party gives at least nine months prior notice of its intention to withdraw from the agreement, the agreement shall be renewed for its initial term or for any other term agreed by the parties.

The agreement on the sharing of police services must include provisions to ensure that, upon termination of the agreement, all the police officers whose positions are affected by the termination of the agreement will be reassigned or reclassified within the police forces of the municipalities concerned having a population of 5,000 inhabitants or more.

75. Where two or more municipalities establish an intermunicipal board for the establishment and management of a joint police force, the relevant powers and responsibilities of the municipalities concerned shall be transferred to the board. The board of directors of the intermunicipal board, the chair and the secretary of the board shall exercise the powers, respectively, of a municipal council, a mayor and a secretary-treasurer or clerk.

§4. — *Agreements on police services provided to municipalities by the Sûreté du Québec*

76. An agreement entered into by the Minister and a local or regional municipality for the provision, by the Sûreté du Québec, of some or all of the police services required in the territory of the municipality must include provisions relating to

- (1) the nature and scope of the police services provided to the local municipality or municipalities concerned;
- (2) the number of police officers assigned to the provision of police services;
- (3) the information to be exchanged by the Sûreté du Québec and the municipality that is a party to the agreement;
- (4) control measures for the application of the agreement;
- (5) the location of the police station, if any, and the costs relating to premises furnished by the municipality;
- (6) the respective roles and responsibilities of the Sûreté du Québec and the municipality that is a party to the agreement;
- (7) the mechanism to be used in settling disputes concerning the interpretation or application of the agreement;
- (8) the term of the agreement, which must be at least five years where the agreement covers all police services.

77. The cost of the police services provided by the Sûreté du Québec shall be established using the calculation methods or rate schedule prescribed by regulation of the Government and shall be borne by the local municipality or municipalities concerned. The calculation methods and rate schedule may vary depending on the nature and scope of the services provided and the category of municipality to which they are provided.

The regulation shall fix the terms and conditions of payment of the amounts owed and may provide for the payment of interest in case of a failure to pay or the offsetting, by the Government, of the amount owed against any amount owed to the municipality by the Government or a government department or body.

78. An agreement entered into under section 76 shall be implemented by a public security committee composed of

- (1) four members of the council of the local municipality or, in the case of an agreement with a regional county municipality, four members of the councils of the local municipalities to which the agreement applies, designated by the local municipality or the regional county municipality;
- (2) two representatives of the Sûreté du Québec, who are not entitled to vote, including the person in charge of the police station.

The members of the committee shall select a chair from among the persons referred to in subparagraph 1 of the first paragraph. The chair is appointed for one year.

The committee shall hold not less than one meeting every two months, which shall be called by the chair. It shall oversee the implementation of the agreement, assess the services provided and, on an annual basis, establish priorities for the police force. It shall inform the parties of the results of its work and report to them at least once a year.

In addition, the committee may make such recommendations as it considers relevant to the Sûreté du Québec and advise the Minister on the work organization or training needs of police officers and on any other question relating to the police services provided for in the agreement.

§5. — *Supplementary role of the Sûreté du Québec*

79. Where a municipal police force cannot act effectively because of a lack of physical or human resources, or for any other serious cause, the Minister may, on the Minister's initiative or at the request of the municipality concerned, direct the Sûreté du Québec to maintain order temporarily in the area of jurisdiction of the police force concerned.

80. Until such time as a municipal police force is established or an agreement under section 74 or 76 is entered into, the Sûreté du Québec shall place its services at the disposal of the municipality concerned, in accordance with Schedule C.

81. Where, following an investigation held pursuant to this Act, it is found that a municipality is not providing adequate police services, the Minister may order that corrective measures be implemented within the time indicated by the Minister. The Minister may direct the Sûreté du Québec to act in place of the police force of the municipality until the measures have been implemented.

A regulation made by the Government shall determine the basic police services to be provided by each category of municipality. The basic services and the specialized services that a municipality may obtain from the Sûreté du Québec may be taken into account in determining whether or not a municipality is providing adequate police services.

82. A municipality that is provided services by the Sûreté du Québec pursuant to the provisions of this subdivision shall pay the amount fixed in accordance with section 77 in return for those services.

§6. — *Organization of municipal police forces*

83. A municipal police force shall be under the direction and command of a chief of police.

The chief of police shall be appointed for a term of at least five years, except where otherwise authorized by the Minister. Where the appointment is not to be renewed, notice must be given at least six months before the end of the appointment.

Where the position of chief of police is vacant, the municipality shall appoint an interim chief of police without delay.

The director general of a municipality shall have no authority over police investigations.

84. The chief of a municipal police force shall take the oaths set out in Schedules A and B before the mayor, and the other municipal police officers shall take the oaths before the chief of police.

The chief of police is authorized, in the exercise of his or her functions and within the territory of the municipality, to administer the same oaths as a commissioner for oaths appointed under the Courts of Justice Act.

85. A register of the members of a municipal police force shall be kept by the clerk or secretary-treasurer of the municipality.

86. Every municipality may make by-laws to

- (1) provide for the organization and equipment of a police force;
- (2) prescribe the duties and powers of the members of the police force;
- (3) determine the places where the police officers may have their residence;
- (4) establish classes of police officers and the ranks that may be conferred upon them;
- (5) prescribe the inspections to which police officers must submit.

The by-laws apply subject to the other provisions of this Act and the government regulations made under its authority.

A by-law made under this section must be transmitted to the Minister by the clerk or secretary-treasurer of the municipality concerned within 15 days of coming into force.

§7. — Dismissal or reduction of the salary of the chief of a municipal police force

87. A municipality may not dismiss or reduce the salary of the chief of its police force, whatever his or her conditions of employment, except for cause and by a resolution adopted by an absolute majority of the members of its council and served on the person to whom it applies in the same manner as a summons under the Code of Civil Procedure (R.S.Q., chapter C-25).

A municipality may not dismiss or reduce the salary of any police officer of the municipality who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has been employed by the municipality for at least six months.

88. A decision to dismiss a person entails the immediate suspension without pay of that person.

The dismissal or reduction of salary becomes effective

(1) upon acquiescence by the person concerned ; or

(2) on the date of the judgment on the appeal under section 89 or on the date of expiry of the time for appeal.

89. The decision of the council may be appealed before three judges of the Court of Québec, who shall rule on the matter in the last instance.

The appeal is filed at the office of the Court of Québec in the judicial district where the appellant is domiciled, within 30 days of the date of service of the decision ; it must be accompanied with a notice of at least ten days of the date of its filing and be served on the Minister.

The rules of the Code of Civil Procedure relating to the production of evidence, hearing and judgment apply, with the necessary modifications, to an appeal brought under this division. The judges hearing and deciding the appeal are vested with the powers and immunity of commissioners appointed pursuant to the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment. They may make any order they consider appropriate to safeguard the rights of the parties. They may confirm, quash or amend the decision referred to them.

If the appeal is granted, the court may order the municipality to pay the appellant a sum of money as compensation for costs. The court may also, if the resolution concerned the dismissal of the appellant, order the municipality to pay all or part of the salary the appellant was not paid during the suspension and to reinstate, for the period of the suspension, the other benefits and allowances to which the appellant was entitled before the suspension.

DIVISION IV

NATIVE POLICE FORCES

90. The Government may enter into an agreement with a Native community represented by its council to establish or maintain a police force in a territory determined under the agreement.

A police force thus established or maintained shall, for the duration of the agreement, be a police force for the purposes of this Act.

91. The agreement must include provisions relating to the swearing-in of police officers and the independence of the administration of the police force.

The agreement may also include, in particular, provisions relating to

(1) standards governing the hiring of police officers;

(2) the appointment of members to the Comité de déontologie policière charged with hearing an application for review or a citation concerning the conduct of a police officer pursuant to this Act.

The provisions relating to the standards governing the hiring of police officers may vary from the standards prescribed by this Act or the regulations under it and shall, in case of incompatibility, take precedence over the latter. The provisions of the agreement relating to the appointment of members to the Comité de déontologie policière are binding on the Comité.

92. The Minister shall table the agreement before the National Assembly within 15 days of the day on which it is signed if the Assembly is in session or, if it is not sitting, within 15 days of resumption.

93. A Native police force and its members are responsible for maintaining peace, order and public safety in the territory for which it is established, preventing and repressing crime and offences under the laws and regulations applicable in that territory and seeking out offenders.

DIVISION V

POLICE FORCE OF CREE VILLAGES AND OF THE NASKAPI VILLAGE

94. The members of the police force that a Cree village or the Naskapi Village is authorized to establish under the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1) are police officers for the purposes of this Act.

The chief of such a police force shall take the oaths set out in Schedules A and B before the mayor, and the other members before the chief of police.

95. A Cree or Naskapi village may, by by-law submitted to the approval of the Minister of Public Security, determine the physical characteristics, the medical requirements, the required education level and the other hiring standards for becoming a member of its police force that are not contained in subparagraphs 1 to 3 of the first paragraph of section 115, and the qualifications required to exercise investigative or management functions and to exercise a function or obtain a rank in the police force. The provisions of the by-law shall prevail over the provisions to the same effect of this Act or of the regulations of the Government under it.

