

chapter P-13.1

Updated to 1 April 2017

## **POLICE ACT**

### **TITLE I TRAINING**

#### **CHAPTER I ORGANIZATION OF PROFESSIONAL TRAINING**

##### **DIVISION I TRAINING PROGRAMS**

**1.** Qualifying professional training programs for police personnel shall cover the three areas of police work, namely

- (1) police patrolling;
- (2) police investigation; and
- (3) police management.

Qualifying professional training means training that provides the specific skills required for, and mandatory for the exercise of, a professional activity.

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2000, c. 12, s. 1.

**2.** Qualifying professional training for police personnel has three aspects: basic training, advanced training and in-service training.

Basic training is the training that provides basic skills in a given area of police work. Basic training in police patrolling is a prerequisite for basic training in the remaining two areas of police work.

Advanced training is training designed to upgrade skills or develop a specialized skill in a given area of police work.

In-service training covers all activities designed to facilitate the integration of a police officer into the police force to which the officer belongs and to allow the officer to perform police work within the force in as harmonious and functional a manner as possible.

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2000, c. 12, s. 2.

##### **DIVISION II POLICE FORCE TRAINING PLANS**

**3.** The director of a police force must establish a professional training plan.

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2000, c. 12, s. 3; 2001, c. 19, s. 15.

**4.** The main objectives of the training plan shall be to

- (1) update the knowledge and skills of police officers in the type of police work to which they are assigned, in particular through the establishment of a personal training record for each police officer;
- (2) propose career paths for police officers on the basis of their interests and the needs of the police force and, more specifically, plan continued basic training leading to police investigation or police management functions;
- (3) facilitate the identification of police officers able to specialize in an area of police work or move to another area of police work;
- (4) define advanced training and in-service training needs.

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2000, c. 12, s. 4.

**5.** The training plan shall determine the management positions for which a police management diploma issued or, where applicable, recognized by the École nationale de police du Québec is mandatory.

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2000, c. 12, s. 5.

**6.** The training plan shall be updated annually and forwarded, not later than 1 April, to the École nationale de police du Québec, in the form it determines, with a summary of the results for the preceding year.

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2000, c. 12, s. 6.

## **CHAPTER II**

### **ÉCOLE NATIONALE DE POLICE DU QUÉBEC**

#### **DIVISION I**

##### **ESTABLISHMENT**

**7.** A police training school is hereby established under the name École nationale de police du Québec.

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2000, c. 12, s. 7.

**8.** The school is a legal person and a mandatary of the Government.

The school binds none but itself when it acts in its own name. The execution of the obligations of the school may be executed against its property even though its property forms part of the domain of the State.

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2000, c. 12, s. 8.

**9.** The head office of the school shall be located at the place determined by the Government. Notice of the location or of any change in the location of the head office of the school shall be published in the *Gazette officielle du Québec*.

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2000, c. 12, s. 9.

#### **DIVISION II**

##### **MISSION AND POWERS**

**10.** It is the mission of the school, as a think tank and an integrated police training activity centre, to ensure the pertinence, quality and coherence of police training.

It is the exclusive responsibility of the school to provide the basic training that gives access to police patrolling, police investigation and police management functions, except the training provided as part of a program leading to a Diploma of College Studies or an Attestation of College Studies in police technology.

The school shall also offer advanced training activities and conduct training-oriented research. In addition, the school shall offer in-service training activities designed to meet the needs of the various police forces.

In developing its basic training programs, the school shall, where expedient, consult university-level educational institutions concerning the recognition of its programs as university-level programs.

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2000, c. 12, s. 10.

**11.** The school may, by agreement, give a mandate to a college-level or university-level educational institution, or to a police force, to develop or teach training courses or parts of its study programs. Every such agreement must state the validation standards, if any, applicable to the courses and programs concerned.

The school may also approve professional training activities that have been developed outside the school but that may be incorporated into its programs or receive its accreditation.

The school may also enter into any agreement it considers relevant to the pursuit of its mission with researchers, experts or educational or research institutions.

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2000, c. 12, s. 11.

**12.** The school shall advise police forces and associations representing their members concerning professional training matters.

The school shall encourage cooperation and collaboration among the various institutions offering police training and shall keep the Minister informed in that regard.

The school shall conduct or commission research or studies in areas related to police work that may have an impact on police training; the results shall be published and disseminated by the school, in particular among the members of the law enforcement community.

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2000, c. 12, s. 12.

**13.** The school shall encourage, facilitate and plan exchanges of expertise with persons or bodies outside Québec and, in particular, encourage participation by Québec specialists in international exchange missions on police training.

The school may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization.

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2000, c. 12, s. 13.

**14.** The Minister may give the school any mandate within the scope of the school's mission.

The Minister may also issue guidelines concerning the objectives and policies of the school. The guidelines, in respect of which the governing board must be consulted, are subject to Government approval. The guidelines come into force on the day of approval and shall be tabled in the National Assembly within 15 days of being approved or, if the Assembly is not in session, within 15 days of resumption.

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2000, c. 12, s. 14.

**15.** The school may, with the joint authorization of the Minister of Higher Education, Research, Science and Technology and the Minister of Public Security and on the conditions they determine, develop and offer college-level professional training programs and university-level programs.

The school may also, in pursuit of its mission, develop training programs and activities and offer them to any person or group that so requests.

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2000, c. 12, s. 15; 2005, c. 28, s. 195; 2008, c. 10, s. 1; 2013, c. 28, s. 201.

**16.** The school shall establish, by by-law, standards for its professional training activities, the approval of training activities developed outside the school, admission requirements, teaching requirements, examinations and certificates of studies and diplomas, as well as standards of equivalence.

The admission requirements for training in police patrolling shall establish, in particular, the medical requirements and the requirements relating to physical condition that must be met by students.

The school shall keep registers in the manner determined in its by-laws.

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2000, c. 12, s. 16; 2008, c. 10, s. 2.

**17.** The school may provide lodging services to its students.

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2000, c. 12, s. 17.

### **DIVISION III**

#### **OPERATION**

**18.** The governing board of the school shall be composed of 15 members.

The following are permanent members:

- (1) the Deputy Minister of Public Security or the Deputy Minister's representative;
- (2) the Director General of the Sûreté du Québec or the Director General's representative;
- (3) the director of the police department of Ville de Montréal or the director's representative;
- (4) the executive director of the school;
- (5) a member of the personnel of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, designated by the Deputy Minister.

