

## Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities

Fire Safety Act  
(chapter S-3.4, s. 151, par. 3)

**1.** The Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities (chapter S-3.4, r. 1.01) is amended in section 4 by striking out “exceptional”.

**2.** Section 8 is amended by inserting “other than the candidate himself or herself” at the end.

**3.** Section 11 is amended

(1) by replacing subparagraphs 4 and 5 of the first paragraph by the following:

“(4) two persons from the associations representing the local or regional authorities;”;

(2) by replacing the second paragraph by the following:

“The Minister, after consultation of the organizations concerned, if any, appoints the committee members for a term of not more than 3 years. The Minister may, in the same manner and for a term of the same duration, appoint a substitute for each member, to replace them whenever they are absent or unable to act or where their position is vacant. At the expiry of their term, the committee members and the substitutes remain in office until they are replaced or re-appointed.”

**4.** Section 12 is amended by inserting “by a substitute appointed to replace the member or, failing that,” after “portion of the term” in the first paragraph.

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

105952

Gouvernement du Québec

**O.C. 1471-2022, 3 August 2022**

Police Act  
(chapter P-13.1)

### Internal discipline of members of the specialized anti-corruption police force

By-law respecting the internal discipline of members of the specialized anti-corruption police force

WHEREAS, under the third paragraph of section 257 of the Police Act (chapter P-13.1), the Government is to make a regulation concerning the internal discipline of the members of a specialized police force, on the recommendation of the person acting as director of the police force;

WHEREAS, under section 89.2 of the Act, the specialized anti-corruption police force formed under section 8.4 of the Anti-Corruption Act (chapter L-6.1) is a specialized police force;

WHEREAS, under subparagraph 2 of the first paragraph of section 9 of that Act, the Anti-Corruption Commissioner has the function to act as director of the specialized anti-corruption police force;

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 members of the specialized anti-corruption police force was published in Part 2 of the *Gazette officielle du Québec* of 13 April 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Anti-Corruption Commissioner recommends to the Government to make the By-law;

WHEREAS it is expedient to make the By-law without amendment;

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

THAT the By-law respecting the internal discipline of members of the specialized anti-corruption police force, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## By-law respecting the internal discipline of members of the specialized anti-corruption police force

Police Act  
(chapter P-13.1, s. 257, 3rd par.)

### DIVISION I PURPOSE, SCOPE AND INTERPRETATIVE PROVISIONS

**1.** The purpose of this By-law is to promote maintenance of the necessary discipline and ethics to ensure the organizational integrity of the specialized anti-corruption police force formed in section 8.4 of the Anti-Corruption Act (chapter L-6.1).

For that purpose, it imposes duties and standards of conduct on the members of that police force, who are designated in paragraph 1 of section 8.4 of that Act, to ensure the effectiveness and quality of the services provided and respect for the authorities over them.

In addition, it determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the authorities with regard to discipline and establishes penalties.

**2.** The powers assigned to the Anti-Corruption Commissioner by this By-law, except the power respecting the appointment of the person in charge of processing complaints, may be exercised by a member of the administration of the police force designated by the Commissioner.

For the purposes of this By-law, “member of the administration” means the Associate Commissioner for Investigations and any other person belonging to the senior administration of the police force, any member of the police force referred to in subparagraph *i* of subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act (chapter L-6.1), as well as the Human Resources Officer.

Where a member of the police force referred to in subparagraph *i* of subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act exercises a power as a member of the administration designated by the Commissioner pursuant to the first paragraph or a power assigned to a member of the administration by a provision of this By-law, that member must hold a rank equal to or higher than that of the member who is the subject of the complaint.

**3.** This By-law must not be interpreted as restricting, in particular, the administrative power of the Commissioner or a member of the administration to provisionally suspend a member, with or without pay, who is suspected of having committed a criminal or penal offence or a serious breach of discipline or for any other reason requiring provisional suspension, or to terminate the probationary period of a member, even for a disciplinary reason.

### DIVISION II DUTIES AND STANDARDS OF CONDUCT OF MEMBERS

**4.** Members must obey their oath of office and their oath of discretion.

Members 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 performing or while performing their duties or by reason of their status, duties or position in the police force;

(2) refrain from destroying, removing or modifying any official document of the police force or any document obtained or written for the police force, unless so authorized by the Commissioner;

(3) refrain from disclosing, transmitting or communicating information or making statements concerning an investigation or the activities of the police force or the activities of the teams designated by the Government pursuant to section 8.5 of the Anti-Corruption Act (chapter L-6.1), unless so authorized by law or by the Commissioner.