The Government may, in an agreement entered into with the Cree Regional Authority established under the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1), or with a Cree village or the Naskapi Village, include clauses relating to police matters, and in particular to qualifying training for police personnel. The provisions of the agreement shall prevail over the provisions to the same effect of this Act or of the regulations under it made by the Government.

The agreement may also provide, for cases where a Cree Village or the Naskapi Village fails to pass a by-law under the first paragraph, for any provision that may be included in such a by-law.

96. The members of the police force established by the Naskapi Village may also be members of the regional police force established by the Kativik Regional Government under the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

97. Category IA lands which are intended for the community whose members form a Cree village and Category II or Category III lands situated within the perimeter of the aggregate of the Category I lands intended for that community, in addition to the territory of the municipality, constitute territories over which that municipality has jurisdiction within the meaning of sections 48 and 69.

The lands contemplated in this section shall be delimited in accordance with the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) and, for the purposes of the third paragraph of section 49, are deemed to form part of the territory of the municipality.

98. Subject to section 50, the Kativik Regional Government, established by the Act respecting Northern villages and the Kativik Regional Government has exclusive jurisdiction in police matters in the territory of the Naskapi Village.

99. Territories over which the Naskapi Village has jurisdiction within the meaning of sections 48 and 69 are composed of the Category IA-N and Category III lands situated within their perimeter.

These lands shall be delimited in accordance with the Act respecting the land regime in the James Bay and New Québec territories and are deemed to form part of the territory of the municipality for the purposes of the third paragraph of section 49.

100. Notwithstanding sections 71 and 72, a Cree or Naskapi village may make an agreement with the Minister of Public Security in order to enable the Police Force to provide all or part of the police services in the lands on which the police force and each of its members may exercise their functions.

Furthermore, such a municipality may, notwithstanding section 74, make by-laws to make agreements in police matters with the Cree Regional

Government or the Kativik Regional Government or, notwithstanding the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), a band within the meaning of the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1).

The by-laws authorizing such agreements require the approval of the Minister of Public Security and of the Minister of Municipal Affairs and Greater Montréal.

101. The Government may, by regulation, create an advisory board to advise it on the maintenance of peace, order and public safety in a Cree environment.

For these purposes, it may :

(a) state the name under which the board may be designated and permit a Cree or English designation ;

(b) determine the composition of the board, of which at least one-third of the members shall be appointed by the Cree Regional Authority, and the term of office of the members ;

(c) provide that the Naskapis are to be represented on the board where matters concerning them are under discussion ; and

(d) provide any other measure required for the proper operation of the board.

102. The budget of the police force of a municipality contemplated in this division must be submitted for approval to the Minister of Public Security.

The Minister of Public Security shall pay to the municipality, according to the budget he approves, the sums required for the establishment and maintenance of the police force.

DIVISION VI

EMERGENCY POWERS

103. The Government, if it is of the opinion that public health or safety is endangered in all or part of Québec, may order that the Director General of the Sûreté du Québec assume, under the authority of the Minister and for a period not exceeding 30 days at a time, the command and direction of any municipal police force indicated by the Government.

Any order made under this section shall be published without delay in the *Gazette officielle du Québec*.

The transfer of authority takes place as soon as the order has been made. Every member of the municipal police force named in the order, including the chief of police, shall come under the authority of the Director General of the Sûreté du Québec. Every member of the Sûreté du Québec or of the municipal police force named in the order is empowered to enforce the laws of Québec and the by-laws of the municipalities concerned; no member of any such police force may resign without the consent of the Director General of the Sûreté du Québec unless the member has reached retirement age.

The Government may, where necessary, designate a person to take over the command and direction of the Sûreté du Québec, under the Minister's authority, and of any municipal police force indicated by the Minister. The provisions of the preceding paragraph apply, with the necessary modifications.

This section has effect notwithstanding any inconsistent provision of this Act or of any other general or special Act.

104. Any order relating to emergency powers shall be tabled in the National Assembly by the Minister not later than the third day on which the Assembly sits after the order is made or, if the Assembly is not in session, within 15 days of resumption.

CHAPTER II

SPECIAL CONSTABLES

105. The mission of special constables is to maintain peace, order and public security, to prevent and repress crime and, according to the jurisdiction specified in their deeds of appointment, to enforce the law and municipal by-laws, and to apprehend offenders.

106. Special constables are peace officers within the limits set out in their deed of appointment.

For the purpose of determining civil liability toward third persons, a special constable does not cease to be an agent when the constable is acting as a peace officer.

107. The Minister may appoint special constables having jurisdiction, under the authority of the Minister or under any other authority indicated by the Minister, to prevent and repress statutory offences. The deed of appointment shall state the power of the special constable to act as a peace officer, the conditions on which and territory in which the powers are to be exercised, and the term of the appointment.

Special constables appointed under this section shall take the oaths set out in Schedules A and B before a judge of the Court of Québec or of a municipal court.

108. The council of any municipality may, by by-law, confer on the mayor the power to appoint special constables in emergencies for a period not exceeding seven days. The special constables shall be empowered, under the authority of the chief of the police force or the officer in charge of the Sûreté du Québec police station, as the case may be, to prevent and repress offences under the municipal by-laws in all or part of the territory of the municipality.

In addition, the mayor may be authorized, by a by-law submitted to the Minister of Public Security and the Minister of Municipal Affairs and Greater Montréal for approval, and that must be passed by the council each year, to appoint special constables for a period not exceeding four months.

Special constables appointed under this section shall take the oaths set out in Schedules A and B before the mayor or the clerk or secretary-treasurer of the municipality.

A register of the special constables of the municipality shall be kept by the clerk or secretary-treasurer of the municipality.

109. A copy of the deed of appointment of every special constable, and the attestation of the constable's oaths, shall be forwarded without delay to the Minister by the appointing authority.

110. The Minister has the power to dismiss any special constable appointed by the Minister or by the mayor of a municipality.

111. Every special constable must, in the exercise of his or her functions, wear a badge in compliance with government regulations and carry a copy of the deed of appointment or any other identity paper prescribed by government regulation, and produce it when so requested.

CHAPTER III

OPERATING STANDARDS

112. The Government may, by regulation, determine the standards applicable to deeds of appointment, badges and other identity papers, and the characteristics of the uniforms worn by police officers and special constables.

The Government may also define the characteristics and conditions of use of their equipment, and the equipment of the vehicles they use, and the characteristics and standards governing the identification of those vehicles.

113. The Government may, by regulation, determine the decorations and citations that may be awarded, the cases in which they may be awarded, the procedure for awarding them and the classes of eligible persons or bodies.

114. The Government may, by regulation, define the documents that must be kept by police forces, police officers and special constables, the forms they must use and the information that must be recorded on forms.

TITLE III

PROFESSIONAL QUALIFICATION

CHAPTER I

HIRING REQUIREMENTS

115. To be hired as a police officer a person must meet the following requirements:

(1) be a Canadian citizen;

(2) be of good moral character;

(3) not have been found guilty, in any place, of an act or omission defined in the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) as an offence, or of an offence referred to in section 183 of that Code under one of the Acts listed therein;

(4) hold a diploma awarded by the École nationale de police du Québec or meet the standards of equivalence established by by-law by the school.

The requirements specified in subparagraphs 1 to 3 of the first paragraph apply also to special constables.

The Government may, by regulation, prescribe additional hiring requirements for police officers and special constables.

Municipalities may do likewise as regards members of their police forces and municipal special constables. Such additional requirements may vary depending on whether they apply to a police officer or to a special constable.

The hiring requirements do not apply to the members of police forces when police services are integrated, amalgamated or otherwise merged.

116. The Government may, by regulation, in the cases determined in the regulation, determine the minimum qualifications required to exercise investigative or managerial functions within a police force, and to exercise a function or be promoted to a higher rank in a police force other than the Sûreté du Québec.

Municipalities may, by by-law, prescribe qualifications in addition to those determined by the Government, that apply to the members of their police forces in the cases determined by the regulation referred to in the first paragraph.

CHAPTER II

INCOMPATIBLE FUNCTIONS AND CONFLICTS OF INTEREST

117. The function of police officer is, by law, incompatible with the functions of bailiff, private investigator, security guard, collection agent or representative of a collection agent, and detective; it is also incompatible with the holding of a direct or indirect interest in any business that pursues an activity mentioned above or an activity for which a permit issued by the Régie des alcools, des courses et des jeux for the consumption of alcohol on the premises is required.

Any contravention of the provisions of this section shall entail the immediate suspension without pay of the offender. The offender's situation must be regularized within six months, on pain of dismissal.

However, if the interest devolves by succession or gift, the offender must renounce or dispose of it with dispatch.

118. Any police officer who holds other employment or receives other income from the carrying on of a business must disclose its nature, without delay, to the chief of police. The police officer must also inform the chief of police of any potentially incompatible situation in which the police officer is involved.

