

Regulations and other Acts

Gouvernement du Québec

O.C. 405-2016, 18 May 2016

Police Act
(chapter P-13.1)

Bureau des enquêtes indépendantes **— Conduct of the investigations**

Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes

WHEREAS, under the second paragraph of section 289.1 of the Police Act (chapter P-13.1), a government regulation is to define what constitutes a serious injury within the meaning of the first paragraph of that section;

WHEREAS, under section 289.4 of the Act, a government regulation is to establish rules concerning the investigations the Bureau des enquêtes indépendantes is charged with conducting under section 289.2 of the Act and the regulation is to determine, among other things, the obligations of the police officers involved in an occurrence described in section 289.1, the police officers who witnessed the occurrence and the director of the police force involved;

WHEREAS, under the second paragraph of section 289.20 of the Act, a government regulation is to determine the terms governing the provision of support services mentioned in the first paragraph of that section;

WHEREAS under section 289.23 of the Act, the government regulation made under section 289.4 may provide rules relating to the communications of the director of the Bureau with the public and the family members of a person described in section 289.1;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the conduct of investigations the Bureau des enquêtes indépendantes is charged with was published in Part 2 of the *Gazette officielle du Québec* of 15 July 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments were received following that publication 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 Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes

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

DIVISION I

OBLIGATIONS OF POLICE OFFICER INVOLVED OR WITNESS POLICE OFFICER AND OF DIRECTOR OF POLICE FORCE INVOLVED

1. A police officer involved and a witness police officer must, where 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 during a police intervention or while the person is in police custody:

(1) withdraw from the scene of the occurrence as soon as possible;

(2) draw up independently, in particular without consultations and 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 or witness police officer in connection with the occurrence until the police officer has submitted the account and met with the investigators of the Bureau; and

(5) remain available for the investigation purposes.

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 scene of the occurrence 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 or witness police officers 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 scene of the occurrence, 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;

(5) make sure that the communications made to the public about the occurrence do not impede the Bureau's investigation; and

(6) take the necessary measures so that the director of the Bureau may ensure the communications related to the independent investigation with the person seriously injured or injured by a firearm used by a police officer during a police intervention or while the person is in police custody and with the family members of that person or of a person who died during such an 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 conducting parallel investigations 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 scene of the occurrence.

4. The director of a police force that conducts an investigation in parallel with the Bureau's investigation must make sure that the communications made to the public do not impede the Bureau's investigation.

DIVISION III
OBLIGATIONS OF THE BUREAU'S DIRECTOR AND INVESTIGATORS

5. 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, the municipal council, in the case of the director of the municipal police force, or his or her employer, in the case of a director of another police force.

6. 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.

7. The principal investigator must, before meeting with a police officer involved or a witness police officer, determine the police officer's status and, as soon as possible, notify the police officer of that status in writing. The principal investigator must also inform the police officer of any change in status in the course of the investigation and notify the police officer of the change in writing as soon as possible. The principal investigator also informs the director of the police force involved of the status of the police officer and of any change in their status.

8. 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.

9. 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 scene of the occurrence 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 DIRECTOR OF THE BUREAU

10. 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.

11. Insofar as it does not impede the director's investigation or a parallel 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.

12. The director of the Bureau ensures the communications with the person seriously injured or injured by a firearm used by a police officer during a police intervention or while the person is in police custody and with the family members of that person or of a person who died during such an occurrence. 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

13. 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.

14. 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

15. This Regulation comes into force on June 27, 2016.
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Gouvernement du Québec

O.C. 416-2016, 25 May 2016

An Act respecting municipal taxation
(chapter F-2.1)

Equalization scheme —Amendment

Regulation to amend the Regulation respecting the equalization scheme

WHEREAS, under subparagraph 7 of the first paragraph of section 262 of the Act respecting municipal taxation (chapter F-2.1), the Government may by regulation establish the equalization scheme provided for in section 261 of the Act and set the rules provided for in the second paragraph of that section;

WHEREAS the Government made the Regulation respecting the equalization scheme (chapter F-2.1, r. 11);

WHEREAS it is expedient to amend the Regulations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the equalization scheme was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2016 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS a comment was received with respect to the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Land Occupancy: