



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 86

**An Act respecting police
organization and amending the
Police Act and various legislation**

Introduction

**Introduced by
Mr Herbert Marx
Minister of Public Security**

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EXPLANATORY NOTES

This bill proposes a recasting of police organization by establishing new mechanisms to provide support, supervision and control of police activity.

For that purpose, it proposes to convert the Institut de police du Québec into a corporation administered by a board of directors, whose object will be to contribute to the improvement of police service in Québec through instruction, research and consultation.

Also proposed is the transfer of certain inspection and investigation functions presently incumbent upon the Commission de police du Québec to the Minister of Public Security.

Moreover, the bill provides for the adoption of a code of ethics applicable to all police officers in Québec, the appointment of a police ethics commissioner to receive and examine complaints, the establishment of ethics committees and the creation of the Tribunal de la déontologie policière as an appeal tribunal. The decisions of the committees and the Tribunal will be executory.

Finally, the bill makes concordance amendments to other Acts, for the most part, to the Police Act.

ACTS AMENDED BY THIS BILL

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1)
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
- Act respecting municipal taxation (R.S.Q., chapter F-2.1)
- Police Act (R.S.Q., chapter P-13)
- Public Protector Act (R.S.Q., chapter P-32)

— Act respecting the Civil Service Superannuation Plan
(R.S.Q., chapter R-12)

— Act respecting Northern villages and the Kativik Regional
Government (R.S.Q., chapter V-6.1)

Bill 86

An Act respecting police organization and amending the Police Act and various legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

INSTITUT DE POLICE DU QUÉBEC

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

- 1.** The Institut de police du Québec is hereby established.
- 2.** The institute is a corporation.

The institute is a mandatary of the Government. Its property forms part of the public domain, but the performance of its obligations may be levied against its property. The institute binds only itself when it acts in its own name.

3. The corporate seat of the institute shall be at the place determined by the Government. A notice of the location and of any relocation of the corporate seat shall be published in the *Gazette officielle du Québec*.

4. The institute shall be administered by a board of directors composed of twelve members as follows:

- (1) the Deputy Minister of Public Security or his representative;

(2) the Deputy Minister of Higher Education and Science or his representative;

(3) the Director General of the Sûreté du Québec;

(4) the director of the Police Department of the Communauté urbaine de Montréal, established under the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(5) a person holding the office of chief of a municipal police force, appointed for two years by the Government after consultation with the association representing the chiefs of police of Québec;

(6) two elected municipal officials, appointed for two years by the Government after consultation with the bodies which represent municipalities;

(7) two persons from the associations devoted to the protection of the interests of police force members, appointed for two years by the Government after consultation with such associations;

(8) two persons from the socioeconomic sector, appointed for two years by the Government;

(9) the director general of the institute appointed under section 12.

Every member of the board appointed for a specified term shall remain in office at the end of his term until he is replaced or reappointed.

5. Each year, the members of the board of directors shall elect a chairman and a vice-chairman from among the members contemplated in subparagraphs 1 to 8 of the first paragraph of section 4. If the chairman is absent or temporarily unable to act, the vice-chairman shall perform his duties.

6. Any vacancy on the board of directors occurring during the term of a person appointed for a specified term shall be filled for the remainder of the term.

7. The members of the board of directors other than the director general shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.

8. The members of the board of directors shall meet at least once every three months.

9. The chairman shall preside at meetings of the board of directors, see to its proper management and assume any other duty assigned to him by by-law of the board.

10. The quorum at meetings of the board of directors shall be six members, including the chairman or vice-chairman. In the event of a tie-vote, the chairman or, in his absence, the vice-chairman shall have a casting vote.

11. Any member of the board of directors, other than the chairman or director general, having a direct or indirect interest in an enterprise placing his personal interest in conflict with that of the institute shall, on pain of forfeiture of office, disclose it in writing to the director general and abstain from taking part in any debate or voting on any decision relating to the enterprise and from attending any meeting at which his interest is discussed.

The chairman, the director general and the members of the staff of the institute shall not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise placing their personal interest in conflict with that of the institute. However, forfeiture of office is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.

12. The Government shall appoint, for a specified term not exceeding five years, a director general responsible for the management of the institute and as many assistant directors as it may determine. At the end of their terms, they shall remain in office until they are replaced or reappointed.

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

13. The members of the staff of the institute shall be appointed and remunerated in accordance with the standards and scales established by by-law of the institute, as approved by the Government. Their social benefits and other conditions of employment may also be established by by-law of the institute.

CHAPTER II

OBJECT AND POWERS

14. The object of the institute is to contribute, through instruction and research, to the training and development of Québec police officers.

15. To carry out its object, the institute shall

(1) provide police training and development courses;

(2) conduct studies and research in any field connected with police work;

(3) transmit the findings of the studies and research conducted pursuant to paragraph 2 to persons engaged in police work.

16. The institute may

(1) see to the lodging of persons attending courses or participating in activities organized by the institute;

(2) publish and distribute the findings of studies and research conducted pursuant to paragraph 2 of section 15;

(3) make, with any researcher, expert or research or educational institution, any agreement which, in the opinion of the institute, is useful in the pursuit of its object.

17. The institute may require for its services, in addition to tuition fees, such costs or fees as may be determined by the Minister.

18. The institute may devise and provide any college-level vocational training programs in police work for which it has received authorization from the Minister of Higher Education and Science and of the Minister.

The Minister of Higher Education and Science, in accordance with the rules he determines and on the recommendation of the institute, shall award a college leaving certificate to students having achieved the objectives of the college-level vocational training program in which they are enrolled.

The institute may, in addition, devise and provide any police training and development programs for which it has received authorization from the Minister and for which it issues a certificate of studies.