Every police officer must file a report with the chief of police, not later than 1 April each year, concerning any situation declared in the last 12 months to the chief of police under the preceding paragraph.

119. Any police officer or special constable who is convicted, in any place, of an act or omission referred to in subparagraph 3 of the first paragraph of section 115 that is triable only on indictment, shall, once the judgment has become *res judicata*, be automatically dismissed.

A disciplinary sanction of dismissal must, once the judgment concerned has become *res judicata*, be imposed on any police officer or special constable who is convicted, in any place, of such an act or omission punishable on summary conviction or by indictment, unless the police officer or special constable shows that specific circumstances justify another sanction.

120. Any police officer or special constable who is convicted of an act or omission referred to in subparagraph 3 of the first paragraph of section 115 must inform the police chief or competent authority of the conviction.

121. Common repute shall be sufficient proof of the appointment of a police officer and of the police officer's right to act in that capacity. No police officer who institutes proceedings in that capacity under the Criminal Code shall be required to prove authorization to do so.

CHAPTER III

RESTRICTIONS ON THE EXERCISE OF CERTAIN POLITICAL ACTIVITIES

122. The Director General and the deputy directors of the Sûreté du Québec, and the directors and assistant directors of other police forces cannot, on pain of disciplinary action, be candidates in a federal or provincial election or in a municipal or school election, or engage in partisan activity for or against a candidate in such an election or for or against a political party.

Police officers other than those referred to in the preceding paragraph and special constables cannot, on pain of disciplinary action, be candidates in school or municipal elections, or engage in partisan activity for or against a candidate in such an election or for or against a political party, within the area where they habitually exercise their functions.

The exercise of the right to vote in an election, membership in a political party or attendance at a public meeting of a political nature does not constitute partisan activity.

123. A police officer or special constable who wishes to be a candidate in an election or to engage in partisan activity on behalf of a candidate in an election or of a political party is entitled to obtain leave of absence without pay, on an application made to the highest competent authority, which must be granted as soon as practicable. If the election is a federal or provincial election, the police officer or special constable must be on full leave of absence without pay. The letter of authorization shall fix the dates on which the leave is to begin and to end, which must allow the applicant to fully engage in the political activities for which the leave is applied for.

Any person who ceases to engage in political activity before the end of the leave of absence shall notify, without delay, the authority that granted the leave. The leave of absence shall end on the fifteenth day following the date of receipt of the notice.

At the end of the leave of absence, the person to whom leave had been granted is entitled to resume employment, but must be assigned to duties that involve no incompatibility with the political activity in which the person was engaged.

124. The provisions of Division II of Chapter IV of Title IV of the Election Act (R.S.Q., chapter E-3.3) applicable to candidates and official agents, adapted as required, apply to any police officer and to any special constable who is required to take a leave of absence by reason of any political activities other than those referred to in the preceding section.

125. The provisions of this chapter shall apply without prejudice to the provisions of the Code of ethics of Québec police officers, particularly as regards the duty of political neutrality in the exercise of his or her functions,

the duty of restraint in public demonstrations of political opinion, the duty of discretion, the duty of impartiality in the exercise of his or her functions, and conflicts of interest. The provisions of this chapter shall also apply without prejudice to disciplinary rules.

TITLE IV

STANDARDS OF CONDUCT

CHAPTER I

POLICE ETHICS

126. This chapter applies to every police officer and special constable.

DIVISION I

CODE OF ETHICS

127. 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.

DIVISION II

POLICE ETHICS COMMISSIONER

§1. — Functions

128. The Police Ethics Commissioner shall receive and examine any complaint lodged against a police officer by any person pursuant to section 143.

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

129. 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.

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

131. The Government may appoint a deputy commissioner and fix his remuneration, employment benefits and other conditions of employment.

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

133. Before taking office, the Commissioner and deputy commissioner shall take the oaths provided in Schedules B and D.

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

134. Subject to the second paragraph of section 128, the Commissioner and deputy commissioner shall attend exclusively to the duties of their office.

135. The Commissioner, the deputy commissioner and the members of their staff, the investigators and the police ethics conciliators cannot be sued by reason of any official act done in good faith in the performance of their duties.

136. If the Commissioner is absent or unable to act, he shall be replaced by the deputy commissioner.

If the deputy commissioner is absent or unable to act, the Government shall appoint a person to replace him while he is absent or unable to act and shall determine his fees.

137. 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).

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

He may delegate, in writing, all or some of his powers to the deputy commissioner, except the powers conferred on him by sections 140, 141 and 188.

139. Except as provided in article 61 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), the Commissioner, the deputy commissioner, the members of their staff, the investigators and the police ethics conciliators may not 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. However, the exemption does not apply to investigations before the ethics committee.

140. 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.

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

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 140.

142. 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 of resumption.

§2. — *Complaints*

143. Any person may lodge a complaint with the Commissioner or with any police force 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.

The role assigned by this chapter to the chief of a police force is played by

(1) the Minister, when the complaint is lodged against the Director General of the Police Force ;

(2) the executive committee of the Communauté urbaine de Montréal, when the complaint is lodged against the chief of the police department.

Where the complaint is lodged against the chief of a municipal police force, the role is played by the council of another municipality.

Where the complaint is lodged against the chief of a police force established or maintained under an agreement referred to in Division IV of Chapter I of Title II, the role is played by the chief's employer.

Where the complaint is lodged against a special constable, the role is played by the constable's employer.

144. The members of the staff of the Commissioner shall assist any person who requires assistance in lodging a complaint.

They shall, in particular, assist the complainant in identifying the evidence required to substantiate his complaint.

In the case of complaints lodged with the Commissioner or a police force, the members of the staff of the Commissioner or of the police force shall see that the documents and evidence collected by the complainant are secured. They shall provide the complainant with a copy of the complaint together with a list of the documents and evidence collected by the complainant.

145. The members of the staff of the Commissioner or of the police force who receive the complaint shall, within five days of receipt, forward a copy of the complaint to the director of the police force concerned, together with a copy of the evidence collected. Where the complaint is received by a police

force, the documents shall also be sent within the same time to the Commissioner.

146. The Commissioner shall inform the complainant of the procedure for dealing with complaints and, in particular, of the conciliation procedure.

147. Every complaint shall be submitted to conciliation. However, a complainant may object to conciliation by stating the reasons why he believes conciliation is inappropriate in his case. He shall give a written statement of the reasons to the Commissioner within 30 days after the lodging of the complaint.

The Commissioner may reject the complaint, giving reasons, if in his opinion, the reasons stated by the complainant do not validly justify his refusal of conciliation. The Commissioner shall inform the complainant of his right to obtain a review of the decision if he submits new facts or elements to the Commissioner within 15 days. The Commissioner shall render his decision within 10 days and the decision is final.

The complainant may at any time before the final decision accept conciliation by withdrawing his objection.

148. Every complaint relating to an event that in the opinion of the Commissioner involves the public interest, in particular, events in which death or serious bodily harm has occurred, situations potentially injurious to the public's confidence in police officers, criminal offences, repeat offences or other serious matters, shall be dealt with under his authority. Complaints which are clearly frivolous or vexatious and complaints in respect of which the Commissioner is satisfied that the complainant has valid reasons for objecting to conciliation shall also be dealt with under the Commissioner's authority.

149. Within 40 days of receipt of a complaint or of identification of the police officer concerned, the Commissioner shall, after making a preliminary analysis of the complaint,

(1) decide whether the complaint is to be dealt with under his authority or whether he must reject the complaint;

(2) refer the complaint to the appropriate police force for the purposes of a criminal investigation if it appears to him that a criminal offence may have been committed;

(3) where applicable, designate the conciliator and transmit the file to him;

(4) inform the complainant, the police officer and the director of the police force concerned of his decision to refer the complaint to conciliation, to deal with it under his authority or to reject it;

(5) notify the police officer concerned in writing of the substance of the complaint and of the facts enabling the event that gave rise to the complaint to be identified.

150. The right to lodge a complaint regarding police ethics is prescribed one year after the date of the event or knowledge of the event that gave rise to the complaint.

151. Any police officer who resigns, is dismissed or retires remains subject to the jurisdiction of the Commissioner with respect to any act he committed while he was a police officer.

152. 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.

Similarly, where he receives a writing from the Commissioner intended for a person deprived of his freedom, he shall give it to that person.

153. 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.

154. The Commissioner shall designate conciliators for complaints regarding police ethics; the conciliators must not be, nor have been, police officers.

155. The costs connected with conciliation shall be borne by the employer of the police officer concerned by the complaint in accordance with the rates established by the Minister.

156. The object of the conciliation procedure is to resolve the complaint lodged against one or more police officers through a settlement accepted by both parties.

157. During the conciliation proceedings, the complainant and the police officer may be accompanied by a person of their choice.

The presence of the police officer, who may not be in uniform, and of the complainant is mandatory. The conciliation proceedings take place in the presence of both parties; however, the conciliator may meet separately with each party in order to arrive at a settlement.

