

Regulations and other Acts

Gouvernement du Québec

O.C. 722-2015, 19 August 2015

Environment Quality Act
(chapter Q-2)

Application of section 32 of the Act — Amendment

Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act

WHEREAS, under paragraph 1 of section 46 of the Environment Quality Act (chapter Q-2), the Government may make regulations to determine construction standards for waterworks, sewer and water treatment systems;

WHEREAS the Government made the Regulation respecting the application of section 32 of the Environment Quality Act, which provides standards for waterworks and sewer projects;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 11 February 2015 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act

Environment Quality Act
(chapter Q-2, s. 46, par. 1)

1. The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) is amended in section 23 by adding “or NSF/ANSI Standard 61 – Drinking Water System Components – Health Effects” at the end of the first paragraph.

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

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Gouvernement du Québec

O.C. 738-2015, 19 August 2015

Police Act
(chapter P-13.1)

Police officers of Ville de Montréal — Internal discipline

By-law respecting the internal discipline of police officers of Ville de Montréal

WHEREAS the second paragraph of section 257 of the Police Act (chapter P-13.1) provides that the Government makes a regulation concerning the internal discipline of the members of the police force of Ville de Montréal, on the recommendation of the council of that city;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft By-law respecting the internal discipline of police officers of Ville de Montréal was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the council of Ville de Montréal recommends to the Government that it make the Regulation;

WHEREAS comments were received and it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the By-law respecting the internal discipline of police officers of Ville de Montréal, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

By-law respecting the internal discipline of police officers of Ville de Montréal

Police Act
(chapter P-13.1, s. 257, 2nd par.)

DIVISION I SCOPE AND PURPOSE

1. This By-law applies to police officers who are members of the Service de police de la Ville de Montréal. It determines the duties and standards of conduct to ensure the effectiveness and quality of the services provided and respect for the authorities over them.

In addition, this By-law determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the director of the police department and of officers with regard to discipline and establishes penalties.

DIVISION II DUTIES AND STANDARDS OF CONDUCT OF POLICE OFFICERS

2. Police officers must obey their loyalty and allegiance oath of office and oath of discretion.

Police officers must, in particular,

(1) refrain from using for personal purposes, or for the purpose of obtaining a benefit or a profit, any information obtained in or in connection with the carrying out of their duties or as a result of their position in the police department;

(2) refrain from destroying or amending any document obtained or written for the police department, unless authorized to do so; and

(3) protect the confidentiality of any information concerning investigations or activities of the police department and obtained in or in connection with the carrying

out of their duties or as a result of their position in the police department and reveal the information only to persons authorized to receive it by the director or by law.

3. Police officers must promptly obey the orders and instructions of their superiors.

Police officers must, in particular,

(1) follow every procedure and obey every instruction or policy in force at the police department;

(2) give an account, at the request of the director or an officer, of their activities during working hours or outside working hours when they act or identify themselves as police officers;

(3) perform the work assigned or be in the place designated by their superior;

(4) refrain from urging to refuse to perform duties;

(5) show respect and be polite toward their superiors; and

(6) be present before the court or any other organization when they are called as a witness, unless they have a reason justifying their absence.

4. Police officers must perform their duties conscientiously, diligently and efficiently.

Police officers must, in particular,

(1) observe their working hours and work program;

(2) refrain from making a false statement or using any trick to extend a leave of absence, to delay their return to work or to be absent from work;

(3) send promptly to their superior any information concerning crimes, offences, facts or important events of which they are a witness or of which they have knowledge;

(4) refrain from being negligent, careless or improper while performing their duties;

(5) maintain and keep in good operating condition every piece of equipment and clothing entrusted by Ville de Montréal; and

(6) protect, keep and ensure the integrity of every property under their custody or responsibility.

5. Police officers must perform their duties with probity.

Police officers must, in particular,

(1) refrain, at all time, from using or authorizing the use of any property of Ville de Montréal, including the uniform, badge, any weapon or other piece of equipment as well as a vehicle of the police department for purposes other than those authorized;

(2) refrain from causing a person to get into a vehicle of the police department otherwise than during the activities of the police department;

(3) refrain from lending, selling or transferring any property of Ville de Montréal without authorization;

(4) claim or authorize only reimbursement of expenses incurred, payment for hours worked or payment of warranted premiums;

(5) remit and account for promptly any sum of money or property received as police officer;

(6) submit and sign only reports or other writings they know to be true and complete;

(7) inform promptly the director that their driver's licence is suspended, revoked or restricted and give the reasons;

(8) inform promptly the director when they are the subject of an investigation or criminal proceeding or have been convicted of a criminal offence, in any place;

(9) inform the director of the conduct of any police officer that may constitute a breach of discipline or professional ethics affecting the enforcement of rights or the security of the public or may constitute a criminal offence;

(10) take part or cooperate in any investigation concerning a conduct referred to in subparagraph 9; and

(11) at all time, refrain from harassing or intimidating another police officer or any other person, exercising or threatening to exercise retaliatory measures against a police officer, or attempting or conspiring to do so on the ground that they intend to fulfill or have fulfilled the duty incumbent upon them under subparagraph 9 or 10.