19. The institute, unless authorized by the Government, shall not

(1) make, according to law, any agreement with any government or government agency;

(2) construct, acquire, alienate or lease or in any way give as security any immovable;

(3) make any financial commitment beyond the limits or contrary to the terms and conditions determined by the Government;

(4) contract any loan which increases the total amount of its outstanding borrowings beyond the amount determined by the Government.

[[**20.** The Government may, on the terms and conditions it determines,

(1) guarantee the payment in principal and interest of any loan contracted by the institute;

(2) guarantee the performance of any other obligation of the institute;

(3) authorize the Minister of Finance to advance to the institute any sum of money considered necessary for the pursuit of its objects.

Sums which the Government may be required to pay under such guarantees or may advance to the institute shall be taken out of the consolidated revenue fund.]]

21. Where the institute acquires an immovable that forms part of the public domain, the Act to authorize municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39) shall not apply.

22. In no case may the institute acquire shares of another corporation or operate a commercial enterprise. Nor may the institute grant loans, gifts or subsidies or act as a surety.

23. In the pursuit of its object, the institute shall carry out any specific mandate assigned to it by the Minister.

24. The Minister may issue directives concerning the aims and objectives of the institute. The directives require prior approval by the Government and come into force on the date of their approval.

Once approved, they are binding on the institute which shall comply therewith.

25. The institute may adopt by-laws for its internal management and the exercise of its powers, and more particularly

(1) to establish an executive committee, define its duties and powers and fix the term of its members;

(2) to define the duties and powers of the chairman, the director general, the assistant directors and the other employees of the institute.

26. The institute may make general by-laws respecting

(1) programs of study, the admission of students, examinations and certificates of studies;

(2) the records that must be kept by the institute;

(3) tuition fees.

The by-laws come into force on the date of their approval by the Government or on any later date fixed by the Government.

CHAPTER III

DOCUMENTS, ACCOUNTS AND REPORTS

27. No instrument, document or writing binds the institute unless it is signed by the chairman or the director general or, to such extent as may be determined by a resolution of the institute published in the *Gazette officielle du Québec*, by a member of the staff of the institute.

The institute may, by a resolution published in the *Gazette officielle du Québec*, allow a signature to be affixed by means of an automatic device or allow a facsimile of the signature to be engraved, lithographed or printed, subject to such conditions and on such documents as it may determine. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chairman of the institute.

28. Any document or copy of a document emanating from the institute or forming part of its records, signed or certified by a person referred to in section 27, is authentic.

29. The fiscal year of the institute ends on 30 June each year.

30. Each year, the institute shall submit its budget estimates for the next fiscal year to the Minister for approval, at the time and in the form and tenor determined by the Minister.

31. The institute, within four months of the end of its fiscal year, shall submit to the Minister, its financial statements and a report of its activities for the fiscal year just ended.

The report shall also include such information as may be required by the Minister.

32. The Minister shall table the report of the institute 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.

33. The institute shall provide the Minister with any information he may require on its activities.

34. The books and accounts of the institute shall be audited by the Auditor General every year and also whenever the Government so orders.

The auditor's report shall be submitted with the annual report of the institute.

TITLE II

POLICE ETHICS

CHAPTER I

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

35. 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.

The code shall apply to the members of the Sûreté du Québec, the Police Department of the Communauté urbaine de Montréal and every other municipal police force.

CHAPTER II

POLICE ETHICS COMMISSIONER

DIVISION I

FUNCTIONS

36. The police ethics commissioner shall receive and examine any complaint lodged against a police officer by any person pursuant to section 51.

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

37. The Government shall appoint a police ethics commissioner and fix his remuneration, social benefits and other conditions of employment.

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

39. The Government may appoint not more than three deputy commissioners and fix their remuneration, social benefits and other conditions of employment.

40. Deputy commissioners shall be appointed for a specified term not exceeding five years. Their term may be renewed.

41. Before taking office, the commissioner and deputy commissioners shall take the oaths or make the solemn affirmations provided in Schedules I and II.

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

42. Subject to the second paragraph of section 36, the commissioner and deputy commissioners shall attend exclusively to the duties of their office.

43. The commissioner, the deputy commissioners and the members of their staff cannot be sued by reason of any official act done in good faith in the performance of their duties.

44. If the commissioner ceases to perform his duties, is absent, or is unable to act due to illness, the Government shall designate one of the deputy commissioners to replace him.

45. 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).

46. The commissioner shall define the duties of the deputy commissioners and those of his public servants and employees.

He shall direct their work and may delegate, in writing, any power to them, except his powers under sections 48, 49, 62, 74, 76 and 77.

47. In no case may the commissioner or the members of his staff 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.

48. The commissioner may, 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.

49. 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.

50. 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 after the opening of the next session or resumption.

DIVISION II

COMPLAINTS

51. Any person may lodge a complaint with the commissioner 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.

52. The right to lodge a complaint in matters of ethics against a police officer is prescribed by two years.

Prescription runs from the occurrence of the alleged transgression or from the time the complainant becomes aware thereof.

53. Any police officer who resigns remains subject to the jurisdiction of the commissioner with respect to any act he committed while he was a police officer.

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

55. 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.

56. 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.

57. Forthwith after receiving a complaint, the commissioner shall notify in writing the police officer whose conduct is the subject-matter of the complaint and the director of the police force concerned, of the lodging of the complaint and of the time and place of the alleged misconduct.

58. The Commissioner shall take every reasonable step, having regard to all circumstances, to attempt to resolve the complaint informally with the cooperation of the complainant and the police officer concerned.

59. Where a complaint is resolved informally, a record shall be made of the resolution and the complainant shall signify in writing his agreement thereto; moreover, the police officer concerned shall be notified.

60. Where a complaint is resolved informally, no reference to the complaint or to the informal resolution shall be made in the personal record of the police officer concerned.

61. No answer or statement made, in the course of attempting to resolve a complaint informally, 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 an internal disciplinary authority into an allegation that with intent to mislead the police officer gave the answer or statement knowing it to be false.