The following members shall be appointed by the Government for a term of two years:

- (1) the director of a municipal police force, after consultation with the association representing Québec police force directors;
- (2) three elected municipal officers, after consultation with the bodies representing municipalities;
- (3) three persons from associations representing police officers, after consultation with the associations;
- (4) three persons from socio-economic groups.

At the end of their terms, the non-permanent members shall remain in office until replaced or reappointed. Any vacancy occurring before the end of a term shall be filled for the remainder of that term.

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2000, c. 12, s. 18; 2001, c. 19, s. 15; 2000, c. 56, s. 219; 2005, c. 28, s. 195; 2013, c. 28, s. 201.

**19.** The Government shall appoint, from among the members of the board, a chair and a vice-chair for a term of two years.

The executive director of the school is not eligible for the position of chair or vice-chair.

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2000, c. 12, s. 19.

**20.** Where the vice-chair is absent or unable to act, the governing board shall designate a member to act in place of the vice-chair.

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2000, c. 12, s. 20.

**21.** The members of the governing board, other than the executive director, shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

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2000, c. 12, s. 21.

**22.** The governing board shall meet at least once every three months.

The quorum at meetings of the governing board is eight members, including the chair or vice-chair of the board. The board may, however, proceed with the business of the meeting even if the quorum is not attained because certain members have left the meeting temporarily owing to a conflict of interest. In the case of a tie-vote, the chair or, in the absence of the chair, the vice-chair, has a casting vote.

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2000, c. 12, s. 22.

**23.** The Government shall appoint an executive director for a term not exceeding five years and, where required, assistant executive directors. At the end of their terms, the executive director and assistant executive directors shall remain in office until replaced or reappointed.

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

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2000, c. 12, s. 23.

**24.** The staffing plan and the selection criteria and terms of appointment of the members of the school's personnel shall be determined in a by-law made by the school.

Subject to the provisions of any collective agreement, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of the personnel shall also be determined in the by-law in accordance with the conditions defined by the Government.

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2000, c. 12, s. 24.

**25.** The members of the governing board must exercise their functions in accordance with the rules of ethics and professional conduct applicable to public administration, in the best interest of the school.

No member of the personnel of the school may, on pain of dismissal, hold other employment or have a direct or indirect interest in an enterprise or body that may place the personnel member's personal interest in conflict with the interest of the school. Where the interest devolves by succession or gift, the member must renounce or dispose of it with dispatch.

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2000, c. 12, s. 25.

**26.** No instrument, document or writing binds the school or may be attributed to it unless it is signed by the chair of the governing board, the executive director or a member of the personnel authorized by a resolution of the board published in the *Gazette officielle du Québec*.

The board may, also by a resolution published in the *Gazette officielle du Québec*, on the conditions and for the documents it determines, allow a signature to be affixed by automatic or electronic means, or allow a signature to be engraved, lithographed or printed. However, the facsimile has the value of the signature only if the document is countersigned by a person referred to in the first paragraph.

A document or copy of a document emanating from the school is authentic if signed or certified by a person referred to in the first paragraph.

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2000, c. 12, s. 26.

**27.** The school may make by-laws for its internal management, in particular, by-laws

(1) to establish an administrative committee or any other standing or temporary committee and determine its functions and powers and the term of office of its members;

(2) to determine the functions and powers of the chair and vice-chair of the governing board and of the executive director, the assistant executive directors and the other members of the school's personnel.

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2000, c. 12, s. 27.

#### **DIVISION IV**

#### **COMMISSION DE FORMATION ET DE RECHERCHE**

##### **§ 1. — *Establishment***

**28.** A training and research commission known as the "Commission de formation et de recherche" is hereby established within the École nationale de police du Québec.

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2000, c. 12, s. 28.

##### **§ 2. — *Mandate***

**29.** The Commission shall advise the governing board of the school on any matter pertaining to police training, and more particularly on

(1) the organization of training, including study programs, training activities, admission requirements, teaching requirements, examinations, and the conditions on which the certificates of studies and diplomas awarded by the school may be obtained;

(2) the procedures for certifying training and experience acquired outside the school;

(3) proposed agreements between the school and other educational institutions or training services and the validation requirements for the instruction given on behalf of the school pursuant to the agreements;

(4) training and advanced training activities suitable for approval by the school;

(5) exchanges of expertise with foreign organizations;

(6) changes in training needs, ideas, knowledge and practices and the planning of the school's development in response to those changes.

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2000, c. 12, s. 29.

**30.** The Commission shall keep the governing board informed of developments in research in the field of police training and, in particular, research on the adaptation of training to the needs of a career in police work and to the needs of organizations.

The Commission may propose, to the governing board, areas of research to be explored and modes of cooperation with other bodies.

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2000, c. 12, s. 30.

**31.** The Commission shall advise the Minister on any matter submitted to it by the Minister and, in particular, on

(1) any proposed modification to college-level police technology programs or any proposed new police technology program;

(2) any proposed university-level training program for police personnel.

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2000, c. 12, s. 31.

**32.** The Commission shall report periodically on advanced professional training, for the purpose of ascertaining whether the training offered corresponds to the standards of police practice, verifying its effectiveness, and outlining new needs in that regard. The Commission may make its conclusions public and make recommendations to interested parties. The Commission shall ensure that information on innovative approaches and successful activities is widely disseminated.

The Commission shall also report on in-service training, making a full inventory of activities and results.

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2000, c. 12, s. 32.

### **§ 3. — Composition and operation**

**33.** The Commission shall be composed of 15 members.

The following are permanent members of the Commission:

(1) the executive director or the executive director's representative;

(2) the head of training.

The following persons shall be appointed for a term of three years, and may be reappointed for one term:

- (1) two instructors from the school appointed by the Minister, on the recommendation of the executive director;
- (2) six persons appointed by the Minister, on the recommendation of the governing board, from the various divisions of law enforcement;
- (3) five persons appointed by the Minister and chosen on the basis of their qualifications.

At the end of their terms, the non-permanent members shall remain in office until replaced or reappointed. Any vacancy occurring before the end of a term shall be filled for the remainder of that term.

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2000, c. 12, s. 33.

**34.** The Minister shall appoint, from among the members of the Commission, a chair and a vice-chair for a term of three years.

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2000, c. 12, s. 34.

**35.** The members of the Commission shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

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2000, c. 12, s. 35.

**36.** The secretariat of the Commission is the responsibility of the school. The school shall appoint the secretary who shall ensure that the minutes, reports and opinions of the Commission are drafted or recorded and preserved.

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2000, c. 12, s. 36.

**37.** The school shall make a by-law for the internal management of the Commission de formation et de recherche.

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2000, c. 12, s. 37; 2008, c. 10, s. 5.