Subparagraphs 9 and 10 of the second paragraph do not apply to a police officer who is informed of the conduct referred to when acting as union representative, except when he or she supervises with respect to the police officer concerned.

6. At all time, police officers must behave in a dignified manner and must refrain from any behaviour that may jeopardize the confidence or consideration required for their duties or to affect the effectiveness of the police department.

Police officers must, in particular,

(1) refrain from consorting or fraternizing without a satisfactory reason with persons they know or should reasonably know to have a criminal or questionable reputation or frequenting places having such reputation;

(2) refrain, when on duty or in uniform, from buying, transporting, drinking or selling alcoholic beverages without authorization;

(3) refrain, when on duty, in uniform or reporting for work, from giving off a smell of alcoholic beverages, unless the performance of their duties so requires, or being under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance capable of causing intoxication, weakening or disturbance of the faculties or unconsciousness;

(4) refrain from keeping in a vehicle or on the premises of Ville de Montréal, without authorization, alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance capable of causing intoxication, weakening or disturbance of the faculties or unconsciousness;

(5) show courtesy and respect to every person;

(6) comply with any law or by-law; and

(7) refrain from assisting, inciting, advising, encouraging, allowing, authorizing or ordering another police officer to commit an offence under any law or by-law.

7. At all time, police officers must avoid any situation of conflict of interest or appearance of conflict of interest.

Police officers must, in particular,

(1) refuse or refrain from seeking benefits or favours for themselves or a third person, whatever the nature or the origins, in consideration of their status of police officer, except when authorized by the director;

(2) refrain from using their status of police officer for personal use or benefits or for the benefits of a third person;

(3) refrain from, directly or indirectly, exerting undue influence or obtaining or attempting to obtain a sum of money or any other benefit in return for a favour;

(4) refrain from suggesting or recommending properties or services of a professional, a dealer or any other enterprise to a person with whom they have been in contact while performing their duties;

(5) refrain from carrying out an activity incompatible with the function of police officer according to the Police Act (chapter P-13.1);

(6) refrain from operating a business, holding employment, engaging in a trade or an activity or having an interest directly or indirectly in an enterprise of a nature to compromise their independence or that of the police department or to reduce their performance during working hours, including

i. taxi driver or owner or operator of a taxi in the territory of Ville de Montréal;

ii. owner, operator or employee of a pawnshop in the territory of Ville de Montréal;

iii. police officer for another municipality or a government, except with the director's authorization; and

iv. correctional worker;

(7) refrain from soliciting, collecting or allowing to solicit or collect money, property or services from a person, an enterprise or any other organization they know or should reasonably know to have a questionable or criminal reputation; and

(8) refrain from engaging in a political activity prohibited under the Police Act.

8. Police officers may not wear their uniform, badge or service weapon or use other items belonging to the police department when, while on duty, they engage in activities that are not part of their duties.

DIVISION III DISCIPLINARY PROCEDURE

§1. Breach of discipline

9. Any failure related to a duty or standard of conduct provided for in this By-law constitutes a breach of discipline and may entail the imposition of a penalty.

10. An officer concluding that a breach of discipline is being committed, who is informed or has reasonable grounds for believing that a breach of discipline has been

committed or is about to be committed must inform, without delay, the superior of the police officer concerned who must inform the member of the police management personnel acting as head of the Division des affaires internes et normes professionnelles of the police department.

Any other person may lodge a complaint regarding the conduct of a police officer by submitting the complaint to the head of the Division des affaires internes et normes professionnelles.

§2. Disciplinary complaint

11. Where the head of the Division des affaires internes et normes professionnelles receives a complaint, he or she informs the police officer concerned.

12. The head of the Division des affaires internes et normes professionnelles may, after a preliminary evaluation of the validity of the complaint,

(1) dismiss the complaint if it appears frivolous, vexatious or unfounded; or

(2) investigate, if the complaint is valid, and send the report to the director or, if the complaint concerns the director, to the competent authorities of Ville de Montréal for appropriate processing.

13. On receiving the report of the head of the Division des affaires internes et normes professionnelles, the director may

(1) dismiss the complaint if it appears frivolous, vexatious or unfounded; or

(2) accuse the police officer who is the subject of the complaint of breach of discipline.