62. Where a complaint is not resolved informally within a reasonable period of time, the commissioner may decide in favour of an investigation.

DIVISION III

INVESTIGATIONS

63. The purpose of an investigation is to allow the commissioner to establish whether a citation before an ethics committee is warranted.

64. The commissioner may refuse to order an investigation or may direct that an investigation be terminated if, in his opinion,

- (1) the complaint is frivolous, vexatious or made in bad faith;
- (2) the complainant refuses to cooperate in the investigation;
- (3) having regard to all circumstances, investigation or further investigation is not necessary.

65. Where the commissioner makes a decision pursuant to section 64, he shall notify the complainant 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 request that the police officer be cited to appear before the ethics committee.

66. The commissioner, taking all circumstances into account, including the nature and gravity of the facts alleged in the complaint, may conduct the investigation or entrust it to the police force to which the police officer whose conduct is the subject-matter of the complaint belongs or to any other police force.

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.

67. The director of every police force designated by order of the Government shall set up an administrative unit within his force one of the duties of which shall be to conduct the investigations ordered by the commissioner under section 66.

The director shall provide the administrative unit with adequate resources.

68. The director of a police force to which the commissioner has decided to entrust an investigation shall comply with the commissioner's decision.

Not later than 45 days after the notification provided for in the second paragraph of section 66 and monthly thereafter, the director shall report to the commissioner on the status of the investigation.

69. The commissioner and the director of the police force may make rules governing the procedures to be followed during an investigation.

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

71. 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.

72. Not later than 60 days after deciding in favour of an investigation and monthly 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.

73. Where the investigation has been entrusted to a police force, the commissioner may, upon receiving the investigation report, order the director of the police force to investigate further within the time and in the manner determined by the commissioner. The commissioner himself may also investigate further.

74. 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 and vexatious, or that the evidence is clearly insufficient;

(2) cite the police officer to appear before the competent ethics committee if he is of opinion that the complaint 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.

75. 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 request that the police officer be cited to appear before the competent ethics committee.

76. 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 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.

77. The commissioner may, in addition to exercising his powers under section 74,

(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.

78. The commissioner and any person acting as an investigator for the purposes of this division are 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 impose imprisonment.

79. 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 chapter.

CHAPTER III

POLICE ETHICS COMMITTEES

DIVISION I

ESTABLISHMENT AND ORGANIZATION

80. An ethics committee has exclusive jurisdiction to hear and dispose of any citation in matters of police ethics.

81. 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.

82. The following are hereby established:

- (1) the ethics committee of the Sûreté du Québec;
- (2) the ethics committee of the Police Department of the Communauté urbaine de Montréal;
- (3) the ethics committee of municipal police forces.

83. Each ethics committee shall be composed of an equal number of presiding members, police officers and lay persons.

The Government shall determine, for each committee, the number of members making up the committee.

84. The presiding members shall be appointed by the Minister from among advocates who have been members of the Barreau du Québec for not less than 10 years.

85. Police officers shall be appointed to the ethics committee of the Sûreté du Québec by the Minister after consultation with the

Director General of the Sûreté, and lay persons shall be appointed thereto by the Minister.

86. Police officers shall be appointed to the ethics committee of the Police Department of the Communauté urbaine de Montréal by the Minister, after consultation with the director of the Police Department, and lay persons shall be appointed thereto by the Minister after consultation with the executive committee of the Communauté urbaine de Montréal.

87. Police officers shall be appointed to the ethics committee of municipal police forces by the Minister after consultation with the association representing the chiefs of police of Québec, and lay persons shall be appointed thereto by the Minister after consultation with the bodies which represent the municipalities concerned.

88. The members of ethics committees shall be appointed to act when their services are required during a period of two years. The term of the members may be renewed.

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

89. The presiding members and the lay members are entitled to the fees determined by the Government. They are also entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.

The police officers who are members of a committee are entitled only to the salary they receive from their employer as police officers. Their employer shall reimburse, on the conditions and to the extent determined by the Government, the expenses they incur in the performance of their committee duties.

90. Before taking office, the members of an ethics committee shall take the oaths or make the solemn affirmations provided in Schedules I and II. They shall do so before a judge of the Court of Québec.

91. The Minister shall designate the chairman of each ethics committee from among its presiding members.

The chairman shall coordinate the work of the committee, fix the date of hearings and see to the establishment of divisions within the committee.

92. A division of an ethics committee shall be composed of a presiding member, a police officer and a lay person, as designated by the chairman.

Every decision rendered by a division is a decision of the committee.

93. An ethics committee may hold several sittings simultaneously.

94. The chairman of the competent ethics committee shall preside over the division which hears and disposes of a citation against a senior officer or junior officer who is not an employee within the meaning of the syndical plan of the police force concerned. Moreover, the police officer designated by the chairman to form part of the division shall be of equal or higher rank than the police officer cited to appear.

95. The Minister shall designate a public servant of his department to act as the clerk of the ethics committees.

96. The ethics committee of the Sûreté du Québec and the ethics committee of municipal police forces may sit anywhere in Québec.

The ethics committee of the Police Department of the Communauté urbaine de Montréal may sit in any municipality of the urban community.

97. Where a sitting of an 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.

DIVISION II

PROCEDURE AND EVIDENCE

98. Sections 43, 47, 53, 78 and 79, adapted as required, apply to an ethics committee and its members.

99. An ethics committee is seized of a matter by the filing of a citation with the clerk of the ethics committees.

100. The commissioner or any person whose complaint has been dismissed by the commissioner may request that the police officer be cited to appear. Where the request is filed by the commissioner, he shall act as the complainant.

101. The citation must describe the conduct allegedly constituting a transgression of the code of ethics and indicate what provision of the code has been allegedly transgressed, as well as the time and place of the alleged transgression.

102. The clerk shall serve the citation on the police officer concerned by registered or certified mail. He shall state therein the name of the committee members designated by the chairman to hear the case.