## **DIVISION V**

### **FINANCIAL PROVISIONS AND REPORTS**

**38.** The school may not, except with the authorization of the Government,

- (1) construct, acquire, alienate or lease or hypothecate any immovable;
- (2) make a financial commitment for a term or amount exceeding that determined by the Government;
- (3) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government.

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2000, c. 12, s. 38.

**39.** The Government may, subject to the terms and conditions it determines,

- (1) guarantee the payment of the principal of and interest on any loan contracted by the school;
- (2) guarantee the performance of any other obligation of the school;
- (3) authorize the Minister of Finance to advance to the school any amount considered necessary for the pursuit of its mission.

Any sums paid by the Government as a consequence of such guarantee or as an advance to the school shall be taken out of the Consolidated Revenue Fund.

2000, c. 12, s. 39.

**40.** The Act respecting duties on transfers of immovables ([chapter D-15.1](#)) does not apply to the acquisition by the school of an immovable that forms part of the domain of the State.

2000, c. 12, s. 40.

**41.** The school may not operate a commercial enterprise or acquire shares issued by an enterprise. The school may not grant loans, make gifts, give grants or act as surety.

2000, c. 12, s. 41.

**42.** The school may charge tuition fees on such conditions as it may prescribe by by-law. The school may also, with the authorization of the Minister, impose charges or fees for its other services.

2000, c. 12, s. 42.

**43.** Every municipality to which a police force is attached shall pay to the school an annual contribution based on a percentage of the total payroll of the police personnel of the police force. The Government shall pay to the school a contribution based on the total payroll of the police personnel of the Sûreté du Québec.

The percentage applicable, which may not exceed 1%, and the terms and conditions of payment shall be established by the Government, on the recommendation of the school.

A contribution paid under this section constitutes an eligible expenditure as a contribution of the employer toward workforce skills development prescribed by the Act to promote workforce skills development and recognition ([chapter D-8.3](#)).

This section does not apply to the Naskapi Village, to the Cree Nation Government or to the Kativik Regional Government.

2000, c. 12, s. 43; 2007, c. 3, s. 65; 2008, c. 13, s. 1; 2013, c. 19, s. 91.

**44.** The fiscal year of the school ends on 30 June.

2000, c. 12, s. 44.

**45.** The books and accounts of the school shall be audited by the Auditor General each year and whenever so ordered by the Government. The auditor's report must be submitted with the financial statements of the school.

2000, c. 12, s. 45.

**46.** Within four months after the end of its fiscal year, the school shall present to the Minister its financial statements and a report of its activities for the preceding fiscal year. The Minister shall request and, where appropriate, cause to be included in the report any information the Minister considers to be relevant.

The Minister shall table the financial statement and the report of activities in the National Assembly within 30 days of receiving them or, if the Assembly is not in session, within 30 days of resumption.

2000, c. 12, s. 46.

**47.** Every year, the school shall submit its budgetary estimates for the following fiscal year in accordance with the procedure determined by the Minister.

2000, c. 12, s. 47.

## **TITLE II**

### **POLICE ORGANIZATION**

## **CHAPTER I**

### **POLICE FORCES**

## **DIVISION I**

### **MISSION**

**48.** The mission of police forces and of each police force member is to maintain peace, order and public security, to prevent and repress crime and, according to their respective jurisdiction as set out in sections 50, 69 and 289.6, offences under the law and municipal by-laws, and to apprehend offenders.

In pursuing their mission, police forces and police force members shall ensure the safety of persons and property, safeguard rights and freedoms, respect and remain attentive to the needs of victims, and cooperate with the community in a manner consistent with cultural pluralism. Police forces shall target an adequate representation, among their members, of the communities they serve.

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2000, c. 12, s. 48; 2013, c. 6, s. 1.

**49.** Police officers are peace officers throughout Québec.

For the purpose of determining civil liability toward third persons, a police officer does not cease to act as an agent when the police officer is acting as a peace officer.

However, a municipal police officer who acts as a peace officer at the request of the Minister or of the Sûreté du Québec is, for the purpose of determining civil liability toward third persons and for the purposes of the Act respecting industrial accidents and occupational diseases ([chapter A-3.001](#)), deemed to be an agent of the Minister.

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2000, c. 12, s. 49.

## **DIVISION II**

### **SÛRETÉ DU QUÉBEC**

#### **§ 1. — Jurisdiction**

**50.** The Sûreté du Québec, the national police force, shall act under the authority of the Minister of Public Security and shall have jurisdiction to enforce law throughout Québec.

The Sûreté du Québec shall also have jurisdiction to enforce applicable municipal by-laws in the territories of the municipalities in which it provides police services.

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2000, c. 12, s. 50; 2001, c. 19, s. 15.

**51.** The Sûreté du Québec may be required, subject to the conditions defined in Division III of this chapter, to act in place of a municipal police force.

The services of the Sûreté du Québec may also be placed at the disposal of any person, in the cases and according to the tariff determined by regulation of the Government. In addition, in the public interest or where justified by a specific situation, its services may be placed at the disposal of any person, at the expense of that person, pursuant to an agreement between that person and the Minister or the person designated by the Minister.

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2000, c. 12, s. 51; 2008, c. 10, s. 6.

**52.** The Sûreté du Québec shall maintain a central information service designed to assist in fighting crime, and make the information service available to other police forces.

The Minister may, after consulting the director general of the Sûreté du Québec, make all or part of the information available to any body of peace officers whose functions, in the opinion of the Minister, justify such action. The Minister shall determine, in writing, the conditions of access to the information.

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2000, c. 12, s. 52.

#### **§ 2. — Organization**

**53.** The headquarters of the Sûreté du Québec shall be located in the territory of Ville de Montréal but the Government may, in an order published in the *Gazette officielle du Québec*, direct that the headquarters be moved to another location.

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2000, c. 12, s. 53.

**54.** The Minister shall establish such Sûreté du Québec police stations and offices as are required.

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2000, c. 12, s. 54.

**55.** The Sûreté du Québec shall be under the administration and command of a Director General, assisted by deputy directors. The Director General and deputy directors shall rank as senior officers.

The other members of the Sûreté du Québec shall be as follows:

- (1) chief inspectors, inspectors, captains and lieutenants, who shall rank as senior officers;
- (2) sergeants and corporals, who shall rank as junior officers;
- (3) constables and assistant constables.

The Sûreté du Québec shall also include

- (1) non-police personnel, such as specialists in various areas whose services are required to accomplish the mission of the Sûreté du Québec;
- (2) cadets.

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2000, c. 12, s. 55.