**5.** Members must perform their duties with impartiality and integrity and avoid any conflict of interest or appearance of a conflict of interest of a nature to compromise their impartiality in the performance of their duties or adversely influence their judgment and loyalty.

Members must, in particular,

(1) refuse, or refrain from seeking, benefits or favours for themselves or another person, whatever their nature or origin, because of their status, unless so authorized by the Commissioner;

(2) refrain from using their status for personal purposes or for the benefit of another person;

(3) refrain from engaging, directly or indirectly, in influence peddling or obtaining or attempting to obtain a sum of money, a favour or any other benefit in exchange for a favour of any kind;

(4) refrain from accepting, soliciting or demanding, directly or indirectly, a sum of money, a favour or any other benefit or consideration of a nature to compromise their impartiality in the performance of their duties;

(5) refrain from placing themselves in a situation where they would be in a conflict of interest when soliciting or collecting money, or allowing money to be solicited or collected, from the public by the sale of advertisements or tickets or in any other manner for the benefit of a person, organization or association;

(6) refrain from paying, offering to pay or agreeing to offer a sum of money, a favour or any other benefit or consideration to a person of a nature to compromise that person's impartiality in the performance of his or her duties or to induce the person to intercede in their favour in order to obtain a promotion or any other change in their status;

(7) refrain from suggesting or recommending the goods and services of a professional, a merchant or any other business to a person with whom they have been in contact while engaged in the performance of their duties;

(8) refrain from standing surety in a case under the jurisdiction of a court of criminal or penal jurisdiction, except where warranted by family relations with the accused;

(9) refrain from signing a letter of recommendation or other certificate knowing it to be false or inaccurate;

(10) refrain from holding employment or carrying out an activity incompatible with the duties of a member of the police force;

(11) refrain from operating an enterprise or business, holding employment, engaging in a trade or activity or having a direct or indirect interest in an enterprise that would be of a nature to compromise their independence, the independence of the police force or the values of the police force, or of a nature to diminish their effectiveness during working hours;

(12) refrain from soliciting or collecting money, goods or services, or allowing money, goods or services to be solicited or collected, from a person, a business or any other organization that they know or reasonably should know is not of good moral character.

**6.** Members must be politically neutral in the performance of their duties.

Members must, in particular,

(1) refrain from attending a political meeting while in uniform or wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or the Unité permanente anticorruption, unless they are on duty at the meeting;

(2) refrain from publicly showing or expressing their political opinions, soliciting funds for a candidate for an election, for a political body or for a political party, or publicly showing support for a candidate for election or for a political party;

(3) refrain from engaging in any political activity prohibited by the Police Act (chapter P-13.1).

**7.** Members must respect the authorities over them and promptly obey their verbal and written orders, their requests and their directives. Members must also be loyal to the police force, their supervisors and the other members.

Members must, in particular,

(1) comply with all procedures, directives or policies in force within the police force;

(2) refrain from refusing or neglecting to report to a supervisor on their actions and activities performed during their working hours, or outside their working hours where they act in their capacity as, or identify themselves as, members of the police force;

(3) provide, where so required by a supervisor, a report concerning the activities carried out in the performance of their duties;

(4) report to a supervisor any actions and activities incompatible with the performance of their duties;

(5) perform the work generally or specifically assigned and be present at the place designated by their supervisor, unless serious reasons related to the performance of their duties warrant performing another task or leaving that place and they promptly inform their supervisor;

(6) refrain from inciting anyone to refuse to perform their work;

(7) report to their supervisor in writing each time that they use a service weapon or participate in a car chase in the performance of their duties;

- (8) comply with a subpoena to appear as a witness;
- (9) adopt a respectful and polite attitude toward their supervisors, colleagues or subordinates;
- (10) refrain from defaming the authorities of the police force, their supervisors, their colleagues, their subordinates, as well as the persons who form the teams designated by the government pursuant to section 8.5 of the Anti-Corruption Act (chapter L-6.1).

**8.** Members must act with dignity and moderation and avoid any conduct of a nature to jeopardize the confidence or consideration required by their duties or of a nature to compromise the image, independence or effectiveness of the police force.