14. The director may, in the interest of the public, the police department or the police officer who is the subject of the complaint, communicate to the police officer comments or observations for the purpose of improving the police officer's professional conscience or preventing the commission of a breach of discipline. Such notice does not constitute a disciplinary action. It is forwarded to the police officer by the member of the police management personnel responsible for the police officer and a copy is filed in the police officer's record. Upon request by the police officer, the notice is removed from his or her record 2 years after its filing.

15. The director may, in the interest of the public, the police department or the police officer who is the subject of the complaint,

(1) submit the police officer to a medical examination or any other examination;

(2) order the police officer to undergo training or take a refresher or development course provided by a police training institution; or

(3) where the director considers that it is expedient to temporarily relieve the police officer of his or her duties or to suspend the police officer of the police department, assign the police officer to other duties or suspend the police officer without pay until the final disciplinary decision.

16. The right to lodge a complaint in disciplinary matters against a police officer is prescribed 2 years after the date of the knowledge of the event by the authorities of the police department, except when the event may also constitute a criminal act.

§3. *Disciplinary charge*

17. A member of the police management personnel may impose one of the penalties provided for in section 33 to a police officer who is the subject of a disciplinary charge and who acknowledges in writing having committed the breach of discipline of which he or she is accused. In the case of a breach of discipline referred to in section 3 or 4, an officer may impose a reprimand on the police officer.

The member of the police management personnel or the officer, as the case may be, must inform in writing within 10 days the member of the police management personnel responsible for the police officer of the penalty imposed and the reasons justifying the penalty. The member informs the head of the Division des affaires internes et normes professionnelles as soon as possible

18. Provided that a penalty has been imposed on the police officer who is the subject of a disciplinary charge in accordance with section 17, the director must decide whether the disciplinary charge will be heard before a member of the police management personnel designated by the director or a discipline committee composed of 3 members of the police management personnel designated by the director, of whom 1 member is designated chair of the hearing.

To that end, the director must consider whether or not the alleged contravention involves a member of the public and the seriousness of the alleged contravention, the complexity of the legal issues or the alleged facts, and whether the police officer has been previously disciplined.

19. Despite section 18, a member of the police management personnel must be accused before a discipline committee, composed in accordance with that section. The chair of the hearing must be of a rank higher than the rank of the member concerned.

20. The disciplinary charge is lodged by the head of the Division des affaires internes et normes professionnelles.

21. The disciplinary indictment must summarily indicate the nature and circumstances of the fact and the place of the alleged breach of discipline. It is served in writing on the cited police officer and on the police officer's union or professional association.

22. The cited police officer must inform the head of the Division des affaires internes et normes professionnelles of his or her plea within 10 days of service of the disciplinary indictment.

23. The head of the Division des affaires internes et normes professionnelles sets the date, time and place of the hearing and notifies the cited police officer and his or her union or professional association at least 5 days before the date set for the hearing.

24. At the hearing, the cited police officer may be assisted by

(1) an advocate of his or her choice; or

(2) a police officer of the police department who is not a member of the police management personnel, except where the cited police officer is a member of the police management personnel.

If the person assisting the cited police officer is not a representative of his or her union or professional association, the association may be represented by an observer.

25. Where the cited police officer requests witnesses from among the employees of the police department to be summoned, the police officer must do so in reasonable number and time. The head of the Division des affaires internes et normes professionnelles takes the necessary measures, considering the requirements of the police department, to secure the attendance of the witnesses.

26. Where the cited police officer refuses or neglects, without valid reasons, to appear before the member of the police management personnel or the discipline committee, as the case may be, or leaves the hearing room without authorization, the case may be heard in his or her absence.

27. At the hearing, the member of the police management personnel or the discipline committee, as the case may be, must

(1) read the disciplinary indictment to the cited police officer;

(2) allow the cited police officer to change his or her plea;

(3) allow the cited police officer to be heard and to defend himself or herself;

(4) accept any evidence considered appropriate and relevant to ensure disclosure of the truth; and

(5) call, question and discharge witnesses, if necessary.

28. At the hearing, the head of the Division des affaires internes et normes professionnelles must

(1) describe the alleged breach of discipline; and

(2) submit evidence and make any representations.

The head may be assisted by an advocate.

29. The disciplinary indictment may be amended at any time as may be required to protect the rights of the parties. The member of the police management personnel or the discipline committee, as the case may be, may not allow any amendment which would result in an entirely new charge having no relation to the original charge, except with the consent of the parties.

30. The member of the police management personnel or the chair of the discipline committee, as the case may be, takes the affirmation of the witnesses. The depositions of witnesses are recorded.

31. At the hearing, the member of the police management personnel or the discipline committee, as the case may be, may be assisted by a legal counsel who advises them on all questions of law or procedure, but does not take part in decisions.