**56.** The Director General shall be appointed by the Government.

The deputy directors shall be appointed by the Government on the recommendation of the Director General.

The other senior officers shall be appointed by the Minister on the recommendation of the Director General.

The junior officers shall be appointed by the Director General.

The constables and auxiliary constables shall be appointed by the Director General.

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2000, c. 12, s. 56; 2006, c. 33, s. 1; 2008, c. 10, s. 7.

**57.** The salary of the members and cadets of the Sûreté du Québec shall be determined by the Government. Their pay scales and classifications and the other conditions for the exercise of their functions, except with regard to the Director General, shall be established by the Government.

The orders appointing the Director General and the deputy directors shall, in addition, determine the requirements applicable to their hiring.

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2000, c. 12, s. 57.

**58.** The Director General shall be appointed for a term not exceeding five years, which may be renewed provided the total duration of successive appointments does not exceed 10 years.

The Director General must reside in or in the immediate vicinity of the locality in which the Sûreté du Québec headquarters are situated.

The Director General may only be dismissed on the recommendation of the Minister, following an investigation carried out by the Minister or a person designated by the Minister.

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2000, c. 12, s. 58.

**59.** Where the Director General is absent or unable to act, or where the position of Director General is vacant, the deputy director designated by the Minister shall act as interim director general.

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2000, c. 12, s. 59.

**60.** The members of the Sûreté du Québec shall take the oaths set out in Schedules A and B before the following persons:

- (1) the Director General, before a judge of the Court of Québec;
- (2) the deputy directors, before the Director General;
- (3) the other members of the Sûreté du Québec, before the Director General or one of the deputy directors.

In the exercise of their functions, the Director General and the deputy directors are authorized to administer, throughout Québec, the same oaths as a commissioner for oaths appointed under the Courts of Justice Act ([chapter T-16](#)).

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2000, c. 12, s. 60.

**61.** A member of the Sûreté du Québec who wishes to leave the employment of the Sûreté du Québec must give the Director General 30 days prior notice.

Before leaving the employment of the Sûreté du Québec, the member must surrender to the Director General all uniforms, badges, weapons, identity papers and other articles belonging to the Sûreté du Québec.

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2000, c. 12, s. 61.

**62.** The public servants and employees of the Sûreté du Québec other than its members shall be appointed in accordance with the Public Service Act ([chapter F-3.1.1](#)). The Director General of the Sûreté du Québec may make the hiring requirements set out in subparagraphs 2 and 3 of the first paragraph of section 115 applicable to them, where justified in the exercise of their functions.

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2000, c. 12, s. 62.

**63.** On the recommendation of the Director General, the Government may, by regulation,

- (1) set rules governing the operation of the Sûreté du Québec;
- (2) establish training requirements for the cadets and members of the Sûreté du Québec, and provide for the payment of their medical costs.

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2000, c. 12, s. 63.

### § 3. — *Investigations and sanctions*

**64.** The Director General shall investigate the conduct of any member of the Sûreté du Québec where the Director General has reasonable grounds to believe that the member's conduct may compromise the exercise of the duties of the member's functions. For the purposes of the investigation, the Director General shall have the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions ([chapter C-37](#)), except the power to order imprisonment.

The Director General may, for cause, suspend the member concerned with or without pay, provided the Minister is notified without delay. If the member is a junior officer, constable or auxiliary constable, the Director General may, for serious cause, dismiss the member subject to the authorization of the Minister.

The Director General may delegate the power to investigate to any other senior officer of the Sûreté du Québec. The Director General may delegate the power to suspend a member to a deputy director.

The power to investigate and the power to suspend or dismiss a member do not exempt the Director General from the obligation to notify the Minister in the case set out in section 286.

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2000, c. 12, s. 64; 2001, c. 19, s. 15.

#### § 4. — *Retirement and pension plan*

**65.** The pension plan established under the Act respecting the Syndical Plan of the Sûreté du Québec ([chapter R-14](#)) applies to all members of the Sûreté other than senior officers.

The Government may, however, make the pension plan applicable, with or without amendment, to the Director General, to one or more deputy directors or to all the other senior officers.

In addition, the Government may authorize the Director General or a deputy director to continue to participate in the pension plan established under the Act respecting the Government and Public Employees Retirement Plan ([chapter R-10](#)), notwithstanding paragraph 5 of section 4 of that Act, or in the pension plan established under the Act respecting the Pension Plan of Management Personnel ([chapter R-12.1](#)), notwithstanding paragraph 5 of section 3 of the latter Act, if either of those plans applied to that member of the Sûreté at the time of appointment.

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2000, c. 12, s. 65; 2001, c. 31, s. 395.

**66.** Retirement is mandatory for a member of the Sûreté who reaches 65 years of age.

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2000, c. 12, s. 66; 2001, c. 19, s. 1; 2006, c. 33, s. 2.

**67.** The contribution fund of the members of the pension plan referred to in the first paragraph of section 65 is established at the Caisse de dépôt et placement du Québec. The employers' contributory fund is also established at the Caisse.

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2000, c. 12, s. 67; 2006, c. 55, s. 60.

**67.1.** Member contributions to the pension plan referred to in the first paragraph of section 65, with respect to years of service prior to 1 January 2007, shall be paid into the Consolidated Revenue Fund. Member contributions with respect to years of service subsequent to 31 December 2006, except those concerning ancillary benefits, and related employer contributions to the pension plan shall be paid into the funds referred to in section 67, in accordance with the provisions of the plan. However, in the case of an officer who is a member of the plan on 31 December 2006, member and employer contributions shall be paid into the Consolidated Revenue Fund if the officer sends the Commission administrative des régimes de retraite et d'assurances a written notice to that effect before 31 January 2007.

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2006, c. 55, s. 60.

**67.2.** Any benefits except ancillary benefits and any reimbursement or sum resulting from a transfer related to the pension plan referred to in the first paragraph of section 65 shall be paid out of

(1) the Consolidated Revenue Fund for years of service prior to 1 January 2007; or

(2) the funds referred to in section 67, in accordance with the provisions of the plan, for years of service subsequent to 31 December 2006.

If the employers' contributory fund is exhausted, the sums that were to be taken out of that fund shall be taken out of the Consolidated Revenue Fund. In the case of officers who sent the Commission administrative des régimes de retraite et d'assurances the notice referred to in section 67.1, the payments referred to in the first paragraph shall also be paid out of the Consolidated Revenue Fund.

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2006, c. 55, s. 60.

**67.3.** The administration expenses of the pension plan referred to in the first paragraph of section 65, except those related to ancillary benefits, shall be paid out of the funds referred to in section 67, in accordance with the provisions of the plan.