103. 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.

104. The commissioner and the cited police officer are the parties to the case.

The director of the police force concerned, the Minister or the Attorney General may intervene *ex officio* and thereby become a party to the case.

The committee may, at its discretion, allow as an intervenor in the case any group of persons which, in the opinion of the committee, has a substantial interest in the outcome of the proceedings or may contribute to a better understanding of the case.

105. Upon receipt of the declaration, the presiding member shall fix the date and place of the sitting. The clerk shall notify the parties by registered or certified mail not less than seven days before the date scheduled for the sitting.

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

107. No ethics committee may adjourn a sitting except to prevent a miscarriage of justice or unless it is satisfied that an adjournment will not cause unreasonable delay in the proceedings.

108. An ethics committee is not bound by legal or technical rules of evidence; it may admit any evidence which, in its opinion, is reliable and relevant, and may base its decision on such evidence.

109. An ethics committee may order that the depositions of witnesses be taken down by stenography or recorded.

110. An ethics committee may award costs and the allowances of witnesses according to the norms and amounts established by the Government.

111. Every party has the right to be assisted or represented by an advocate or any person it designates.

112. 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.

113. The commissioner shall submit to the committee, by way of a citation, every final decision of a Canadian court convicting a police officer of an indictable 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 an indictable offence which would have entailed the application of the first paragraph had it been committed in Canada.

114. The presiding member of the ethics committee may convene the parties to a preparatory conference, in particular, to allow the presentation of any documentary evidence or report before the sitting.

115. The citation may be amended at any time, subject to the conditions necessary to safeguard the rights of the parties.

The committee shall not allow any amendment that would result in an entirely new citation unrelated to the original, except with the consent of the parties.

116. Every decision shall be made by a majority vote. If there is a dissenting member, the reasons for his dissent shall be recorded in the decision.

117. 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 and, where the complainant is not a party, the complainant, to be heard in respect of the penalty.

118. Where an 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 one of the following penalties on the police officer:

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

119. In determining the penalty, the ethics committee shall take into account the gravity of the misconduct having regard to all the circumstances, and the personal record of the police officer.

120. Every decision of an 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 and, where the complainant is not a party, on the complainant, by registered or certified mail.

121. An appeal lies to the Tribunal de la déontologie policière from every final decision of an ethics committee. However, where a penalty is to be imposed under the decision, the decision shall not be appealed from until the penalty has been imposed.

122. The decision of an 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 an ethics committee becomes executory upon the expiry of the time allowed for appeal.

CHAPTER IV

TRIBUNAL DE LA DÉONTOLOGIE POLICIÈRE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

123. The Tribunal de la déontologie policière is hereby established.

124. The seat of the Tribunal shall be in the place determined by the Government. A notice of the location and of any relocation of the seat of the Tribunal shall be published in the *Gazette officielle du Québec*.

125. The Tribunal shall be composed of five members, including a president and a vice-president, appointed by the Government for a specified term not exceeding five years. The term of the members may be renewed.

The president shall be chosen from among the judges of the Court of Québec.

Two other members shall be chosen from among the judges of the Court of Québec or from among advocates who have been members of the Barreau du Québec for not less than 10 years.

Another member shall be chosen from the field of police work.

Another member shall be chosen from the socioeconomic sector.

126. On the request of the president, the Government may appoint a member *ad hoc* for the dispatch of business and determine his fee.

127. The Government shall fix the remuneration, social benefits and other conditions of employment of the members of the Tribunal.

128. Before taking office, the members of the Tribunal and the *ad hoc* members shall take the oaths or make the solemn affirmations provided in Schedules I and II.

The president shall do so before the chief judge, a senior associate chief judge or an associate chief judge of the Court of Québec, and the other members of the Tribunal shall do so before a judge of the said Court.

129. The secretary and the other members of the staff of the Tribunal shall be appointed and remunerated in accordance with the Public Service Act.

130. Sections 42, 43, 47, 53, 78, 79, 96 and 97, adapted as required, apply to the Tribunal.

131. The president is responsible for the administration and overall management of the Tribunal.

He shall coordinate and distribute the work of the members of the Tribunal and they shall comply with his orders and directives in that regard.

132. Where the president is absent or unable to act, the vice-president shall replace him.

133. A member of the Tribunal whose term expires may continue to hear and decide a matter notwithstanding the expiry of his term.

134. The Tribunal shall periodically publish a compilation of the decisions it has rendered.

It shall omit, where an order banning publication or release has been issued to such effect, any reference to the names of the parties and other persons involved, or the information or documents contemplated by the order.

135. The fiscal year of the Tribunal ends on 31 March each year.

136. Each year, the Tribunal 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.

137. The Tribunal, within four months after the end of its fiscal year, shall submit to the Minister its financial statements and a report of its activities for the fiscal year just ended.

138. The Minister shall table the report of the Tribunal 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.

139. The books and accounts of the Tribunal shall be audited by the Auditor General every year and also whenever the Government so orders.

DIVISION II

JURISDICTION

140. The Tribunal has jurisdiction, to the exclusion of any other court, to dispose of

(1) any appeal from a decision of an ethics committee;

(2) any appeal under section 79 of the Police Act (R.S.Q., chapter P-13) from a municipality's decision to dismiss a member of its police force or to reduce his salary.

§ 1.—*Appeal from a decision of an ethics committee*

141. The Minister, the Attorney General or any person who is a party to proceedings before an ethics committee may appeal to the Tribunal within 30 days of notification of the decision.

142. An appeal shall be brought by filing, at the seat of the Tribunal, a written declaration containing a statement of the grounds for the appeal.

The declaration shall be accompanied with a copy of the decision appealed from.

143. On receipt of a declaration of appeal, the secretary shall notify forthwith every other person who was a party to the proceedings before the ethics committee.

