

Draft Regulation

Police Act
(chapter P-13.1)

Conduct of investigations the Bureau des enquêtes indépendantes is charged with

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the conduct of investigations the Bureau des enquêtes indépendantes is charged with, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is to establish rules concerning the investigations the Bureau des enquêtes indépendantes is charged with conducting. It also proposes terms governing the provision of support services to the Bureau des enquêtes indépendantes by a police force that provides level 4 services or services of a higher level. Lastly, it proposes rules relating to the communications of the director of the Bureau des enquêtes indépendantes with the public and the family members of a person who dies, is seriously injured or is injured by a firearm used by a police officer during a police intervention or while the person is in police custody.

The measures proposed in the draft Regulation have no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Jérôme Gagnon, Acting Director, Sécurité de l'État, Ministère de la Sécurité publique, 418 646-6777, extension 60002.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Katia Petit, Secretary General, Ministère de la Sécurité publique, tour des Laurentides, 5^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2.

LISE THÉRIAULT,
Minister of Public Security

Regulation respecting the conduct of investigations the Bureau des enquêtes indépendantes is charged with

Police Act
(chapter P-13.1, ss. 289.1, 289.4, 289.20 and 289.23)

DIVISION I**OBLIGATIONS OF INVOLVED OR WITNESS POLICE OFFICER AND OF DIRECTOR OF POLICE FORCE INVOLVED**

1. A police officer involved in a police intervention or police custody during which a person, other than an on-duty police officer, dies, sustains a serious injury or is injured by a firearm used by a police officer must

(1) withdraw from the occurrence site as soon as possible;

(2) draw up independently, in particular without consultations and external influence, an accurate, detailed and comprehensive account of the facts that took place during the occurrence, sign the account and submit it to the investigators of the Bureau des enquêtes indépendantes within 24 hours of the occurrence, unless the director of the Bureau grants a time extension;

(3) meet with the investigators of the Bureau;

(4) refrain from communicating with another police officer involved in connection with the occurrence until the police officer has submitted the account and met with the investigators of the Bureau;

(5) remain available for the investigation purposes.

A police officer who witnesses an occurrence referred to in the first paragraph is also subject to the obligations provided for in subparagraphs 1, 2, 3 and 5 of the first paragraph.

A police officer involved is a police officer present at an occurrence referred to in the first paragraph and whose actions or decisions could have contributed to the death, serious injuries or injuries by a firearm used by a police officer. A witness police officer is a police officer in whose presence such an occurrence took place, without being a police officer involved.

Constitutes a serious injury any physical injury that could lead to death or that results in serious physical consequences.

2. A director of a police force involved must

(1) take the necessary measures to secure the occurrence site and to ensure preservation of the evidence and the premises' integrity until the arrival of the investigators of the Bureau;

(2) take reasonable measures to prevent the police officers involved from communicating with one another in connection with the occurrence until they have submitted their accounts to the investigators of the Bureau and met with them;

(3) send to the director of the Bureau the name of the person deceased or injured and the nature of the person's injuries, the names of the persons present at the occurrence, the parameters and limits of the occurrence site, the evidence collected so as to preserve it, as well as any other information collected in connection with the occurrence;

(4) give the investigators of the Bureau any document in connection with the occurrence.

A police force involved is a police force counting among its members or exercising authority over, as the case may be, the police officers who are involved in the occurrence or who witness it.

**DIVISION II
PARALLEL INVESTIGATIONS**

3. The Bureau and any other police force each conducting an investigation based on common evidence or testimonies must cooperate with each other. Despite the foregoing, the Bureau has precedence over the police force with regard to the evidence, testimonies and control of the occurrence site.

**DIVISION III
OBLIGATIONS OF THE BUREAU'S DIRECTOR
AND INVESTIGATORS**

4. The director of the Bureau must inform the director of the police force involved where an involved or witness police officer fails to comply with the obligations prescribed by this Regulation.