158. As soon as the conciliator concludes that conciliation will not lead to a settlement, he shall report to the Commissioner, and the file shall be returned to the Commissioner to be dealt with under his authority.

159. The conciliation proceedings must be completed within 45 days from the date on which the Commissioner refers the complaint to conciliation. The Commissioner may authorize and fix the terms and conditions of any extension.

160. The Commissioner may terminate the conciliation proceedings if in his opinion it is in the public interest to do so. In such a case, the complaint shall be returned to the Commissioner to be dealt with under his authority.

161. Despite an unsuccessful attempt at conciliation, if the Commissioner is of the opinion that settlement of the complaint is possible and if the police officer and the complainant consent, the Commissioner may return the complaint to conciliation.

162. 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.

163. 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.

164. 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 the Comité de déontologie policière into an allegation that with intent to mislead the police officer gave the answer or statement knowing it to be false.

165. Failing a settlement, the Commissioner may decide to hold an investigation. The holding of an investigation shall not prevent the conciliation procedure from being resumed if the parties consent.

166. 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. Subdivision 3 applies to such an investigation.

§3. — *Investigations*

167. The purpose of an investigation is to allow the Commissioner to establish whether a citation before the Comité de déontologie policière is warranted.

168. 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 without valid reasons refuses to participate in the conciliation procedure or refuses to cooperate in the investigation;

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

169. Where the Commissioner makes a decision pursuant to section 168, he shall notify the complainant, the director of the police force concerned 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 obtain a review of the decision by submitting new facts or elements to the Commissioner, within 15 days. The Commissioner shall make his decision upon the review within 10 days and the decision is final.

170. The Commissioner, taking all circumstances into account, including the nature and gravity of the facts alleged in the complaint, may order the holding of an investigation.

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.

171. Within 15 days of his decision to hold an investigation, the Commissioner shall designate a person to act as the investigator.

An investigator may not be assigned to a file involving the police force to which he belongs or has belonged.

172. The costs connected with the investigation shall be borne by the employer of the police officer concerned by the investigation in accordance with the rates established by the Minister.

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

174. 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.

175. Not later than 45 days after deciding to hold an investigation and as needed 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.

176. The investigation report shall be submitted to the Commissioner within three months, except where the commissioner is satisfied that exceptional circumstances warrant otherwise.

177. The Commissioner may, on receiving the investigation report, order a supplementary investigation to be conducted within the time and in the manner he determines.

178. 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 insufficient;

(2) cite the police officer to appear before the Comité de déontologie policière if he is of the opinion that the evidence warrants such action;

(3) refer the case to the Attorney General.

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

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

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 Comité de déontologie policière.

180. Every notice the Commissioner is required to give under sections 169 and 179 shall be given in writing.

181. The complainant may, within 30 days after notification of the decision rendered by the Commissioner pursuant to subparagraph 1 of the first paragraph of section 178, submit the decision to review by the Comité de déontologie policière.

182. The application for review shall be made by filing in the office of the Comité de déontologie policière a written declaration containing a statement of the grounds for the application.

183. Sections 220, 222, 229, 236, 248 and 253, adapted as required, apply to the Comité de déontologie policière in disposing of an application for review.

184. The application for review shall be decided on the record prepared by the Commissioner.

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

Where the ethics committee quashes a decision, it may order the Commissioner to hold a new investigation, to resume the investigation within the time it indicates or to cite the police officer to appear before it within 15 days of its decision.

186. In no case may the member of the Comité de déontologie policière who has heard an application for review under section 181 subsequently hear and dispose of a citation relating to the same facts.

187. 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.

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.

188. The Commissioner may, in addition to exercising his powers under section 178,

(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.

189. 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.

190. 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.

191. 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.

192. Sections 189, 190 and 191 do not apply in respect of a police officer whose conduct is the subject-matter of a complaint.

No statement made by a police officer in whose respect no complaint has been made and who cooperates with the Commissioner or the investigators during an investigation carried out following a complaint made against another police officer, may be used or held against that police officer, except in a case of perjury.

193. 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 title.

DIVISION III

COMITÉ DE DÉONTOLOGIE POLICIÈRE

§1. — Establishment, jurisdiction and organization

194. An ethics committee is established under the name of “Comité de déontologie policière”.

The 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 referred to in section 181.

195. 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.

196. The seat of the ethics committee is located in the territory of the Communauté urbaine de Québec, at the place determined by the Government ; notice of the location and any relocation of its seat shall be published in the *Gazette officielle du Québec*.

The ethics committee may hold sittings anywhere in Québec.

197. Where a sitting of the 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.

In no case may the ethics committee hold a sitting in an immovable occupied by a police force or the police ethics commissioner.

198. The ethics committee shall be composed of advocates who have been members of the Bar for not less than 10 years in the case of full-time members, and for not less than five years in the case of part-time members.

199. The members of the ethics committee shall be appointed by the Government, in such number as the Government determines, as full-time members, for a specified term not exceeding five years. Their term may be renewed.

The Government shall also appoint, for a fixed term of not more than five years, part-time members who are members of a Native community to act where a complaint relates to a Native police officer. Their term may be renewed.

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

200. The Government shall designate a chairman and a vice-chairman from among the full-time members.

201. The Government shall fix the remuneration and social benefits of the full-time members and shall determine the other conditions attached to their office.

202. The part-time members shall receive the fees determined by the Government. They are also entitled, in the cases, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their committee duties.

203. Before taking office, the members of the ethics committee shall take the oaths provided in Schedules B and D.

They shall do so before a judge of the Court of Québec.

The writing evidencing the oath shall be transmitted to the Minister.

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

205. The chairman is responsible for the administration and overall management of the ethics committee. His duties include coordinating and distributing the work of the committee members, who shall comply with his orders and directives in that regard.

206. If the chairman is absent or unable to act, he shall be replaced by the vice-chairman.

If any other member is absent or unable to act, the Government shall appoint another person to replace him while he is absent or unable to act and shall determine his fees.

207. The sittings of the ethics committee are held by one member.

208. The fiscal year of the ethics committee ends on 31 March.

209. Each year, the ethics committee 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.

210. Within four months after the end of its fiscal year, the ethics committee shall submit to the Minister its financial statements and a report of its activities for the fiscal year just ended.

The Minister shall table the report of the ethics committee 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.

211. The books and accounts of the ethics committee shall be audited by the Auditor General each year and also whenever the Government so orders.

212. Any document or copy of a document emanating from the ethics committee or forming part of its records, certified by the chairman, the vice-chairman or the clerk, is authentic.

§2. — *Procedure and evidence*

213. Sections 135, 139, 151 and 193, adapted as required, apply to the ethics committee and its members.

214. The ethics committee is seized of a matter by the filing of a citation in the office of the committee.

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

216. The citation shall contain as many counts as there are alleged transgressions. Each count of a citation must describe the conduct 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.

217. The clerk shall serve the citation on the police officer concerned and a copy thereof on the person who lodged the complaint under section 143, by registered or certified mail.

218. 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.

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

219. The Commissioner and the cited police officer are parties to the case.

220. 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.

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

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 ethics committee may hear the case despite his absence and render a decision.

222. In no case may the ethics committee 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.

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

224. Each party shall summon the witnesses whose testimony may be useful and may require the production of any pertinent document.

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

225. In the performance of their duties, the members of the 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.

226. Depositions shall be recorded.

227. The 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.

228. Every person who appears before the ethics committee has the right to be assisted or represented by an advocate or any person he designates.

229. Every hearing shall be public.

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.

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.

230. The Commissioner shall submit to the committee, by way of a citation, every final decision of a Canadian court convicting a police officer of a criminal offence constituting a transgression of the Code of ethics.

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

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

231. The member presiding at the sitting 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.

232. Any of the counts in the citation may be amended at any time, subject to the conditions necessary to safeguard the rights of the parties.

However, the committee shall not, except with the consent of the parties, allow any amendment to a count that would result in a new count unrelated to the original count. In such a case, the Commissioner shall file a new citation.

233. 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.

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

234. Where the 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 on the police officer, for each count, one of the following penalties which may, where applicable, be consecutive:

- (1) a warning;

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

In addition, where a penalty cannot be imposed on a police officer because he has resigned, has been dismissed or has retired, the police officer may be declared disqualified from exercising the functions of a peace officer for a period of not more than five years.

235. 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.

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 and other benefits attaching to the position that 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.

236. Every decision of the 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, on the director of the police force or employer concerned and on the person who lodged the complaint under section 143, by registered or certified mail.

237. The ethics committee, by a by-law adopted by a majority vote of its members, may establish rules of evidence, procedure and practice for the conduct of hearings.

Every by-law adopted under this section shall be submitted to the Government for approval.

238. An appeal may be brought before a judge of the Court of Québec from a final decision of the 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.

239. The decision of the 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).

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

The director of the police force or the employer shall inform the Commissioner of the imposition of the penalty decided by the ethics committee.

§3. — *Appeal from a decision of the committee*

240. Within 20 days after notification of the decision of the ethics committee, the person who lodged the complaint under section 143 may transmit in writing to the Commissioner his views as to the advisability of appealing from the decision.