144. The appeal suspends the execution of the decision.

145. The appeal shall be decided on the record prepared by the ethics committee. However, the Tribunal may allow any new relevant and useful evidence.

146. The Tribunal shall allow the parties to be heard.

147. Sections 105, 106 to 113, the second paragraph of section 117 and section 120, adapted as required, apply to the Tribunal.

148. The appeal shall be heard by three members of the Tribunal. A member who is a judge or an advocate shall preside.

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

150. The Tribunal has all the necessary powers for the exercise of its jurisdiction and may, in particular, render any order it deems expedient for the safeguard of the rights of the parties.

151. The director of the police force concerned, the Minister or the Attorney General may intervene in the appeal and thereby become a party to the proceedings.

The Tribunal may, at its discretion, allow as an intervenor, any group of persons which, in the opinion of the Tribunal, has a substantial interest in the outcome of the proceedings or may contribute to a better understanding of the case.

152. The Tribunal may confirm the decision submitted to it, or it may quash the decision and it shall, in that case, render the decision which in its opinion should have been rendered in the first instance.

153. The decision of the Tribunal is final and without appeal and cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec. It is executory notwithstanding any contrary Act or agreement.

154. The Tribunal may revise or revoke any decision it has made

(1) where a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where a party was, for reasons considered sufficient, prevented from being heard;

(3) where a substantive or procedural defect is likely to invalidate the decision.

§ 2.—*Appeal under the Police Act*

155. An appeal under section 79 of the Police Act shall be brought by filing, at the seat of the Tribunal, a written declaration

containing a statement of the grounds for the appeal. The declaration shall be accompanied with a copy of the resolution of the council of the municipality.

156. The Tribunal may admit any evidence, order the production of anything relevant to the appeal, order the summoning of a witness for examination and cross-examination and issue any order that serves the purpose of justice.

Sections 105, 106 to 113, the second paragraph of section 117 and section 120, adapted as required, apply to the appeal.

157. If the Tribunal quashes the decision of the council of the municipality concerned, it may also order the municipality to pay to the appellant the sum of money it determines as compensation for the expenses he has incurred for the appeal; it may also, if the resolution contemplated the dismissal of the appellant, order the municipality to pay to him all or part of the salary which he did not receive during his suspension and the Tribunal shall fix the amount of such salary, and order the municipality to reinstate, for that period, the other benefits and allowances which he was receiving before the suspension.

158. Upon its filing in the office of the competent court by any interested person, the decision becomes executory as if it were a judgment of that court and has all the effects thereof.

TITLE III

POLICE DISCIPLINE

159. The director of a police force may establish rules of internal discipline determining the duties incumbent upon and the standards of conduct to be upheld by the police officers on the police force in their relations with one another for the purpose of ensuring effectiveness, the quality of the service provided and respect for the authority of ranking officers.

The rules may contain standards and directives, impose duties and prohibitions, determine what acts or omissions constitute breaches of discipline, establish a disciplinary procedure, determine the disciplinary powers of ranking officers and prescribe penalties.

160. The rules shall in no way affect a labour contract within the meaning of the Act respecting the Syndical Plan of the Sûreté du Québec or a collective agreement within the meaning of the Labour Code.

TITLE IV

CONTROL EXERCISED BY THE MINISTER OF PUBLIC SECURITY

CHAPTER I

INFORMATION TO BE FURNISHED TO THE MINISTER

161. Every employer of a person acting as a peace officer and belonging to a class of peace officers designated by regulation of the Government shall furnish to the Minister the information relating to the status of peace officer prescribed by regulation, in the manner prescribed therein.

162. The Minister shall keep a register in which he shall record, in particular, the name, address, date of birth and first day of employment of every person who acts as a peace officer and belongs to a class of peace officers designated by regulation of the Government.

163. The Director General of the Sûreté du Québec, the chief of any other police force and every person responsible for any other class of peace officers designated by regulation of the Government shall submit to the Minister, on his request and within the time he indicates, reports on the administration and activities of the police force or peace officers under his command, detailed reports on disturbances of the peace, order or public security occurring in the territory subject to his jurisdiction or on the crime rate in that territory and, where appropriate, reports on the corrective measures he intends to take.

CHAPTER II

INSPECTION

164. To promote the effectiveness of police service in Québec, the Minister shall see to the inspection of the administration and activities of the Sûreté du Québec and the other police forces, and the activities of their members and of special constables.

165. The Minister shall, every three years, conduct the inspection or cause a person to conduct it with his authorization.

He may also do so at any time of his own initiative or on the application of a municipality, a group of citizens or an association devoted to the protection of the interests of members of police forces.

166. Every person conducting an inspection may, in the performance of his duties,

(1) enter, at any reasonable time, any police station or premises, or any police vehicles;

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

(3) require any information or explanation he needs for the performance of his duties.

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 person conducting the inspection and facilitate his examination of them.

167. No person may hinder a person conducting an inspection, deceive him through concealment or by making a false declaration, refuse to furnish him with information or documents he has a right to require or examine under this Act or conceal or destroy a document or thing which is pertinent to an inspection.

168. Every person conducting an inspection shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

169. The Government may

(1) establish classes of peace officers for the purposes of sections 161 to 163;

(2) prescribe what information employers shall furnish to the Minister under sections 162 and 163 and the manner in which they shall do so.

CHAPTER III

INQUIRIES RESPECTING A POLICE FORCE

170. The Minister may commission a person to make an inquiry respecting the Sûreté du Québec or any other police force.

171. On the request of a municipality or a group of citizens of a municipality, the Minister may commission a person to make an inquiry respecting the municipal police force serving the municipality.

172. The Minister, of his own initiative or on the request of a recognized association of police officers or a group of citizens of the municipality concerned, may commission a person to make an inquiry to ascertain whether a municipality is maintaining adequate police service.

The person commissioned to make an inquiry may hold public hearings and hear the interested persons and groups.