If the employers' contributory fund is exhausted, the sums that were to be taken out of that fund shall be taken out of the Consolidated Revenue Fund. In the case of officers who sent the Commission administrative des régimes de retraite et d'assurances the notice referred to in section 67.1, the payment referred to in the first paragraph shall also be paid out of the Consolidated Revenue Fund.

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2006, c. 55, s. 60.

**67.4.** The Caisse de dépôt et placement du Québec shall administer:

(1) the sums deposited in the employers' contributory fund under the pension plan referred to in the first paragraph of section 65, in accordance with the investment policy of the Minister of Finance; and

(2) the sums deposited in the plan members' contribution fund, in accordance with the provisions of the plan.

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2006, c. 55, s. 60.

**67.5.** Plan members' contributions with respect to the ancillary benefits provided for in the pension plan referred to in the first paragraph of section 65 shall be paid in accordance with the provisions of the plan, and the payment and administration of those benefits shall be paid in accordance with those provisions.

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2006, c. 55, s. 60.

**67.6.** A benefit or reimbursement payable under the pension plan referred to in the first paragraph of section 65 is untransferable and unseizable.

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2006, c. 55, s. 60.

**67.7.** On the basis of the actuarial valuation required by the Minister of Finance, the Minister shall determine the amounts that could, from year to year, but at the latest every three years, be capitalized at prescribed periods to take into account undertakings of the Government with respect to the pension plan referred to in the first paragraph of section 65 regarding years of service subsequent to 31 December 2006. The amounts so capitalized shall be drawn from the Consolidated Revenue Fund.

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2006, c. 55, s. 60.

**68.** The years of service that a member of the Sûreté is entitled to count for pension purposes under the Act respecting the Civil Service Superannuation Plan ([chapter R-12](#)) may be counted for the purposes of the pension plan referred to in the first paragraph of section 65 in which the member is participating, provided the contributions have not been refunded.

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2000, c. 12, s. 68.

### **DIVISION III**

#### **MUNICIPAL POLICE FORCES**

##### **§ 1. — Jurisdiction**

**69.** A municipal police force shall have jurisdiction to prevent and repress offences under municipal by-laws in the territory of the municipality to which it is attached and in any other territory in which it provides police services.

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2000, c. 12, s. 69.

##### **§ 2. — Obligation of municipalities**

**70.** The territory of a local municipality must be under the jurisdiction of a police force.

A municipal police force must provide, in the territory under its jurisdiction,

(1) level 1 services, if the population to be served is less than 100,000 inhabitants;

- (2) level 2 services, if the population to be served is 100,000 or more and not more than 249,999 inhabitants;
- (3) level 3 services, if the population to be served is 250,000 or more and not more than 499,999 inhabitants;
- (4) level 4 services, if the population to be served is 500,000 or more and not more than 999,999 inhabitants; or
- (5) level 5 services, if the population to be served is 1,000,000 inhabitants or more.

The Sûreté du Québec shall provide level 6 services.

The Sûreté du Québec shall provide the services corresponding to a level higher than the level required of a municipal police force, unless the Minister authorizes the municipal police force to provide the services corresponding to other levels determined by the Minister. Police forces shall work in collaboration in the exercise of their respective jurisdictions.

Notwithstanding the obligation imposed on a police force to provide all the services corresponding to its level of jurisdiction, any investigation concerning a police officer against whom an allegation of criminal offence has been made may be entrusted to another police force empowered to provide the services corresponding to the level required by the investigation.

Without prejudice to that obligation, the municipalities may enter into agreements with each other, for a maximum period of 10 years, concerning

- (1) the joint use of equipment, premises or space;
- (2) the provision of detention services, transportation services for accused persons or police dispatching services; or
- (3) the sharing of any support services or emergency measures determined by the Minister.

The agreements and their termination before their expiry date must be approved by the Minister.

The municipalities may also conclude such agreements with the Minister of Public Security, to be applicable to the Sûreté du Québec.

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2000, c. 12, s. 70; 2001, c. 19, s. 2; 2008, c. 10, s. 8; 2012, c. 13, s. 1.

**71.** Local municipalities forming part of the Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec or a census metropolitan area described in Schedule E shall be served by a municipal police force as follows :

- (1) they establish their own police forces by means of a by-law approved by the Minister ; or
- (2) they share the services of a single police force, either two or more entrusting the establishment and management of a shared police force to an intermunicipal board, or one municipality making all the services of its own police force available to another municipality.

Each police force established pursuant to the first paragraph must provide level 2 services or services corresponding to a higher level, according to the population to be served.

However, the local municipalities forming part of the regional county municipalities of La Côte-de-Beaupré, La Jacques-Cartier, L'Île-d'Orléans and Vaudreuil-Soulanges shall be served by the Sûreté du Québec.

The Minister may authorize a municipality to be served by the Sûreté du Québec, on such conditions as are determined by the Minister.

The services of the Sûreté du Québec shall be provided, in accordance with the terms and conditions set out in section 76, pursuant to agreements entered into by the Minister and the regional county municipality that includes the municipalities concerned or, where warranted by special circumstances, directly with the local municipality.

2000, c. 12, s. 71; 2001, c. 19, s. 3.

**72.** Local municipalities which do not form part of a metropolitan community or a census metropolitan area shall be served by a municipal police force, in accordance with the same terms and conditions as those provided for in the preceding section, if they have a population of 50,000 inhabitants or more, or by the Sûreté du Québec, if they have a population of less than 50,000 inhabitants.

A municipality that is served by the Sûreté du Québec and whose population reaches 50,000 inhabitants or more continues to be served by the Sûreté du Québec, unless it is authorized by the Minister, on the conditions determined by the Minister, to be served by a municipal police force. In order to request the authorization to be served by a municipal police force, the municipality must have held a public consultation in accordance with section 73.1 and have sent a report on the consultation to the Minister.

The territory described in section 102.6, the territory of the Kativik Regional Government as well as a Native community and the Naskapi Village may be served by their own police forces, whatever their population. Such police forces are not required to provide services at a level established by section 70. The same applies to any other police force having jurisdiction in a territory north of the 51st parallel, subject to the police force providing such services as are agreed with the Minister.

2000, c. 12, s. 72; 2001, c. 19, s. 3; O.C. 497-2002, s. 24; 2008, c. 13, s. 2; 2012, c. 13, s. 2.

**72.1.** If a municipality that is to be served by a municipal police force fails to comply with the first paragraph of section 71, the Minister may determine which procedure set out in that paragraph will be followed by the municipality.

2008, c. 10, s. 9.