241. Any person who is a party to proceedings before the ethics committee may bring an appeal from any final decision of the committee before a judge of the Court of Québec.

242. The jurisdiction conferred by this chapter on a judge of the Court of Québec shall be exercised by those judges of that Court who are so designated by the chief judge.

243. An appeal is brought by filing a notice of appeal, within 30 days after the appellant receives the decision of the ethics committee, in the office of the Court of Québec in the judicial district where the ethics committee heard the matter in first instance.

The notice of appeal shall contain a statement of the grounds for the appeal and be accompanied with a copy of the decision rendered by the ethics committee.

244. The notice of appeal shall be served, within the time limit fixed in section 243, on the parties, the ethics committee and the person who lodged the complaint.

Service may be made by registered or certified mail.

245. Upon service of the notice of appeal, the clerk of the ethics committee shall transmit to the clerk of the Court of Québec the record of the case and all documents relating thereto.

246. The appeal suspends the execution of the decision of the ethics committee.

247. A judge of the Court of Québec may, on a motion served and filed at the clerk's office within 10 days after service of the motion of appeal, summarily dismiss an appeal he deems improper or dilatory, or subject it to the conditions he determines.

The matter may also be raised, on the initiative of the Court, at the hearing it holds on the appeal.

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

249. Subject to any new relevant and useful evidence the judge may admit, he shall render his decision on the basis of the record transmitted to the Court, after allowing the parties to be heard.

250. The judge has all the necessary powers for the exercise of his jurisdiction. He may, in particular, render any order he deems expedient for the protection of the rights of the parties.

251. Sections 151 and 229, the second paragraph of section 233 and sections 235 and 236, adapted as required, apply to appeals heard pursuant to this chapter.

252. The judge may confirm the decision submitted to him; conversely, he may quash the decision and render the decision which, in his judgment, should have been rendered in the first instance.

253. The decision of the judge is final and without appeal and 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). It is executory notwithstanding any contrary Act or agreement.

254. The judge may revise or revoke any decision he has made where a new fact is discovered which, if it had been known in due time, might have justified a different decision.

255. The Court of Québec may, in the manner set out in the Courts of Justice Act (R.S.Q., chapter T-16), adopt such rules of evidence, procedure and practice as are necessary for the carrying out of this chapter.

CHAPTER II

INTERNAL DISCIPLINE

256. Every municipality must make a by-law concerning the internal discipline of the members of its police force. The clerk or secretary-treasurer shall transmit a certified copy of the by-law to the Minister.

If a municipality fails to make such a by-law before 16 June 2001, the Minister may make the by-law, and in such a case the by-law is deemed to have been made by the municipality.

257. The Government shall make a regulation concerning the internal discipline of the members of the Sûreté du Québec, on the recommendation of the Director General.

The Government shall also make a regulation concerning the internal discipline of the members of the police force of the Communauté urbaine de Montréal, on the recommendation of the executive committee of the urban community.

258. An internal discipline by-law shall determine the duties and standards of conduct of police officers to ensure the effectiveness and quality of the services provided, and respect for the authorities over them.

The by-law must determine the types of behaviour that constitute breaches of discipline, establish a disciplinary procedure, determine the powers of the authorities with regard to discipline and establish sanctions.

The by-law must establish sanctions, including dismissal and fines, for any police officer who, directly or indirectly, exerts undue influence or obtains or attempts to obtain a sum of money or any other benefit in return for a favour.

The by-law must also prohibit all police officers from wearing their uniforms, badges or service weapons or from using other items belonging to their employer when, while on duty, they engage in activities that are not part of the duties of a police officer.

Subject to section 119, a police officer on whom a sanction has been imposed pursuant to the provisions of Chapter I of this Title may not receive an additional sanction under a discipline by-law for similar derogatory conduct at the time of the same event.

259. The by-law shall apply subject to the provisions of any labour contract within the meaning of the Act respecting the Syndical Plan of the Sûreté du Québec, and any collective agreement within the meaning of the Labour Code.

CHAPTER III

COMPLIANCE WITH PROFESSIONAL ETHICS

260. Every police officer is required to inform the chief of police of the conduct of another police officer likely to constitute a breach of discipline or professional ethics that may infringe upon rights or compromise the safety of the public, or likely to constitute a criminal offence. The requirement does not apply to a police officer who is informed of such conduct when acting in the capacity of a union representative.

Likewise, every police officer is required to take part or cooperate in any investigation concerning such conduct.

261. No person may harass or intimidate a police officer, exercise or threaten to exercise retaliatory measures against a police officer, or attempt or conspire to do so because

(1) the police officer has informed or intends to inform the chief of police of conduct referred to in section 260; or

(2) the police officer has participated or cooperated in or intends to participate or cooperate in an investigation concerning such conduct.

Nor may any person attempt to dissuade a police officer from fulfilling the duty incumbent upon him or her under that section.

262. A police officer must, when interviewed as a witness in connection with a complaint against another police officer, provide a complete written statement and sign the statement.

No such statement may be used or held against that police officer, except in a case of perjury.

The police officer must also provide a copy of all personal notes and reports relevant to the examination of the complaint.

263. When questioning or taking a statement from a police officer against whom a complaint has been made in connection with an alleged criminal offence, the investigator must

(1) advise the police officer that a complaint has been made in his or her respect;

(2) give the police officer the customary warnings;

(3) inform the police officer that he or she is not required to make a statement in relation to the complaint.

TITLE V

EXTERNAL SUPERVISION OF POLICE ACTIVITY

CHAPTER I

INFORMATION TO BE PROVIDED TO THE MINISTER OF PUBLIC SECURITY

264. The chief of a police force must transmit to the Minister, before 1 April each year, a report of activities concerning, in particular, the progress

of all disciplinary, conduct-related and criminal investigations involving the members of the force and the corrective measures that have been implemented, if any.

The Director General of the Sûreté du Québec must also transmit such an annual report to the Conseil de surveillance des activités de la Sûreté du Québec.

265. The chief of a police force must transmit to the Minister, before 1 April each year, an annual report in the form determined by the Minister concerning all the search warrants applied for during the year.

The Director General of the Sûreté du Québec must also transmit the report to the Conseil de surveillance des activités de la Sûreté du Québec.

266. The Director General of the Sûreté du Québec must transmit to the Conseil de surveillance des activités de la Sûreté du Québec and to the Minister, at the latter's request, a copy of all internal verification reports and all follow-up documents.

267. The chief of a police force or the competent authority in respect of special constables, as the case may be, must submit to the Minister, at the request of and within the time prescribed by the Minister,

(1) a report on the administration and activities of the police force or the special constables, as the case may be;

(2) a detailed report on all disturbances of the peace, order or public security in the territory under the jurisdiction of the police chief or authority or on the crime rate in that territory and, where appropriate, reports on the corrective measures the police chief or authority intends to implement.

CHAPTER II

INSPECTION AND PROVISIONAL ADMINISTRATION

DIVISION I

INSPECTION

268. An inspection service shall be established by the Minister for the inspection of all police forces. The inspection service shall also monitor special constables.

269. The Minister shall order an inspection of police forces every five years.

In addition, the Minister may order an inspection at any time on the Minister's own initiative or on the application of a municipality, a group of citizens or an association representing police officers.

270. The Minister may authorize in writing a person other than a member of the Minister's personnel to conduct an inspection and report to the Minister.

271. Any inspector may, for the purposes of an inspection,

(1) enter, at any reasonable time, any police station or premises occupied by police officers or by special constables, or any vehicle used by them ;

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

(3) require any information or explanation needed for the purposes of the inspection.

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 inspector and facilitate the inspector's examination of them.

272. No person may hinder an inspector or deceive him or her through concealment or false declarations, refuse to furnish information or documents the inspector is entitled to require or examine under this Act, or conceal or destroy a document or thing which is relevant to the inspection.

273. Every inspector shall, on request, produce identification and a certificate signed by the Minister indicating the inspector's capacity.

No inspector may be prosecuted by reason of any act performed in good faith in the course of an inspection.

274. Following an inspection, the Minister shall transmit recommendations either to the chief of the police force and, if the police force is a municipal police force, to the municipality, or to the competent authority in respect of the special constable, and request that action be taken in response to the recommendations within the time determined by the Minister.

The chief of police, the municipality or the competent authority in respect of the special constable must, once that time has elapsed, report to the Minister on the action taken.

DIVISION II**PROVISIONAL ADMINISTRATION**

275. If, following an inspection conducted under this chapter or the filing of a report under section 267 or 284, the Minister considers that a situation exists within the police force that compromises its proper operation, the Minister may appoint a person for the time determined by the Minister, to remedy the situation.

If the Minister considers it warranted in the public interest, for public security or for the sound administration of justice, the Minister may also order that the chief of the police force, or the competent authority in respect of a special constable, be suspended for the period determined by the Minister; the conditions of the suspension of the chief of police shall be determined by the employer.

276. The administrator must, as soon as practicable, file a detailed report with the Minister setting out his or her observations and recommendations.