Members must, in particular,

- (1) refrain from consorting with persons that they know or should reasonably know are not of good moral character without having a satisfactory reason to do so, as well as fraternizing with such persons without having a satisfactory reason to do so;
- (2) refrain from frequenting places that are frequented by persons they know or should reasonably know are not of good moral character without having a satisfactory professional reason to do so;
- (3) treat all persons with courtesy and respect;
- (4) refrain from using any obscene or insulting language;
- (5) refrain from misusing their authority or engaging in intimidation or harassment;
- (6) refrain from resorting to greater force than necessary to accomplish what they are ordered or permitted to do;
- (7) refrain from maliciously damaging or destroying, losing due to negligence or illegally transferring public or private property;
- (8) refrain from showing, handling or pointing a service weapon without having a satisfactory reason to do so;
- (9) refrain, while they are performing their duties or at any time while they are wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or with the Unité permanente anticorruption, from buying, transporting, consuming or selling alcoholic beverages or cannabis, unless so required by their work or so authorized by the Commissioner;

(10) refrain, while they are performing their duties or at any time while they are wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or with the Unité permanente anticorruption, from being under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance of the same nature capable of causing intoxication, diminution or impairment of the faculties, or unconsciousness;

(11) refrain from keeping, in a vehicle or on premises belonging to or made available to the police force, alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance of the same nature capable of causing intoxication, diminution or impairment of the faculties, or unconsciousness, unless so authorized by the Commissioner;

(12) refrain from buying, selling or possessing narcotics or any other substance of the same nature whose sale is prohibited or regulated or acting as an intermediary in such a case, unless so required by their work;

(13) refrain from excessive consumption of alcoholic beverages or cannabis in a public place;

(14) refrain, while they are performing their duties or at any time while they are wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or with the Unité permanente anticorruption, from displaying an appearance or attitude that is negligent or does not comply with the directives of the police force;

(15) refrain from wearing, bearing or using, while they are performing their duties, a weapon or piece of equipment other than those issued to them by the police force, unless so authorized by the Commissioner;

(16) refrain from using any contrivance or false statement to prolong a leave of absence, delay returning to work or taking time off from work;

(17) obey all laws and regulations;

(18) refrain from inducing or inciting another member to commit an offence against any law or regulation by giving that member their aid, encouragement, advice, consent, authorization or an order;

(19) refrain from wearing or bearing their service weapon or badge or using other items belonging to the police force or the Unité permanente anticorruption while they are not on duty, unless so authorized by the

Commissioner, or while, although they are supposed to be on duty, they are engaged in activities that are not part of their duties.

**9.** Members must perform their duties conscientiously, diligently and efficiently.

Members must, in particular,

(1) comply with their work schedule and carry out the work assigned to them;

(2) refrain from acting with negligence, carelessness or a lack of rigour in carrying out their duties;

(3) refrain from acting with a lack of vigilance in carrying out their duties;

(4) refrain from taking time off from work without permission;

(5) refrain from trading duties or work shifts with another member without the permission of their supervisor;

(6) promptly transmit to their supervisor any information concerning crimes, offences, facts or important events that they have witnessed or have knowledge of;

(7) maintain any weapon or ammunition that has been entrusted to them in good working order and store them in accordance with the applicable laws, regulations and directives;

(8) refrain from negligence in the custody or supervision of a person held in custody or any other person under their responsibility;

(9) protect, maintain and ensure the integrity of any property used by or in the custody of the police force or any of its members;

(10) maintain any equipment and any item provided by the police force in good working order.

**10.** Members must act with probity.

Members must, in particular,

(1) promptly remit and account for any sum of money or any other property received in their capacity as a member of the police force;

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

(3) refrain from using a vehicle of the police force or any other property belonging to the police force, or allowing it to be used, for purposes other than those authorized;

(4) refrain from causing a person to get into a vehicle of the police force otherwise than in the course of police force activities, unless so authorized by the Commissioner;

(5) refrain from filing or signing a report or other writing that they know or reasonably should know is false or inaccurate;

(6) refrain from lending, selling or transferring an item or a piece of equipment provided by the police force, unless so authorized by the Commissioner;

(7) promptly inform the Commissioner in writing when they are the subject of a criminal investigation, a criminal proceeding or a conviction of a criminal offence;

(8) promptly inform the Commissioner in writing of the conduct of another member that may constitute a criminal offence or that, if they have personal knowledge of it, may constitute a breach of discipline or professional ethics affecting the enforcement of rights or the safety of the public;

(9) take part or cooperate in any investigation concerning a conduct referred to in subparagraph 8;

(10) promptly inform the Commissioner in writing that their driver's licence has been revoked, suspended or restricted and indicate the reasons why;

(11) promptly inform the Commissioner in writing of any other function, office or employment they hold, other income they receive from property or a business and any situation that may be incompatible with the performance of their duties.