The Minister may, if he considers it in the public interest, grant the municipality a reasonable period of time to correct the situation.

173. The person commissioned to make an inquiry is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.

174. If the Minister refuses to commission an inquiry, he shall notify in writing the municipality, group of citizens or association of police officers concerned and give it the reasons for his refusal.

175. The person commissioned to make an inquiry shall not, in his report, censure the conduct of any person or recommend that sanctions be taken against any person.

176. The inquiry report shall be transmitted to the Minister and to the municipality which requested the inquiry, where such is the case. It shall relate the findings of the inquiry and contain such recommendations as the person who made the inquiry may see fit to make.

177. Where an inquiry has been made on the request of a municipality, a group of citizens or a recognized association of police officers, the person who made the inquiry, if he finds that the request was frivolous, may recommend to the Minister that the expenses incurred in connection with the inquiry be paid by the persons who requested it.

The Minister may comply with the recommendation and issue an order to that effect. Upon its filing in the office of the competent court, the order becomes executory as if it were a judgment of that court and has all the effects thereof.

178. The Minister may advise on police matters persons engaged in police work.

TITLE V

PENAL PROVISIONS

179. Every employer of a person acting as a peace officer and belonging to a class of peace officers designated by regulation of the Government who fails to furnish to the Minister, in the prescribed manner, the information relating to the status of peace officer prescribed by regulation is guilty of an offence.

180. The Director General of the Sûreté du Québec, the chief of any other police force or the person responsible for any class of peace officers designated by regulation of the Government is guilty of an offence if he fails to submit to the Minister, on his request and within the time indicated by him, any report provided for in section 163.

181. Every person who contravenes any provision of section 167 is liable, in addition to costs, to a fine of \$200 to \$2 000 and, for any subsequent offence within two years of conviction for the same offence, to a fine of \$400 to \$4 000.

182. Every person who contravenes any provision of section 179 or 180 is liable, in addition to costs, to a fine of \$100 to \$1 000 and, for any subsequent offence within two years of conviction for the same offence, to a fine of \$200 to \$2 000.

183. Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence is guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence.

184. Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

185. Where a corporation commits an offence under this Act, every director, employee or representative of the corporation who ordered, recommended or consented to the commission of the offence is a party to the offence and liable to the penalty prescribed for it.

186. Penal proceedings under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

TITLE VI

STATUTORY AMENDMENTS

ACT RESPECTING THE BARREAU DU QUÉBEC

187. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 53 of chapter 85 of the statutes of 1987, is again amended by adding, at the end of paragraph *a* of subsection 2, the following subparagraph:

“(7) an ethics committee and the Tribunal de la déontologie policière established by the Act respecting police organization and amending the Police Act and various legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*).”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

188. Section 178 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by adding, at the end, the words “, subject to the Act respecting police organization and amending the Police Act and various legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)”.

189. Section 179 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, in no case may the committee proceed with consultations on any question being the subject of an investigation of the Police Ethics Commissioner or of a person commissioned to make an inquiry under sections 170 to 172 of the Act respecting police organization and amending the Police Act and various legislation.”

190. Section 192 of the said Act is amended by striking out the second paragraph.

191. Section 196 of the said Act is amended by striking out the words “and to the Solicitor General” in the first and second lines of paragraph 3.

192. Sections 201 and 202 of the said Act are repealed.

ACT RESPECTING MUNICIPAL TAXATION

193. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting, after paragraph 13, the following paragraph:

“(13.1) an immovable belonging to the Institut de police du Québec established by the Act respecting police organization and amending the Police Act and various legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*);”.

POLICE ACT

194. Section 1 of the Police Act (R.S.Q., chapter P-13) is amended

- (1) by striking out paragraphs *a*, *e* and *k*;
- (2) by striking out, in paragraph *i*, the words “but not a municipal cadet”.

195. Sections 2.2 and 2.3 of the said Act are repealed.

196. Section 3 of the said Act is replaced by the following section:

“3. To become a member of the Police Force, a municipal policeman or a special constable, a person must

- (1) be a Canadian citizen;
- (2) be of good moral character;
- (3) not have been found guilty or pleaded guilty following an information for an offence under the Criminal Code which, according to the information, was prosecuted by way of indictment;
- (4) have successfully undergone a medical examination, in accordance with the standards prescribed by regulation of the Government, performed by a physician selected by the Minister of Public Security, by the municipality or by the person who employs the special constable;
- (5) fulfil the other requirements prescribed by regulation of the Government.

A person who is appointed as a special constable for less than 30 days is not required to comply with subparagraphs 4 and 5 of the first paragraph.”

197. Section 6 of the said Act is amended

(1) by striking out the words “cadet or” in the first line of the first paragraph;

(2) by striking out the words “cadet or” in the third line of the second paragraph.

198. The said Act is amended by inserting, after section 6, the following section:

“6.1 In addition to the other regulatory powers conferred on it by this Act, the Government may, by regulation,

(1) provide for the classification and establish the scale of salaries applicable to the members of the Police Force referred to in subparagraphs 2, 3, 4 and 5 of the first paragraph of section 43;

(2) prescribe standards governing badges, deeds of appointment and other identification papers of policemen or special constables;

(3) prescribe standards governing the required medical examination of any person wishing to become a member of the Police Force, a member of another police force or a special constable;

(4) prescribe standards governing the hiring of members of the Police Force, members of other police forces and special constables;

(5) determine what positions may be held and what ranks may be awarded in a police force other than the Police Force, in view of the size of the force;

(6) prescribe what qualifications are required to hold a position or to be awarded a rank in a police force other than the Police Force;

(7) prescribe the characteristics of the uniforms which may be worn by members of the Police Force, members of other police forces and special constables, prescribe their equipment and how it may be used, and prescribe what equipment may be installed in the motor vehicles they use;

(8) prescribe what statistics and documents must be kept by the Police Force, other police forces, their members and special constables, and what forms they must use;

(9) prescribe what decorations and citations may be awarded, and in what cases, the procedure for awarding such decorations and citations and who may qualify therefor.”