**73.** A municipality that wishes to abolish its police force or reduce its size must obtain authorization from the Minister.

In order to request the authorization to abolish its police force, the municipality must have held a public consultation in accordance with section 73.1 and have sent a report on the consultation to the Minister.

Before authorizing the abolition or reduction in size of a police force, the Minister shall consult the organizations representing municipalities and the associations representing police officers, and set the time within which they are to give their opinion.

2000, c. 12, s. 73; 2001, c. 19, s. 4; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2012, c. 13, s. 3.

**73.1.** The mayor or another member of the municipal council designated by the mayor shall hold a public consultation, consisting of at least two meetings, on the municipality's proposal to replace the police force serving its territory. A notice of the consultation must be published in a newspaper distributed in the territory of the municipality at least 30 days before the first meeting is held and must

- (1) state the date, time, location and purpose of each public consultation meeting;
- (2) contain a summary describing the main effects of the proposal, including the services that will be provided by the new police force and the impact on the municipality's expenses; and
- (3) state that every citizen of the municipality may make comments on the proposal during each meeting or submit the comments in writing within 15 days after the last meeting.

The public consultation must be held in such a way as to foster the participation of every citizen of the municipality and an open discussion on the municipality's proposal to replace the police force serving its territory.

2012, c. 13, s. 3.

**73.2.** Where the abolition or reduction in size of the police force is authorized, the Minister shall establish, where expedient, a reclassification committee to examine the possibility of integrating the

police officers concerned into another police force or of finding them other employment within the municipality. The abolition or reduction in size of the police force has effect from the date determined by the committee in its recommendations, or on the date occurring six months after the date on which the committee is established, whichever is sooner.

If no reclassification committee is established, the abolition or reduction in size of the police force becomes effective on the date determined by the Minister.

The reclassification committee is to consist of six members appointed by the Minister, including two members from the Ministère de la Sécurité publique and the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire respectively, the other members being chosen, in equal numbers, from the organizations representing municipalities and the associations representing police officers. Where the abolition of the police force of a municipality is followed by an agreement under which the Sûreté du Québec is to provide police services in the municipality, two additional members of the committee must represent the administration of the Sûreté du Québec and the association representing its members, respectively.

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2012, c. 13, s. 3.

### § 3. — *Intermunicipal boards and intermunicipal agreements on police services*

**74.** The agreement whereby two or more municipalities share the police services of a single police force in accordance with the terms and conditions specified in section 71 must be submitted to the Minister for approval and may not cover a period exceeding ten years. Unless a party gives at least nine months prior notice of its intention to withdraw from the agreement, the agreement shall be renewed for its initial term or for any other term agreed by the parties. If a municipality gives prior notice of its intention to withdraw, it must hold a public consultation in accordance with section 73.1 and send a report on the consultation to the Minister.

The agreement on the sharing of police services must include provisions to ensure that, upon the taking effect or termination of the agreement, all police officers whose positions are affected by a new sharing of services or the termination of the sharing of services will be integrated, according to their seniority, into the municipal police force that is to provide such services. If the services are to be provided by the Sûreté du Québec, the provisions of section 353.3 shall be applied.

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2000, c. 12, s. 74; 2001, c. 19, s. 5; 2012, c. 13, s. 4.

**75.** Where two or more municipalities establish an intermunicipal board for the establishment and management of a joint police force, the relevant powers and responsibilities of the municipalities concerned shall be transferred to the board. The board of directors of the intermunicipal board, the chair and the secretary of the board shall exercise the powers, respectively, of a municipal council, a mayor and a secretary-treasurer or clerk.

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2000, c. 12, s. 75.

### § 4. — *Agreements on police services provided to municipalities by the Sûreté du Québec*

**76.** An agreement entered into by the Minister and a local or regional municipality for the provision, by the Sûreté du Québec, of the police services required in the territory of the municipality must include provisions relating to

- (1) the number of police officers assigned to such services ;
- (2) the nature and scope of the police services that will be provided and the other conditions applicable to those services;
- (3) the information to be exchanged by the Sûreté du Québec and the municipality that is a party to the agreement;
- (4) control measures for the application of the agreement;
- (5) the location of the police station, if any, and the costs relating to premises furnished by the municipality;

- (6) the respective roles and responsibilities of the Sûreté du Québec and the municipality that is a party to the agreement;
- (7) the mechanism to be used in settling disputes concerning the interpretation or application of the agreement;
- (8) the term of the agreement, which must be at least 10 years;
- (9) the territory to be served;
- (10) the responsibilities of the public security committee, other than those set out in section 78;
- (11) the procedure for issuing statements of offence under the legislation on road safety or under municipal by-laws; and
- (12) the measures to be implemented in emergency situations.

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2000, c. 12, s. 76; 2001, c. 19, s. 6; 2008, c. 10, s. 10.

**77.** The cost of the police services provided by the Sûreté du Québec shall be established using the calculation methods or rate schedule prescribed by regulation of the Government and shall be borne by the local municipality or municipalities concerned. The calculation methods and rate schedule may vary depending on the nature and scope of the services provided and the category of municipality to which they are provided.

The regulation shall fix the terms and conditions of payment of the amounts owed and may provide for the payment of interest in case of a failure to pay or the offsetting, by the Government, of the amount owed against any amount owed to the municipality by the Government or a government department or body.

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2000, c. 12, s. 77.

**78.** An agreement entered into under section 76 shall be implemented by a public security committee composed of

- (1) four to seven persons chosen from among the members of the councils of the local municipalities to which the agreement applies in the case of an agreement with a regional county municipality or chosen from among the members of the council of the local municipality in the case of an agreement with a local municipality ; the latter shall be designated respectively by the regional county municipality or the local municipality ;
- (2) two representatives of the Sûreté du Québec, who are not entitled to vote, including the director of the police station.

The director of the police station shall be designated after consultation with the persons referred in subparagraph 1.

The members of the committee shall select a chair from among the persons referred to in subparagraph 1 of the first paragraph. The chair is appointed for one year.

The committee shall hold not less than one meeting every two months, which shall be called by the chair. It shall oversee the implementation of the agreement, assess the services provided and, on an annual basis, establish priorities for the police force. It shall inform the parties of the results of its work and report to them at least once a year.

The committee shall, in addition to the responsibilities entrusted to it under the agreement,

- (1) participate in the preparation of the semi-annual plan of action of the Sûreté du Québec in the territory covered by the agreement, according to the priorities identified, and make an assessment thereof ;
- (2) approve the police resources organization plan ;
- (3) participate in the selection of the location of the police station or stations on the basis of public security requirements, police service effectiveness and government policy on the leasing or

acquisition of buildings ;

(4) develop criteria for evaluating the performance of the Sûreté du Québec within the framework of the agreement and, where the committee considers it appropriate, inform the police station chief on the citizens' appreciation of the police services they receive ;

(5) evaluate the performance of the police station chief.