**11.** Members must respect the authority of the law and the courts and must collaborate in the administration of justice.

Members must, in particular,

(1) refrain from contravening any law or regulation where doing so is likely to compromise the performance of their duties;

(2) refrain from hindering or contributing to hindering the course of justice;

(3) refrain from concealing evidence or information in order to harm a person, in particular an accused, a complainant or a witness, or from favouring evidence;

(4) refrain from omitting to transmit or unduly delaying to transmit to their supervisor any information concerning crimes and offences they have witnessed or have knowledge of.

### DIVISION III DISCIPLINARY PROCEDURE

#### §1. *Breach of discipline*

**12.** Any failure by members to comply with a duty or a standard of conduct provided for in this By-law constitutes a breach of discipline and may entail the imposition of a disciplinary penalty.

#### §2. *Disciplinary complaint*

**13.** The Commissioner appoints a member of the administration as person in charge of processing complaints.

If the person in charge of processing complaints is absent or unable to act, he or she is replaced for the duration of that absence or inability to act by another member of the administration designated by the Commissioner.

**14.** The duties of the person in charge of processing complaints are, in particular, to receive and examine any complaint lodged against a member and ensure that it is dealt with in accordance with this By-law.

The Commissioner may also exercise the powers conferred on the person in charge of processing complaints by this By-law.

**15.** Members must promptly inform their supervisor when they observe the commission of a breach of discipline or when they are informed or have reasonable grounds to believe that a breach of discipline has been committed or is about to be committed by another member.

Any other person may also lodge a complaint concerning the conduct of a member.

**16.** Any complaint must be submitted in writing to the person in charge of processing complaints and summarily indicate, to the best of the complainant's knowledge, the nature and the time and place of the alleged breach of discipline. The complaint may also be accompanied by any supporting document.

The person in charge of processing complaints keeps a register of all complaints received, in the form and manner he or she determines.

**17.** Despite the first paragraph of section 16, a complaint concerning the person in charge of processing complaints must be transmitted to the Commissioner. The person in charge of processing complaints also transmits to the Commissioner any complaint concerning a member of a higher rank than that of the person in charge of processing complaints.

Where the Commissioner receives a complaint pursuant to the first paragraph, the Commissioner exercises the duties conferred on the person in charge of processing complaints by this By-law, adapted as required.

**18.** The person in charge of processing complaints transmits to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif any complaint concerning the Commissioner or the Associate Commissioner for Investigations.

The disciplinary process provided for in the Regulation respecting the ethics and professional conduct of public office holders (chapter M-30, r. 1) then applies in lieu of the disciplinary procedure provided for by this Division, subject to section 5.2.1, 5.2.2 or 8.2 of the Anti-Corruption Act (chapter L-6.1), as applicable.

**19.** The person in charge of processing complaints transmits a copy of the complaint to the supervisor of the member who is the subject of the complaint and to the Human Resources Officer and, if the complaint concerns a member whose services are on secondment, to the police force that seconded the member's services.

**20.** The immediate supervisor or line supervisor of the member who is the subject of a complaint may, after consulting with the Human Resources Officer and the person in charge of processing complaints, issue the member a written warning in a case where the breach of discipline alleged in the complaint does not warrant any other disciplinary measure. A copy of the warning is transmitted to the Human Resources Officer and the person in charge of processing complaints.

However, if the complaint concerns a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services that a written warning be issued to the member. If applicable, a copy of the written warning is transmitted to the Human Resources Officer and the person in charge of processing complaints.

**21.** The right to lodge a disciplinary complaint is prescribed 2 years after the date of the facts giving rise to the complaint or the date on which they become known to the administration of the police force, except in a case where those facts could also constitute a criminal offence.

**22.** A member may be the subject of a disciplinary complaint despite the fact that the member has been acquitted or convicted, by a court of criminal or penal jurisdiction, of an offence for which the facts that gave rise to the accusation are the same as those of the breach of discipline alleged in the complaint.

**23.** Unless the person in charge of processing complaints decides otherwise, the disciplinary procedure is not suspended where the member concerned by a disciplinary complaint is also the subject of a complaint, investigation or proceeding of a civil, professional ethics, criminal or penal nature before any judicial or quasi-judicial tribunal in connection with the same facts as those of the breach of discipline alleged in the complaint.