The administrator must, on the expiry of his or her mandate, make a full report to the Minister on the provisional administration.

277. All the costs, fees and disbursements relating to the provisional administration shall be charged to the employer of the chief of police, unless otherwise decided by the Minister.

278. The Minister may, after examining a report from the administrator,

(1) lift the suspension of the chief of the police force on the conditions determined by the Minister; or

(2) order that the municipality employing the chief of police, where applicable, apply the dismissal procedure referred to in section 87 or, in the case of the chief of the police department of the Communauté urbaine de Montréal, recommend to the Government that the chief of the police department be dismissed, in accordance with section 192 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2).

In such a case, the Minister may terminate the administrator's appointment.

CHAPTER III**INVESTIGATIONS****DIVISION I****INVESTIGATION OF A POLICE FORCE**

279. The Minister, or a person designated by the Minister, may investigate any police force.

280. At the request of a municipality served by a police force or a group of citizens in that municipality, the Minister may commission a person to investigate a municipal police force.

281. The Minister, on the Minister's initiative or at the request of an association representing police officers or a group of citizens of the municipality concerned, may commission a person to conduct an investigation for the purpose of ascertaining whether a municipality is providing adequate police services.

282. If the Minister refuses to conduct an investigation, the Minister shall advise the municipality, group of citizens or association of police officers concerned in writing and give the reasons for the refusal.

283. The investigator is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

284. The investigation report shall be remitted to the Minister and, where applicable, to the municipality that requested the investigation. The report shall set out the observations and recommendations of the investigator.

The investigation report shall neither blame nor recommend sanctions against any person.

285. Where expedient, the Minister shall direct the municipality to remedy the situation within a reasonable time.

DIVISION II**INVESTIGATION OF A POLICE OFFICER OR A SPECIAL CONSTABLE**

286. The chief of a police force must notify the Minister, without delay, of any allegation against a police officer concerning a criminal offence.

The same obligation applies to the competent authority in respect of a special constable.

287. Not later than 45 days after the date of notification and every three months thereafter, the chief of police or, as the case may be, the competent authority in respect of the special constable shall advise the Minister, in writing, of the progress of the file.

288. Once the file has been completed, the chief of the police force that processed the file must submit it to the Attorney General.

289. The Minister may, at any time, order that an investigation be conducted or, where expedient, be re-opened by the police force or peace officer designated by the Minister in order to examine an allegation against a police officer or a special constable concerning a criminal offence.

The cost of the investigation shall be charged to the police force of which the police officer under investigation is a member or the competent authority in respect of a special constable, unless the police forces concerned decide otherwise.

CHAPTER IV

SUPERVISORY BOARD

DIVISION I

ESTABLISHMENT

290. A supervisory board called “Conseil de surveillance des activités de la Sûreté du Québec” is hereby established under the Minister’s authority.

DIVISION II

MANDATE

291. The supervisory board shall advise and make recommendations to the Minister.

292. The supervisory board shall

(1) make analyses and formulate recommendations in relation to the activities of the division responsible for internal affairs within the Sûreté du Québec;

(2) give its opinion on the annual reports prepared by the Sûreté in connection with the progress of disciplinary, conduct-related and criminal matters involving the members of the Sûreté du Québec;

(3) give its opinion on the annual reports prepared by the Sûreté in connection with wiretapping and searches;

(4) give its opinion on the administration of the criminal investigations conducted by the Sûreté du Québec;

(5) carry out studies and prepare opinions at the request of the Minister.

293. In executing its mandate, the supervisory board or a person designated by the board may, after agreeing with the Director General of the Sûreté du Québec on the applicable procedure,

(1) question any member of the Sûreté or its non-police personnel on the member's activities; and

(2) examine any document, book, register or account containing information relevant to the mandate, and take notes or make copies thereof.

Every person having the custody, possession or control of such documents, books, registers or accounts must, if so required, produce them and facilitate their examination by the supervisory board or the person designated by the board.

294. No person may hinder a member of the supervisory board or a person designated by the board in the exercise of their functions, deceive them through concealment or by making a false declaration or refuse to provide information to them.

295. A member of the supervisory board or a person designated by the board shall, on request, produce identification and a certificate signed by the Minister indicating their capacity.

DIVISION III

COMPOSITION AND OPERATION

296. The supervisory board shall be composed of five members, including the chair, appointed by the Minister. The members shall be drawn from various backgrounds on the basis of their expertise in matters relevant to the mandate of the supervisory board.

The chair shall direct the activities of the supervisory board and coordinate its work. The chair shall also act as liaison between the supervisory board and the Minister.

If the chair is unable to act, the Minister shall designate a member to replace the chair.

297. The members of the supervisory board shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government.

The members are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

298. The supervisory board must meet at least six times each year.

The supervisory board may hold its meetings anywhere in Québec. The quorum of the supervisory board is three members, including the chair.

299. The members of the supervisory board, the members of its personnel and any person designated by the supervisory board must, before entering on their duties, take the oath set out in Schedule B.

No member of the supervisory board, no member of the personnel of the supervisory board and no person designated by the supervisory board under section 293 may be prosecuted by reason of any act performed in good faith in the exercise of their functions.

300. The secretary and the other members of the personnel of the supervisory board shall be appointed in accordance with the Public Service Act.

DIVISION IV

REPORTS

301. The supervisory board must, not later than 16 June 2001 and every year thereafter, submit a report to the Minister on its activities; the report must contain any other information required by the Minister.

The Minister shall table the report within 30 days in the National Assembly or, if the Assembly is not in session, within 15 days of resumption.

302. The competent committee of the National Assembly shall hear the chair of the supervisory board at least once every year in connection with the activities of the board.

303. The Minister must, not later than 18 March 2005, report to the Government on the application of this chapter. The report shall be tabled within 15 days in the National Assembly or, if the Assembly is not in session, within 15 days of resumption.

TITLE VI**RESPONSIBILITIES OF THE MINISTER OF PUBLIC SECURITY**

304. The Minister of Public Security is responsible for determining general policy concerning police organization and crime prevention.

More specifically, the Minister is responsible for preparing and proposing strategic plans and policies in such matters.

305. The Minister shall see to it that the applicable standards are complied with in the law enforcement community and shall foster the coordination of crime suppression and crime prevention activities.

306. The Minister shall advise government departments and bodies on crime prevention.

The Minister shall propose criminal information management procedures to the Government.

307. The Minister shall advise and supervise local and regional authorities as regards the implementation of the measures provided for in this Act and shall verify the effectiveness of the police services they provide.

To that end, the Minister shall send their police forces guidelines on any matter coming under this Act or the regulations and shall request all relevant information concerning their policies, projects and achievements.

308. The Minister shall, as regards the prevention of crime and other offences, instigate or encourage initiatives by local or regional authorities or other social stakeholders and, in particular, the establishment of associations devoted to crime prevention. The Minister shall disseminate information aimed at the general public in order to involve citizens in the pursuit of the objectives of this Act.

309. The Minister may conduct or commission research aimed at improving crime fighting and protection methods and at reducing the effects of crime.

TITLE VII**PENAL PROVISIONS**

310. Every person who contravenes the provisions of sections 61, 111, 118, 120, 152, 286 and 288 is guilty of an offence and is liable to a fine of \$250 to \$2,500.

311. Every person who contravenes the provisions of sections 190, 260 to 262, 272 and 294 is guilty of an offence and is liable to a fine of \$500 to \$10,000.

312. Every person who deceives others into believing that the person is a member of the Sûreté du Québec or a municipal police force, or a special constable, in particular by wearing a uniform or a badge, is guilty of an offence and is liable to a fine of \$500 to \$3,000.

313. Every police officer or special constable who wears his or her uniform, badge or service weapon or uses other items belonging to his or her employer when not on duty or authorized by the chief of police or, in the case of a special constable, the competent authority, is guilty of an offence and is liable to a fine of \$500 to \$3,000.

314. Every person who assists or who incites, advises, encourages, allows, authorizes or orders another person to commit an offence under this Act, is guilty of an offence. Any person found guilty under this section is liable to the same penalty as is prescribed for the offence committed by the other person.

TITLE VIII

AMENDING PROVISIONS

CHAPTER I

GENERAL AMENDMENT

315. The words “Act respecting police organization (chapter O-8.1)” and “Police Act (chapter P-13)” wherever they appear in the following provisions are replaced by the words “Police Act (2000, chapter 12)”:

(1) section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 55 of chapter 40 of the statutes of 1998, and section 519.68 of that Code, amended by section 20 of chapter 66 of the statutes of 1999;

(2) subparagraph 2 of the second paragraph of section 597 of the said Code, replaced by section 23 of chapter 66 of the statutes of 1999;

(3) subparagraph *b* of the third paragraph of article 294.1 of the Code of Civil Procedure (R.S.Q., chapter C-25), amended by section 6 of chapter 46 of the statutes of 1999;

(4) sections 178 and 194 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(5) section 371 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) and section 376 of that Act, amended by paragraph 31 of section 331 of chapter 40 of the statutes of 1999.