32. Where the member of the police management personnel or the discipline committee, as the case may be, decides the conduct of the cited police officer constitutes a breach of discipline or the police officer acknowledges it, the parties may be heard concerning the penalty.

33. The member of the police management personnel immediately imposes one of the following penalties for each disciplinary charge after the submissions on penalty:

(1) a reprimand;

(2) a disciplinary transfer;

(3) a disciplinary suspension without pay for a period of not more than 15 working days.

34. Within 20 days of the submissions on penalty, the discipline committee imposes one of the following penalties to the cited police officer for each disciplinary charge:

(1) a reprimand;

(2) a disciplinary transfer;

(3) a disciplinary suspension without pay for a period of not more than 60 working days;

(4) a demotion;

(5) a dismissal.

However, where the cited police officer is a member of the police management personnel, the discipline committee, within the same time, recommends to the director one of the penalties provided for in the first paragraph, except the disciplinary transfer, that should be imposed to the police officer in accordance with section 118 of the Charter of Ville de Montréal (chapter C-11.4) for each disciplinary charge.

35. In addition to imposing a penalty, the member of the police management personnel or the discipline committee, as the case may be, may, if the member of the police management personnel or the discipline committee considers it warranted by the interest of the public, the police department or the police officer, order the police officer to comply with reasonable conditions considered desirable to ensure the police officer's good conduct and prevent the commission of breaches of discipline. A police officer who fails or refuses to comply with such conditions commits a breach of discipline.

36. The disciplinary decision must be in writing, state the reasons thereof and be signed by the member of the police management personnel or participating members of the discipline committee, as the case may be. The decision is sent to the director, the cited police officer, his or her union or professional association and the head of the Division des affaires internes et normes professionnelles within 10 days of the imposition or recommendation of a penalty.

§4. Review and execution of a disciplinary decision

37. A decision by an officer, a member of the police management personnel or a discipline committee made in accordance with sections 17, 33 and 34, as the case may be, may be reviewed by the director within 15 days of the decision.

The director may also review such a decision on his or her own initiative within 30 days of the decision.

38. Before reviewing a decision, the director must so inform the parties and give them an opportunity to make representations in writing.

The police officer may ask the director to be heard at the review.

39. The director may confirm, cancel or amend the decision reviewed by him or her and substitute one or a number of the penalties provided for in section 33 or 34, as the case may be.

The director's decision is sent to the police officer and to his or her union or professional association as well as to the head of the Division des affaires internes et normes professionnelles.

40. Subject to section 37, a disciplinary decision becomes executory on the expiry of 30 days following the date of the decision.

A review decision from the director is immediately executory.

41. A police officer on whom a dismissal has been imposed or a member of the police management personnel who is the subject of a recommendation of dismissal is suspended without pay until the decision is executory.

42. A police officer on whom suspensions without pay have been imposed after a number of disciplinary charges must serve the penalties consecutively.

43. On a written application by a police officer on whom a suspension without pay has been imposed as disciplinary penalty, the director may determine that the number of days during which the police officer would thus be without pay be reduced totally or partially by the police officer's annual vacation or future weekly leave at the rate of 1 per week.

The application must be filled with the head of the Division des affaires internes et normes professionnelles not later than 5 days after the disciplinary decision has become executory.

44. No reference to a disciplinary charge found not proven against a police officer may be entered in the police officer's record.

§5. Dismissal of a disciplinary penalty

45. A police officer on whom a disciplinary penalty other than dismissal or demotion has been imposed may, after 3 years in the case of a disciplinary suspension without pay or a transfer and after 2 years in the case of a reprimand, apply in writing to the director for the penalty to be dismissed.

46. If the director grants the dismissal application, the penalty dismissed may no longer be invoked against the police officer in matters of discipline.

DIVISION IV
INTERPRETATION, TRANSITIONAL AND FINAL

47. The powers assigned to the director of the police department by this By-law may also be exercised by a member of the police management personnel designated by the director. The powers assigned to the head of the Division des affaires internes et normes professionnelles may be exercised by a person designated by the head.

48. This By-law must not be interpreted as restricting a collective agreement entered into by Ville de Montréal and the Fraternité des policiers et policières de Montréal.

49. This By-law must not be interpreted as restricting the administrative power of the director, a member of the police management personnel or an officer to suspend without pay a police officer suspected of having committed a criminal offence or a serious breach of discipline or professional ethics where the director, the member of the police management personnel or the officer is of the opinion that it is expedient to remove such police officer temporarily from the police department.

50. Any disciplinary complaint being processed on 16 september 2015 is continued in accordance with the provisions of this By-law, with the necessary modifications.

51. This By-law replaces the By-law respecting the internal discipline of police officers of the Communauté urbaine de Montréal, adopted on 10 October 1990 by the Council of the Communauté urbaine de Montréal (By-law 106, C.U.M.).

52. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.