**24.** On receiving a complaint, the person in charge of processing complaints may, after a preliminary assessment,

(1) dismiss it if the person in charge of processing complaints judges it to be frivolous, vexatious, unfounded or made in bad faith;

(2) submit it to the member's immediate supervisor or line supervisor so that the supervisor can decide whether a written notice pursuant to section 20 should be issued to the member or, if the complaint concerns a member whose services are on secondment, submit it to the Commissioner so that he or she can decide, in accordance with that section, whether to recommend to the competent disciplinary authorities of the police force that seconded the member's services that a written warning be issued to the member;

(3) terminate the disciplinary procedure if a written warning has been issued to the member pursuant to section 20;

(4) conduct an investigation or charge another person to do so; or

(5) cite the member with a breach of discipline.

The person in charge of processing complaints may also, on his or her own initiative, conduct an investigation or charge another person to do so if he or she has reasonable grounds to believe that a member has committed a breach of discipline.

**25.** At any stage in the disciplinary procedure, the person in charge of processing complaints may, after consulting with the Human Resources Officer, recommend to the Commissioner to impose on the member concerned any non-disciplinary measure warranted by the circumstances, in particular,

(1) a feedback measure aimed at communicating to the member comments and observations of a nature to develop the member's professional conscience or prevent the commission of a breach of discipline, or aimed at identifying the causes and effects of a conduct or an event and, if applicable, the means of achieving the objectives determined;

(2) requiring the member to submit to a medical examination or any other assessment of ability;

(3) requiring the member to receive training, take a follow-up course or undertake any other measure to upgrade his or her knowledge.

In a case where the complaint concerns a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services the imposition of any non-disciplinary measure warranted by the circumstances.

A member who fails or refuses to comply with such a measure commits a breach of discipline.

### *§3. Disciplinary investigation*

**26.** Based on the nature of the case, the person charged with an investigation pursuant to section 24 communicates with the complainant and with the witnesses, if applicable, and collects the documentary evidence and any other relevant information.

The person charged with the investigation also communicates with the member concerned by the investigation, unless doing so is likely to hinder the investigation.

**27.** The member concerned by the investigation must provide, when so required by a supervisor, a report concerning the activities carried out during or in the context of the member's work.

**28.** On completion of the investigation, the person charged with the investigation submits to the person in charge of processing complaints an investigation report containing the evidence collected. A copy of the report is transmitted to the Human Resources Officer.

**29.** After analysis of the investigation report and consultation with the Human Resources Officer, the person in charge of processing complaints may

(1) dismiss the complaint if the person in charge of processing complaints judges it to be frivolous, vexatious, unfounded or made in bad faith;

(2) terminate the disciplinary procedure if there is insufficient evidence;

(3) submit the file to the immediate supervisor or line supervisor of the member so that the supervisor can decide whether a written notice pursuant to section 20 should be issued to the member or, if the complaint concerns a member whose services are on secondment, submit it to the Commissioner so that the Commissioner can decide, in accordance with that section, whether to recommend to the competent disciplinary authorities of the police force that seconded the member's services that a written warning be issued to the member and terminate the disciplinary procedure if such a warning is issued to the member;

(4) order a supplementary investigation; or

(5) cite the member with a breach of discipline.

#### §4. *Citation for breach of discipline*

**30.** A citation for breach of discipline is issued for the purpose of determining whether the conduct of the member concerned constitutes a contravention of a duty or standard of conduct provided for by this By-law that could entail the imposition of a penalty.

A citation includes as many charges as the number of alleged contraventions. Each charge in a citation must summarily relate the conduct constituting a contravention of this By-law and indicate the provision alleged to have been contravened. The citation is notified to the member concerned and a copy is transmitted to Human Resources Officer and, if it concerns a member whose services are on secondment, to the competent disciplinary authorities of the police force that seconded the member's services.

**31.** The person in charge of processing complaints sets the date, time and place of the disciplinary meeting before the Commissioner so that the member may have an opportunity to explain. He gives the member at least 24 hours' advance notice. If the citation concerns a member whose services are on secondment, a member of the administration of the police force that seconded the member's services, designated by the director of that police force, also participates in the meeting.

During the meeting, the member may be accompanied by a person of his or her choice.

The Commissioner is assisted by the Human Resources Officer. The Commissioner may also be assisted by no more than two other persons, one of whom may be a person not belonging to the police force.