The committee shall be informed in advance of any intervention by the Sûreté du Québec likely to affect the resources assigned to the territory covered by the agreement.

In addition, the committee may make such recommendations as it considers relevant to the Sûreté du Québec and advise the Minister on the work organization or training needs of police officers and on any other question relating to the police services provided for in the agreement.

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2000, c. 12, s. 78; 2001, c. 19, s. 7, s. 15; 2008, c. 10, s. 11.

#### § 5. — *Supplementary role of the Sûreté du Québec*

**79.** Where a municipal police force is unable to provide any of the services of the level required pursuant to the second paragraph of section 70 or 71, that service shall be provided by the Sûreté du Québec.

Where a municipal police force cannot act effectively because of a lack of physical or human resources, or for any other serious cause, the Minister may, on the Minister's initiative or at the request of the municipality concerned, direct the Sûreté du Québec to maintain order temporarily in the area of jurisdiction of the police force concerned.

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2000, c. 12, s. 79; 2001, c. 19, s. 8.

**80.** Until such time as a municipal police force is established or an agreement under section 74 or 76 is entered into, the Sûreté du Québec shall place its services at the disposal of the municipality concerned, in accordance with Schedule C.

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2000, c. 12, s. 80.

**81.** Where, following an investigation held pursuant to this Act, it is found that a municipality is not providing adequate police services, the Minister may order that corrective measures be implemented within the time indicated by the Minister. The Minister may direct the Sûreté du Québec to act in place of the police force of the municipality until the measures have been implemented.

A regulation made by the Government shall determine the police services each category of municipality must provide, in conformity with the levels established in section 70. The services and the specialized services that a municipality may obtain from the Sûreté du Québec may be taken into account in determining whether or not a municipality is providing adequate police services.

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2000, c. 12, s. 81; 2001, c. 19, s. 9.

**81.1.** Whenever necessary or at the Minister's request, municipalities must update their police service organization plan stating, in particular, that the municipal police force serving them provides the services of the required level. At the Minister's request, the plan is submitted to the Minister for approval.

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2008, c. 10, s. 12.

**82.** A municipality that is provided services by the Sûreté du Québec pursuant to the provisions of this subdivision shall pay the amount fixed in accordance with section 77 in return for those services.

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2000, c. 12, s. 82.

#### § 6. — *Organization of municipal police forces*

**83.** A municipal police force shall be under the direction and command of a director of police.

The director of police shall be appointed for a term of at least five years, except where otherwise authorized by the Minister. Where the appointment is not to be renewed, notice must be given at least six months before the end of the appointment.

Where the position of director of police is vacant, the municipality shall appoint an interim director of police without delay.

The director general of a municipality shall have no authority over police investigations.

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2000, c. 12, s. 83; 2001, c. 19, s. 15.

**84.** The director of a municipal police force shall take the oaths set out in Schedules A and B before the mayor, and the other municipal police officers shall take the oaths before the director of police.

The director of police is authorized, in the exercise of his or her functions and within the territory of the municipality, to administer the same oaths as a commissioner for oaths appointed under the Courts of Justice Act ([chapter T-16](#)).

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2000, c. 12, s. 84; 2001, c. 19, s. 15.

**85.** A register of the members of a municipal police force shall be kept by the clerk or secretary-treasurer of the municipality.

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2000, c. 12, s. 85.

**86.** Every municipality may make by-laws to

- (1) provide for the organization and equipment of a police force;
- (2) prescribe the duties and powers of the members of the police force;
- (3) determine the places where the police officers may have their residence;
- (4) establish classes of police officers and the ranks that may be conferred upon them;
- (5) prescribe the inspections to which police officers must submit.

The by-laws apply subject to the other provisions of this Act and the government regulations made under its authority.

A by-law made under this section must be transmitted to the Minister by the clerk or secretary-treasurer of the municipality concerned within 15 days of coming into force.

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2000, c. 12, s. 86.

**§ 7. — Dismissal or reduction of the salary of the director of a municipal police force**

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2001, c. 19, s. 15.

**87.** A municipality may not dismiss or reduce the salary of the director of its police force, whatever his or her conditions of employment, except for cause and by a resolution adopted by an absolute majority of the members of its council and notified to the person to whom it applies in the same manner as a summons under the Code of Civil Procedure ([chapter C-25.01](#)).

A municipality may not dismiss or reduce the salary of any police officer of the municipality who is not an employee within the meaning of the Labour Code ([chapter C-27](#)) and who has been employed by the municipality for at least six months.

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2000, c. 12, s. 87; 2001, c. 19, s. 15; I.N. 2016-01-01 (NCCP).

**88.** A decision to dismiss a person entails the immediate suspension without pay of that person.

The dismissal or reduction of salary becomes effective

(1) upon acquiescence by the person concerned; or

(2) on the date of the judgment on the appeal under section 89 or on the date of expiry of the time for appeal.

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2000, c. 12, s. 88.

**89.** The decision of the council may be appealed before three judges of the Court of Québec, who shall rule on the matter in the last instance.

The appeal is filed at the office of the Court of Québec in the judicial district where the appellant is domiciled, within 30 days of the date of service of the decision; it must be accompanied with a notice of at least 10 days of the date of its filing and be served on the Minister.

The rules of the Code of Civil Procedure ([chapter C-25.01](#)) relating to the production of evidence, hearing and judgment apply, with the necessary modifications, to an appeal brought under this division. The judges hearing and deciding the appeal are vested with the powers and immunity of commissioners appointed pursuant to the Act respecting public inquiry commissions ([chapter C-37](#)), except the power to order imprisonment. They may make any order they consider appropriate to safeguard the rights of the parties. They may confirm, quash or amend the decision referred to them.

If the appeal is granted, the court may order the municipality to pay the appellant a sum of money as compensation for costs. The court may also, if the resolution concerned the dismissal of the appellant, order the municipality to pay all or part of the salary the appellant was not paid during the suspension and to reinstate, for the period of the suspension, the other benefits and allowances to which the appellant was entitled before the suspension.

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2000, c. 12, s. 89; I.N. 2016-01-01 (NCCP).

#### **DIVISION IV**

##### **NATIVE POLICE FORCES**

**90.** The Government may enter into an agreement with one or more Native communities, each represented by its band council, to establish or maintain a police force in a territory determined under the agreement.