199. Division II of the said Act is repealed.

200. Section 43 of the said Act is amended

(1) by replacing the word “five” in subparagraph 2 of the first paragraph by the word “four”;

(2) by striking out the second paragraph.

201. Sections 44 and 45 of the said Act are replaced by the following section:

“44. The Government shall appoint the Director General of the Police Force for a term not exceeding five years and shall fix his salary.

The term of the Director General may be renewed.

The Director General must reside in the locality where the headquarters of the Police Force are situated or in the immediate vicinity of that locality.

The Director General may be dismissed only by the Government upon a report of the Minister following an inquiry.”

202. Section 46 of the said Act is amended by replacing the words “provided in the regulations made under subparagraph *a* of section 57” in the fourth and fifth lines by the words “prescribed by regulation of the Government”.

203. Section 47 of the said Act is replaced by the following section:

“47. The Director General, with the approval of the Minister of Public Security, shall appoint the members of the Police Force mentioned in subparagraphs 4 and 5 of section 43. Their salary shall be determined by the classification and scale of salaries prescribed by regulation of the Government.”

204. Section 48 of the said Act is amended by adding, at the end, the following paragraph:

“The Director General and the Deputy Directors General are authorized, in the performance of their duties and throughout Québec,

to administer the same oath or receive the same solemn affirmation as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).”

205. Section 49 of the said Act is amended by striking out the words “cadets and” in the first line.

206. Section 50 of the said Act is amended by striking out the words “cadet or” in the first line of the first paragraph.

207. Section 51 of the said Act is amended by striking out the words “and cadets” in the second line.

208. Section 52 of the said Act is amended by striking out the words “cadets and” in the first line.

209. Section 54 of the said Act is amended by striking out the words “cadet or” in the second line of the first paragraph.

210. Section 55 of the said Act is amended by striking out the words “cadet or” in the second and third lines.

211. Section 56 of the said Act is amended by striking out the words “cadet or” in the second line.

212. Sections 57 to 57.3 of the said Act are repealed.

213. Section 64 of the said Act is amended by replacing the words “Commission, which, in formulating its” in the second line of the third paragraph by the words “Minister, who, in formulating his”.

214. Section 64.1 of the said Act is amended

(1) by replacing the word “seven” in the first line of the second paragraph by the word “six”;

(2) by striking out the words “, another the Commission’s representative,” in the second and third lines of the second paragraph.

215. Section 64.2 of the said Act is repealed.

216. Section 64.3 of the said Act is amended by replacing the first paragraph by the following paragraph:

“64.3 If a municipality fails to comply with its obligation under section 64 or if, following an inquiry under the Act respecting police organization and amending the Police Act and various legislation

(1988, chapter insert here the chapter number of that Act in the annual volume of statutes for 1988), it appears that a municipality does not maintain adequate police service, the Minister of Public Security may direct the Police Force to maintain peace, order and public security in the territory subject to the jurisdiction of the municipality and to enforce the municipal by-laws.”

217. Section 65 of the said Act is amended

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

“The by-laws apply subject to the other provisions of this Act, the Act respecting police organization and amending the Police Act and various legislation and the government regulations thereunder.”;

(2) by replacing the word “Commission” in the third line of the third paragraph by the words “Minister of Public Security”.

218. Section 69 of the said Act is amended by adding the following paragraph:

“The chief of police is authorized, in the performance of his duties, and throughout the territory of the municipality, to administer the same oath or to receive the same solemn affirmation as a commissioner for oaths appointed under the Courts of Justice Act.”

219. Section 73 of the said Act is amended by replacing the word “Commission” in the second line of the second paragraph by the words “Minister of Public Security”.

220. Section 74.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In such a case, the management board has the powers and responsibilities of a municipality under this Act and the Act respecting police organization and amending the Police Act and various legislation; in particular, it has the exclusive power to pass a by-law contemplated in section 65 or a resolution contemplated in section 79.”

221. Section 79 of the said Act is amended

(1) by replacing the third and fourth paragraphs by the following paragraph:

“The resolution shall be served upon the person concerned in the same manner as a summons under the Code of Civil Procedure; the

person may, however, appeal from the decision to the Tribunal de la déontologie policière established by the Act respecting police organization and amending the Police Act and various legislation.”;

(2) by striking out the last two paragraphs.

222. Section 79.2 of the said Act is amended by replacing the words “by-law to the same effect made by the Commission” in the second paragraph by the words “regulation of the Government to the same effect”.

223. Section 88 of the said Act is amended by replacing the words “the by-laws of the Commission” in the second line by the words “regulations of the Government” and by replacing the words “by-law of the Commission” in the fourth line by the words “regulation of the Government”.

224. Divisions VI and VII.1 of the said Act are repealed.

225. Section 98.6 of the said Act is amended by striking out the words “, a cadet” in the second line.

226. Section 98.7 of the said Act is amended by striking out the words “, a cadet” in the second line.

227. Section 98.8 of the said Act is replaced by the following section:

“98.8 Any person who contravenes section 50 or 88 or a regulation under paragraph 8 of section 7 is liable to a fine of not over \$1 000.”

PUBLIC PROTECTOR ACT

228. Section 18 of the Public Protector Act (R.S.Q., chapter P-32) is amended

(1) by striking out the word and figure “or 2.2” in the first line of paragraph 4;

(2) by adding, after “(chapter P-13)” in the second line of paragraph 4 the words “or in section 161 of the Act respecting police organization and amending the Police Act and various legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

229. Schedule I to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words “the Commission de police du Québec” in paragraph 2 by the words “the Tribunal de la déontologie policière”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

230. Section 370 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is replaced by the following section:

“370. If the Regional Government establishes and maintains such a regional police force, it shall be a “municipality” within the meaning of the Police Act (R.S.Q., chapter P-13) and of the Act respecting police organization and amending the Police Act and various legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*), which shall then apply, *mutatis mutandis*, subject to this division.”