The director must also, if the director of the police force involved fails to comply with the obligations prescribed by this Regulation, so inform the Minister, in the case of the Director General of the Sûreté du Québec, or the municipal council, in the case of the director of its police force.

5. The director of the Bureau informs the director of the police force involved of the name of the principal investigator and sends the contact information of the principal investigator.

6. The principal investigator must, before meeting with a police officer who took part in the occurrence, inform the police officer that he or she is considered as an involved or witness police officer, and of any change in that status in the course of the investigation. The principal investigator also informs the director of the police force involved.

7. The investigators of the Bureau must inform the director of the Bureau of any situation likely to put them in a conflict of interest and to compromise their impartiality, in particular present or past professional, family or social relations that they maintain with a police officer involved.

8. The investigators of the Bureau assigned to an investigation must meet with all the police officers involved within 48 hours of their arrival on the occurrence site and with all the witness police officers within 24 hours of their arrival, unless the director of the Bureau grants a time extension.

**DIVISION IV
COMMUNICATIONS OF THE BUREAU'S
DIRECTOR**

9. When communicating with the public about the state of the Bureau's activities, the director of the Bureau discloses the following, in particular:

- (1) the number of investigations in progress;
- (2) the type of occurrence that led to the investigations;
- (3) the number of records sent to the Director of Criminal and Penal Prosecutions and, if applicable, to the coroner;
- (4) the conduct of the investigations completed.

10. Insofar as it does not impede the investigation, the director of the Bureau informs the public, in particular, of the beginning of an investigation, its conduct and the transmission of the investigation record to the Director of Criminal and Penal Prosecutions and, if applicable, to the coroner.

11. The director of the Bureau takes charge of the communications with the family members of a person deceased, seriously injured or injured by a firearm used by a police officer during a police intervention or while the person is in police custody. The director communicates to them all relevant information regarding the independent investigation process insofar as it does not impede the investigation.

DIVISION V
TERMS GOVERNING THE PROVISION
OF SUPPORT SERVICES

12. The director of the Bureau, when requesting support services from a police force director providing level 4 services or services of a higher level, indicates the time within which the support services are requested and for what duration.

Where the police force director referred to in the first paragraph is unable to provide the support services requested within the time indicated, he or she so informs the director of the Bureau and specifies when the support services can be provided.

13. A member or employee of a police force who is requested to provide support services and a police officer requested by the director of the Bureau or by any member of the Bureau designated by the director remain at all times members of their police force.

DIVISION VI
FINAL

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

102218

Draft Regulation

An Act respecting pre-hospital emergency services (chapter S-6.2)

Ambulance technician
— Conditions for the registration in the national workforce registry

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation updates the conditions that an ambulance technician must meet to be registered in the national workforce registry as regards college training and the absence of a criminal record related to the carrying on of professional activities. It also provides for the information contained in the registry, that is, the active or inactive status of an ambulance technician and the care practice level that the technician is authorized to carry on. Lastly,

the draft Regulation specifies, for the maintenance of registration in the registry of an ambulance technician, the formalities to be complied with, the method of calculating the 4-year period provided for in the Act to complete all the mandatory continuing education activities and the reasons recognized for an extension granted by the regional medical director of pre-hospital emergency services.

Further information may be obtained by contacting Doctor Colette D. Lachaine, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 9^e étage, Québec (Québec), G1S 2M1; telephone: 418 266-5805; email: colette.lachaine@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

GAÉTAN BARRETTE,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry

An Act respecting pre-hospital emergency services (chapter S-6.2, s. 64)

1. The Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1) is amended in section 1

(1) by striking out “or an attestation of college studies (AEC) in ambulance techniques recognized by the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” in subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 4 to 6 in the first paragraph;

(3) by inserting the following after the second paragraph:

“In addition, an ambulance technician must not have been convicted of an offence under the Act or a regulation made thereunder or have been convicted of an indictable offence related to the carrying on of the activities in respect of which the ambulance technician would be registered in the registry.”;

(4) by striking out the last paragraph.