CHAPTER II**SPECIFIC AMENDMENTS**

316. Section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out “subject to section 64 of the Police Act (chapter P-13),” in the first paragraph.

317. Section 72 of the said Act is amended by replacing “section 79 of the Police Act (chapter P-13)” in the first paragraph by “section 87 of the Police Act (2000, chapter 12)”.

318. Section 597 of the Highway Safety Code (R.S.Q., chapter C-24.2), replaced by section 23 of chapter 66 of the statutes of 1999, is amended by replacing “Division IV.1” in subparagraph 3 of the second paragraph by “Division V of Chapter I of Title II”.

319. Section 48 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 65 of chapter 40 of the statutes of 1999, is again amended by replacing “section 79 of the Police Act (chapter P-13)” in the fourth paragraph of paragraph g by “section 87 of the Police Act (2000, chapter 12)”.

320. Section 107 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing “section 79 of the Police Act (chapter P-13)” in the first paragraph by “section 87 of the Police Act (2000, chapter 12)”.

321. Section 179 of the said Act is amended by replacing “sections 181 to 183 of the Act respecting police organization (chapter O-8.1)” in the second paragraph by “sections 280 to 282 of the Police Act (2000, chapter 12)”.

322. Section 180 and the second paragraph of section 198 of the said Act are amended by replacing “section 79 of the Police Act (chapter P-13)” by “section 87 of the Police Act (2000, chapter 12)”.

323. Section 187 of the said Act is amended by adding the following paragraph at the end:

“Subject to this Act, the Police Act (2000, chapter 12) applies to the police department. For that purpose, the provisions of that Act that apply to a municipality apply to the Communauté urbaine de Montréal.”

324. Section 4 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1), amended by section 125 of chapter 40 of the statutes of 1999, is again amended by inserting the following paragraph after paragraph 2:

“(2.1) the École nationale de police du Québec;”.

325. Paragraph 2.1 of section 204, subparagraph *a* of paragraph 1 of section 236 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 133 of chapter 40 of the statutes of 1999, are again amended by replacing “Institut de police” by “École nationale de police”.

326. Section 14.1 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by replacing “section 39.0.1, 64.3, 64.4 or 73.1 of the Police Act (chapter P-13)” in the second paragraph by “the second paragraph of section 51 or section 71, 72, 79, 80 or 81 of the Police Act (2000, chapter 12)”.

327. Section 18 of the Public Protector Act (R.S.Q., chapter P-32) is amended by replacing “section 2 of the Police Act (chapter P-13) or in section 171 of the Act respecting police organization (chapter O-8.1)” in paragraph 4 by “section 49, 106 or 268 of the Police Act (2000, chapter 12)”.

328. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by striking out “the Institut de police du Québec” in paragraph 1 and by inserting “the École nationale de police du Québec” in alphabetical order.

329. The Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) is amended

(1) by striking out “constituted by section 38 of the Police Act (chapter P-13)” in paragraph *a* of section 1 ;

(2) by replacing “subparagraphs 4 and 5 of section 43 of the Police Act and in the second paragraph of the said section” in paragraph *b* of section 1 by “subparagraphs 2 and 3 of the second paragraph of section 55 of the Police Act (2000, chapter 12) and in the third paragraph of that section”.

330. Section 370 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing “within the meaning of the Police Act (chapter P-13) and of the Act respecting police organization (chapter O-8.1)” by “for the purposes of the Police Act (2000, chapter 12)”.

331. Section 371 of the said Act is amended by replacing “section 81 of the said Act” by “section 108 of the said Act”.

332. Section 372 of the said Act is amended by replacing “Subparagraphs 4 and 5 of the first paragraph of section 3 of the Police Act (chapter P-13)” by “Subparagraph 4 of the first paragraph and the third paragraph of section 115 of the Police Act (2000, chapter 12)”.

333. Section 373 of the said Act is amended by replacing “prescribed in section 4 of the Police Act (chapter P-13) before a judge contemplated in section 80 thereof” by “prescribed in Schedules A and B of the Police Act (2000, chapter 12) before the Minister in accordance with section 107 of that Act”.

334. Section 374 of the said Act is amended

(1) by replacing “prescribed in section 4 of the Police Act (chapter P-13)” in the second paragraph by “prescribed in Schedules A and B of the Police Act (2000, chapter 12)”;

(2) by replacing “section 81” in the third paragraph by “section 108”.

335. Section 375 of the said Act is amended

(1) by replacing “section 79 of the Police Act (chapter P-13)” by “section 87 of the Police Act (2000, chapter 12)”;

(2) by replacing “section 80 of the said Act” by “section 107 of the said Act”.

336. Section 376 of the said Act, amended by paragraph 31 of section 331 of chapter 40 of the statutes of 1999, is again amended by inserting “or resolution” after “by-law” in subparagraph *b* of the first paragraph.

TITLE IX

INCORPORATION INTO THIS ACT OF PROVISIONS FROM OTHER ACTS

CHAPTER I

INCORPORATION INTO THIS ACT OF SECTIONS 79.0.1 TO 79.9 OF THE POLICE ACT

337. Sections 79.0.1 to 79.0.4 of the Police Act become sections 90 to 93, respectively, of this Act, with the following modifications:

(1) in section 79.0.2:

(a) the words “the Act respecting police organization (chapter O-8.1)” are replaced by “this Act”;

(b) the words “established by regulation of the Government under this Act” are replaced by “prescribed by this Act or the regulations under it”;

(2) in the French version of section 79.0.3, “15” is replaced by “quinze”;

(3) in section 79.0.4, “and repressing” is inserted after “preventing”.

338. Sections 79.1 to 79.9 of the Police Act become sections 94 to 102 of this Act, respectively, with the following modifications :

(1) section 79.1, which becomes section 94, is replaced by the following section :

“94. The members of the police force that a Cree village or the Naskapi Village is authorized to establish under the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1) are police officers for the purposes of this Act.

The chief of such a police force shall take the oaths set out in Schedules A and B before the mayor, and the other members before the chief of police.”;

(2) in section 79.2,

(a) in the first paragraph, the words “and the educational level required and the other qualifications required for admission as a member of its police force” are replaced by “; the medical requirements, the required education level and the other hiring standards for becoming a member of its police force that are not contained in subparagraphs 1 to 3 of the first paragraph of section 115, and the qualifications required to exercise investigative or management functions and to exercise a function or obtain a rank in the police force. The provisions of the by-law shall prevail over the provisions to the same effect of this Act or of the regulations of the Government under it”;

(b) the second paragraph is replaced by the following paragraphs :

“The Government may, in an agreement entered into with the Cree Regional Authority established under the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1), or with a Cree village or the Naskapi Village, include clauses relating to police matters, and in particular to qualifying training for police personnel. The provisions of the agreement shall prevail over the provisions to the same effect of this Act or of the regulations under it made by the Government.

The agreement may also provide, for cases where a Cree village or the Naskapi Village fails to pass a by-law under the first paragraph, for any provision that may be included in such a by-law.” ;

(3) in the French text of section 79.3, replace “administration” by “Administration”;

(4) in section 79.4, the reference to sections 67 and 75 to 78 becomes a reference to sections 48 and 69 and to the third paragraph of section 49;

(5) in section 79.5, the reference to section 39 becomes a reference to section 50;

(6) in section 79.6, the reference to sections 67 and 75 to 78 becomes a reference to sections 48 and 69 and to the third paragraph of section 49;

(7) in section 79.7,

(a) the reference to sections 74 and 73 becomes a reference to sections 71 and 72 and to section 74;

(b) the words “established by the Act respecting the Cree Regional Authority (chapter A-6.1)” in the second paragraph are struck out ;

(8) in section 79.8, strike out the last paragraph.

CHAPTER II

INCORPORATION INTO THIS ACT OF THE PROVISIONS OF SECTIONS 35 TO 149 OF THE ACT RESPECTING POLICE ORGANIZATION

339. Sections 35 to 149 of the Act respecting police organization become sections 127 to 255, respectively, of this Act, with the following modifications :

(1) Chapter I of Title II of the Act respecting police organization becomes Division I of Chapter I of Title IV of this Act under the heading “CODE OF ETHICS”;

(2) in section 35, the second paragraph is struck out ;

(3) Chapter II of Title II becomes Division II of Chapter I, under the same heading ;

(4) Division I of Chapter II becomes subdivision 1 of Division II, under the same heading ;

(5) in section 36, the reference to section 51 becomes a reference to section 143 ;

(6) in section 41, the reference to Schedules I and II becomes a reference to Schedules B and D ;

(7) in section 42, the reference to section 36 becomes a reference to section 128 ;

(8) in section 46, the reference to sections 48, 49 and 83 becomes a reference to sections 140, 141 and 188 ;

(9) in section 47, which becomes section 139, the following sentence is added : “However, the exemption does not apply to investigators before the ethics committee.” ;

(10) in section 49, the reference to section 48 becomes a reference to section 140;

(11) Division II of Chapter II becomes subdivision 2 of Division II, under the same heading;

(12) in section 51, which becomes section 143, the following is added:

“The role assigned by this chapter to the chief of a police force is played by

(1) the Minister of Public Security, when the complaint is lodged against the Director General of the Police Force;

(2) the executive committee of the Communauté urbaine de Montréal, when the complaint is lodged against the chief of the police department.