**32.** Where the member refuses or neglects, with no valid reason, to appear at the disciplinary meeting or leaves the meeting without authorization, the disciplinary meeting may continue in the member's absence. The Commissioner and, if applicable, the member of the administration of the police force that seconded the member's services may then take the appropriate measures.

**33.** During or after the disciplinary meeting, the Commissioner renders a disciplinary decision ruling on the citation. The decision must be in writing, state the reasons on which it is based and be signed. In a case where the complaint concerns a member whose services are on secondment, the Commissioner recommends a disciplinary decision ruling on the citation to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the member of the direction of the administration of that police force who participated in the disciplinary meeting. The Commissioner may first ask a member of the administration to prepare a supplementary report.

#### §5. *Disciplinary penalty*

**34.** Where the Commissioner concludes that there has been a breach of discipline with regard to an alleged contravention, whether it was alleged in the citation or disclosed in the disciplinary meeting, the Commissioner imposes on the member one of the following penalties for each contravention:

- (1) a warning;
- (2) a reprimand;
- (3) a disciplinary suspension without pay;
- (4) a disciplinary reassignment;
- (5) a demotion;
- (6) a dismissal.

However, in the case of a member whose services are on secondment, the Commissioner recommends to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the member of the administration of that police force who participated in the disciplinary meeting, the imposition of one of the penalties provided for in the first paragraph for each contravention.

A decision imposing two or more penalties may provide they will be served consecutively.



**35.** In determining the penalty, the seriousness of the breach of discipline in regard to all the circumstances, as well as the member's general conduct and the contents of his or her disciplinary and professional ethics records, is taken into account.

**36.** The Commissioner may impose, in addition to a disciplinary penalty or even if the Commissioner concludes that there was no breach of discipline, any non-disciplinary measure warranted by the circumstances, including those provided for in section 25.

However, in the case of a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the member of the administration of that police force who participated in the disciplinary meeting, the imposition of such a measure.

A member who fails or refuses to comply with such a measure commits a breach of discipline.

**37.** At any stage in the disciplinary procedure, where a member acknowledges in writing that he or she has committed a breach of discipline, the member of the administration having jurisdiction over the member may impose on him or her, after consulting with the Human Resources Officer and the person in charge of processing complaints, one of the following penalties:

- (1) a warning;
- (2) a reprimand;
- (3) a disciplinary reassignment;
- (4) a disciplinary suspension without pay for a period of no more than 15 working days; or
- (5) requiring the member to comply with such reasonable conditions as are judged desirable by the member having jurisdiction over him or her to ensure his or her good conduct and prevent any repetition of the breach of discipline.

However, in the case of a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the Human Resources Officer and the person in charge of processing complaints, the imposition of one of the penalties provided for in the first paragraph.

The member of the administration must notify the Commissioner, the Human Resources Officer and the person in charge of processing complaints in writing

within 10 days of the penalty imposed pursuant to the first paragraph and the reasons warranting it. Within that same time period, the Commissioner must notify the person in charge of processing complaints and the Human Resources Officer in writing of the penalty recommended pursuant to the second paragraph and the reasons warranting it.

**38.** In accordance with a recommendation by the Commissioner pursuant to any of sections 33, 34 or 37, the competent disciplinary authorities of a police force that seconded the services of one of its members are then seized of the matter by operation of law and may impose a penalty on the member pursuant to their own internal discipline by-law.

The decisions taken by the competent disciplinary authorities further to a recommendation may not be cited as a precedent in respect of the Commissioner where a penalty is imposed pursuant to this By-law. Despite those decisions, the Commissioner may terminate a secondment of services without further notice or delay. Resiliation of the services secondment agreement does not constitute a disciplinary penalty for the purposes of this By-law.

**39.** The Commissioner or the competent disciplinary authorities of the police force that seconded a member's services, as applicable, see to the application of disciplinary penalties.

The Commissioner determines the terms and conditions of a disciplinary suspension without pay, in particular, the dates of the suspension and whether it will be continuous or non-continuous. The competent disciplinary authorities of a police force that seconded a member's services consult with the Commissioner before determining the terms and conditions of a disciplinary suspension without pay imposed on the member.

**40.** A member on whom a disciplinary suspension without pay or a disciplinary reassignment has been imposed by the Commissioner pursuant to this By-law may, after 3 years, apply to the Commissioner to have the penalty stricken from the record.

The same applies in the case of a reprimand, except that the application may be made after 2 years.

#### DIVISION IV FINAL PROVISION

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

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