231. Section 372 of the said Act is amended by replacing the letters and word “d and e” in the first line by the figures and word “4 and 5”.

TITLE VII

TRANSITIONAL PROVISIONS

232. The Institut de police du Québec established by this Act acquires the rights and shall assume the obligations of the Institut de police du Québec established by the Police Act.

233. The Minister of Public Security and the Institut de police du Québec shall enter into an agreement permitting the transfer to the institute of the public servants with permanent tenure of the Institut de police du Québec.

234. The agreement shall preserve accumulated sick-leave and vacation of the public servants and determine the classification and seniority of each.

235. The agreement shall stipulate that in no case may the salary of a public servant who agrees to be transferred to the institute be reduced by the sole fact of the transfer.

236. The agreement shall provide mechanisms for the settlement of any disagreement arising from its interpretation.

237. The institute shall take as an employee every public servant referred to in section 233 who agrees to be transferred to the institute.

238. Every public servant who, within the time allotted in the agreement, agrees to be transferred to the institute shall become, on the date fixed in the agreement, an employee with permanent tenure of the institute. He shall then be governed solely by the conditions of employment in force at the institute and shall, if applicable, become a member of the appropriate bargaining unit.

Every public servant who, within the time allotted in the agreement, fails to signify his refusal to be transferred to the institute is deemed to have agreed to be transferred to the institute.

239. Every public servant who becomes an employee of the institute pursuant to the agreement provided for in section 233 shall have the privilege, as long as he holds that position, to apply for a transfer or enter a competition for promotion to a position in the public service in accordance with the Public Service Act.

240. An employee contemplated by section 239 may, while he is employed by the institute, apply to the Office des ressources humaines for an opinion as to the classification he would be assigned in the public service. The opinion must take account of the classification that the employee had in the public service and the years of experience and formal training he has acquired since he has been in the employ of the institute.

241. The Office des ressources humaines shall issue to every employee contemplated by section 239 who applies for a transfer or enters a competition for promotion a notice of classification established in accordance with the criteria provided in section 240.

242. If some or all of the activities of the institute cease, or in the case of a lack of work, an employee contemplated by section 239 is entitled to be assigned by the Office des ressources humaines to a position in the public service that corresponds to a classification established in accordance with the criteria provided in section 240.

The employee contemplated by section 239 shall then be placed on reserve in the public service, and he remains employed by the institute until the Office des ressources humaines is able to assign him a position.

243. The Tribunal de la déontologie policière acquires the rights and shall assume the obligations of the Commission de police du Québec, to the extent and on the dates determined by the Government.

244. The term of the members of the Commission de police du Québec expires on *(insert here the date of coming into force of this section)*.

245. Inquiries in progress before the Commission de police du Québec and appeals to the Commission brought before *(insert here the date of the day before the coming into force of this section)* shall be continued by the Commission in accordance with the provisions of the Police Act.

Such inquiries and appeals shall, from the coming into force of section 210, be continued by the Minister in accordance with the provisions of the Police Act as it read on the day preceding the date of coming into force of the said section.

246. Notwithstanding section 9 of the Police Act and section 42 of this Act, the Government may appoint a member of the Commission de police du Québec to the Tribunal de la déontologie policière and fix his remuneration.

247. The Minister shall become a party to any proceedings in which the Commission de police du Québec was a party on *(insert here the date of the day before the coming into force of this section)*, without continuance of suit.

248. Every by-law of the Commission de police du Québec or regulation of the Government remains in force until it is replaced or repealed by the Government, where such is the case.

249. The secretary of the Commission de police du Québec becomes the secretary of the Tribunal de la déontologie policière.

He also becomes, without further formality, a member of the public service. He shall be assigned a classification by the Office des ressources humaines in accordance with the conditions and in the manner established by the Conseil du trésor or in accordance with those stipulated in any applicable collective agreement.

The new classification shall not entail any decrease in his salary in relation to the regular salary to which he was entitled before he was assigned the classification.

250. The officers of the Commission de police du Québec who act as investigators become, to the extent and on the dates determined by the Government, members of the staff of the Police Ethics Commissioner, without further formality.

The other officers of the Commission de police du Québec become, on the conditions and in the manner determined by the Government, public servants of the Ministère de la Sécurité publique.

251. The records and other documents of the Commission de police du Québec relating to matters devolved upon the Minister of Public Security are transferred to him.

All other records and documents become, without further formality, those of the Tribunal de la déontologie policière.

252. Any breach or transgression of police ethics or discipline having occurred before (*insert here the date of coming into force of Titles II and III of this Act*) remains governed by the legislative or regulatory provisions applicable to it on (*insert here the date immediately preceding the said date*).

TITLE VIII

FINAL PROVISIONS

253. The Communauté urbaine de Montréal is a municipality for the purposes of Title IV of this Act.

254. This Act shall not be interpreted as restricting the administrative power of the director of a police force to suspend a police officer with or without salary if he has reasonable cause to believe that the conduct of the police officer is likely to jeopardize proper performance of his duties.

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

256. The provisions of this Act come into force on the date or dates fixed by the Government.

SCHEDULE I

OATH AND SOLEMN AFFIRMATION

(Sections 41, 90 and 128)

I, A. B. swear (*or solemnly affirm*) that I will fulfil the duties of my office honestly, impartially and justly, and that I will not receive any sum of money or benefit for what I may do in the performance of my duties other than what may be allowed me according to law.

SCHEDULE II

OATH OR SOLEMN AFFIRMATION OF SECRECY

(Sections 41, 90 and 128)

I, A. B. swear (*or solemnly affirm*) that I will neither reveal nor disclose, without being so authorized by law, anything I may gain knowledge of in the performance of my duties.

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