Where the complaint is lodged against the chief of a municipal police force, the role is played by the council of another municipality.

Where the complaint is lodged against the chief of a police force established or maintained under an agreement referred to in Division IV of Chapter I of Title II, the role is played by the chief’s employer.

Where the complaint is lodged against a special constable, the role is played by the constable’s employer.”;

(13) in section 63, the reference to Division III becomes a reference to subdivision 3;

(14) Division III of Chapter II becomes subdivision 3 of Division II, under the same heading;

(15) in section 66, the reference to section 65 becomes a reference to section 168;

(16) in section 75.1, the reference to sections 66 and 75 becomes a reference to sections 169 and 179;

(17) in section 76, the reference to subparagraph 1 of the first paragraph of section 74 becomes a reference to subparagraph 1 of the first paragraph of section 178;

(18) in section 78, the reference to sections 115, 117, 124, 132, 142 and 147 becomes a reference to sections 220, 222, 229, 236, 248 and 253;

(19) in section 81, the reference to section 76 becomes a reference to section 181;

(20) in section 83, the reference to section 74 becomes a reference to section 178;

(21) in section 87, the reference to sections 84, 85 and 86 becomes a reference to sections 189, 190 and 191 and the following paragraph is added:

“No statement made by a police officer in whose respect no complaint has been made and who cooperates with the Commissioner or the investigators during an investigation carried out following a complaint made against another police officer, may be used or held against that police officer, except in a case of perjury.”;

(22) Chapter III of Title II becomes Division III of Chapter I, under the same heading;

(23) Division I of Chapter III becomes subdivision 1 of Division III, under the heading “*Establishment, jurisdiction and organization*”;

(24) in section 89, the reference to section 76 becomes a reference to section 181;

(25) in section 102, the reference to Schedules I and II becomes a reference to Schedules B and D;

(26) Division II of Chapter III becomes subdivision 2 of Division III, under the same heading;

(27) in section 108, the reference to sections 43, 47, 53 and 88 becomes a reference to sections 135, 139, 151 and 193;

(28) in section 112, the reference to section 51 becomes a reference to section 143;

(29) in section 132, the reference to section 51 becomes a reference to section 143;

(30) Chapter IV of Title II becomes subdivision 3 of Division III, under the heading “*Appeal from a decision of the committee*”;

(31) in section 135, the reference to section 51 becomes a reference to section 143;

(32) in section 139, the reference to section 138 becomes a reference to section 243;

(33) in section 145, the reference to sections 53, 124, 129, 131 and 132 becomes a reference to sections 151, 229, 233, 235 and 236;

(34) in the French text of sections 50, 58.5, 72, 76, 107.5, 115, 130, 132, 135 and 138, the number establishing the period of time is expressed as a word.

TITLE X**TRANSITIONAL PROVISIONS**

340. Unless the context indicates otherwise, in every text or document, whatever the nature or the medium,

(1) a reference to the Act respecting police organization or the Police Act or to any of their provisions is a reference to this Act or to the corresponding provision of this Act;

(2) a reference to the Institut de police du Québec is a reference to the École nationale de police du Québec.

341. The École nationale de police du Québec succeeds the Institut de police du Québec. It has the rights and obligations of the institute.

342. The Director General and the assistant director of the Institut de police du Québec, in office on 31 August 2000, shall remain in office until the expiry of their term.

The terms of the members of the board of directors, other than the Director General, shall end on 1 September 2000.

343. The members of the personnel of the Institut de police du Québec, in office on 31 August 2000, become, without other formality, the personnel members of the École nationale de police du Québec.

344. The appropriations granted to the Institut de police du Québec, as well as the contributions paid for the fiscal year 2000-2001, are transferred to the École nationale de police du Québec.

345. Special constables referred to in section 79.1 of the Police Act employed as such on 15 June 2000 shall acquire the status of police officers, with no further formality, from 16 June 2000.

346. Police officers employed as such on 15 June 2000 and persons holding an attestation of basic police training from the Institut de police du Québec on that date are deemed to meet the condition set out in subparagraph 4 of the first paragraph of section 115 from the date of coming into force of that provision.

347. A regulation made under section 116 may contain transitional provisions applicable to police officers employed as such on the date of coming into force of the regulation made pursuant to that section.

348. A police officer who, on 16 June 2000, is in an incompatible situation, must regularize that situation as soon as possible.

349. The regulation made by the Government under subparagraph *a* of the first paragraph of section 57 of the Police Act shall remain in force until an order is made by the Government under section 57 of this Act.

350. Every by-law made by the École nationale de police du Québec pursuant to section 24 shall be submitted to the Government for approval, and the Government's approval shall stand in place of the conditions defined by the Government under that section until the date of coming into force of section 37 of the Public Administration Act (2000, chapter 8).

351. The provisions of sections 79.1 to 79.9 and 99 of the Police Act, as they read on 15 June 2000, continue to apply to a police force that the Naskapi Village is authorized to establish until the provisions of Division V of Chapter I of Title II and of section 354 of this Act are made applicable to it by government order.

352. The provisions of sections 251 to 254 and the provisions of sections 262 to 262.2 of the Act respecting police organization continue to apply.

353. This Act replaces the Act respecting police organization (R.S.Q., chapter O-8.1) and the Police Act (R.S.Q., chapter P-13).

TITLE XI

FINAL PROVISIONS

354. In any Act, proclamation, order in council, contract or document, the expressions "constable", "peace officer", "policeman", "police officer", "officer of the peace" and any other similar expression mean, unless the context indicates otherwise, a member of the Sûreté du Québec, a member of the police department of the Communauté urbaine de Montréal, a member of a municipal police force, a member of a Native police force referred to in Division IV of Chapter I of Title II, a member of the police force of a Cree village or the Naskapi Village referred to in Division V of Chapter I of Title II, or a special constable, according to the powers and authority conferred upon them respectively by this Act.

In all such documents, any provision applicable to a municipal police force or to a municipal police officer is, unless the context indicates otherwise, a provision applicable to a Native police force or its members, with the necessary modifications.

355. This Act shall not be construed as restricting the administrative power of an employer or, of the chief of a police force, to provisionally relieve a police officer or special constable of his or her duties, with or without pay, if the employer or chief of police has reasonable cause to believe that the police officer or special constable has infringed the Code of ethics and committed an indictable or penal offence or a gross fault likely to compromise the exercise of the functions of the officer or constable.

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.

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

357. The Conseil de surveillance des activités de la Sûreté du Québec shall cease its activities on 16 June 2005 or on any later date determined by the Government to allow the Conseil to close any file in progress.

358. The provisions of this Act come into force on the date of assent, except the provisions of sections 1 to 27, 38 to 47, 324, 325 and 328, paragraph 2 of section 340, sections 341 to 344 and section 350, which come into force on 1 September 2000, and the provisions of sections 28 to 37 and subparagraph 4 of the first paragraph of section 115, which come into force on 1 October 2000.

SCHEDULE A

OATH OF OFFICE

(Sections 60, 84, 107 and 108)

I swear that I will be loyal and bear true allegiance to constituted authority, and that I will fulfill the duties of my office of, honestly and fairly and in compliance with the Code of ethics of Québec police officers and that I will not receive any sum of money or consideration for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of anything whatsoever by or with (*the Government, the municipality or the employer of the special constable*), other than my salary or what may be allowed me by law or by (*an order of the Government or a by-law or resolution of the council, as the case may be*).

SCHEDULE B

OATH OF DISCRETION

(Sections 60, 84, 107, 108, 133, 203 and 299)

I swear that I will not reveal or make known, without being duly authorized, anything whatsoever of which I have learned in the performance of my duties.

SCHEDULE C

POLICE SERVICES IN TERRITORIES NOT UNDER THE
JURISDICTION OF A POLICE FORCE*(Section 81)*

1. The Sûreté du Québec shall provide the basic police services prescribed by regulation under section 81.

2. The Sûreté shall provide such services, within the territory of the regional county municipality that includes the local municipality, in accordance with its usual administrative and operating practices.

3. The implementation of this schedule shall be placed under the authority of a public security committee composed of the following members :

(a) four members of the council of the local municipality or, in the case of an agreement with a regional county municipality, of the councils of the local municipalities to which the agreement applies, designated by the local municipality or the regional county municipality, as the case may be, or failing such designation, by the Minister ;

(b) two representatives of the Sûreté, designated by the Sûreté, who are not entitled to vote, including the person in charge of the police station.

4. The committee may examine any question pertaining to the provision of police services and make to the Sûreté such recommendations as it considers expedient.

SCHEDULE D

OATH

(Sections 133 and 203)

I swear that I will perform the duties of my office honestly, impartially and fairly, and that I will not receive any sum of money or benefit for what I will do in the discharge of the duties of my office other than what may be allowed me by law.

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