A police force thus established or maintained shall, for the duration of the agreement, be a police force for the purposes of this Act.

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2000, c. 12, s. 90; 2008, c. 13, s. 3.

**91.** The agreement must include provisions relating to the employment status and swearing-in of police officers, the independence of the administration of the police force, civil liability, internal discipline and accountability.

The agreement may also include, in particular, provisions relating to

(1) standards governing the hiring of police officers;

(2) the appointment of members to the Comité de déontologie policière charged with hearing an application for review or a citation concerning the conduct of a police officer pursuant to this Act.

The provisions relating to the standards governing the hiring of police officers may vary from the standards prescribed by this Act or the regulations under it and shall, in case of incompatibility, take precedence over the latter. The provisions of the agreement relating to the appointment of members to the Comité de déontologie policière are binding on the Comité.

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2000, c. 12, s. 91; 2008, c. 13, s. 4.

**92.** The Minister shall table the agreement before the National Assembly within 15 days of the day on which it is signed if the Assembly is in session or, if it is not sitting, within 15 days of resumption.

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2000, c. 12, s. 92.

**93.** A Native police force and its members are responsible for maintaining peace, order and public safety in the territory for which it is established, preventing and repressing crime and offences under the laws and regulations applicable in that territory and seeking out offenders.

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2000, c. 12, s. 93.

## **DIVISION V**

### **NASKAPI VILLAGE POLICE FORCE**

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2008, c. 13, s. 5.

**94.** The members of the police force that the Naskapi Village is authorized to establish under the Cree Villages and the Naskapi Village Act ([chapter V-5.1](#)) are police officers for the purposes of this Act.

The director of the police force shall take the oaths set out in Schedules A and B before the mayor, and the other members before the director of police.

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2000, c. 12, s. 94; 2001, c. 19, s. 15; 2008, c. 13, s. 6.

**95.** The Naskapi Village may, by by-law submitted to the approval of the Minister of Public Security, determine the physical characteristics, the medical requirements, the required education level and the other hiring standards for becoming a member of its police force that are not contained in subparagraphs 1 to 3 of the first paragraph of section 115, and the qualifications required to exercise investigative or management functions and to exercise a function or obtain a rank in the police force. The provisions of the by-law shall prevail over the provisions to the same effect of this Act or of the regulations of the Government under it.

The Government may, in an agreement entered into with the Naskapi Village, include clauses relating to police matters, and in particular to qualifying training for police personnel. The provisions of the agreement shall prevail over the provisions to the same effect of this Act or of the regulations under it made by the Government.

The agreement may also provide for the matters that may be determined in a by-law under the first paragraph, in case the Naskapi Village does not pass such a by-law.

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2000, c. 12, s. 95; 2008, c. 13, s. 7.

**96.** The members of the police force established by the Naskapi Village may also be members of the regional police force established by the Kativik Regional Government under the Act respecting Northern villages and the Kativik Regional Government ([chapter V-6.1](#)).

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2000, c. 12, s. 96.

**97.** (*Repealed*).

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2000, c. 12, s. 97; 2008, c. 13, s. 8.

**98.** Subject to section 50, the Kativik Regional Government, established by the Act respecting Northern villages and the Kativik Regional Government ([chapter V-6.1](#)) has exclusive jurisdiction in police matters in the territory of the Naskapi Village.

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2000, c. 12, s. 98.

**99.** Territories over which the Naskapi Village has jurisdiction within the meaning of sections 48 and 69 are composed of the Category IA-N and Category III lands situated within their perimeter.

These lands shall be delimited in accordance with the Act respecting the land regime in the James Bay and New Québec territories ([chapter R-13.1](#)) and are deemed to form part of the territory of the municipality for the purposes of the third paragraph of section 49.

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2000, c. 12, s. 99.

**100.** The Naskapi Village may, particularly if its police force is unable to provide the services under its jurisdiction on the lands on which the police force and its members are authorized to exercise their functions, make an agreement with the Minister to have the Sûreté du Québec provide those services.

Furthermore, the Naskapi Village may, notwithstanding section 74, make by-laws to make agreements in police matters with the Cree Nation Government or the Kativik Regional Government.

The by-laws authorizing such agreements require the approval of the Minister of Public Security and of the Minister of Municipal Affairs, Regions and Land Occupancy.

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2000, c. 12, s. 100; 2001, c. 19, s. 10, s. 15; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2008, c. 13, s. 9; 2009, c. 26, s. 109; 2013, c. 19, s. 91.

**101.** *(Repealed).*

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2000, c. 12, s. 101; 2008, c. 13, s. 10.

**102.** The budget of the police force of a municipality contemplated in this division must be submitted for approval to the Minister of Public Security.

The Minister of Public Security shall pay to the municipality, according to the budget he approves, the sums required for the establishment and maintenance of the police force.

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2000, c. 12, s. 102.

## **DIVISION V.1**

### **POLICE FORCE OF THE CREE NATION GOVERNMENT**

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2013, c. 19, s. 91.

**102.1.** The Cree Nation Government is authorized to establish and maintain a regional police force. If it does so, the Cree Nation Government is considered a municipality for the purposes of this Act and this Act applies to it with the necessary modifications, subject to this division.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.2.** As of the establishment of a regional police force by the Cree Regional Authority, the existing police forces in Cree villages are amalgamated with the regional police force and the members of those police forces are integrated into the regional police force.

As of the establishment of such a regional police force, the existing police force in the community of Oujé-Bougoumou is abolished and police services in that community are provided by the regional police force.

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2008, c. 13, s. 11.

**102.3.** The Cree Nation Government shall appoint the director and the other members of the regional police force and shall notify the Minister of the appointments.

The director of the regional police force shall take the oaths set out in Schedules A and B before the chair of the Cree Nation Government. The other members of the regional police force shall take the oaths set out in Schedules A and B before the director of the regional police force.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.4.** The hiring requirements that apply to members of the regional police force in addition to those specified in subparagraphs 1 to 3 of the first paragraph of section 115 are determined by agreement between the Government and the Cree Nation Government.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.5.** With the Government's authorization, the Cree Nation Government may place the regional police force under the authority of another body.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.6.** The regional police force has jurisdiction over

(1) the Category IA lands;

(2) the Category IB lands, including Special Category IB lands, as well as any other lands forming the territory of a Cree village within the meaning of the Cree Villages and the Naskapi Village Act ([chapter V-5.1](#));

(3) the Category II or Category III lands situated within the perimeter of the Category I lands of a Cree community;

(4) if the Category I lands of a Cree community are bounded on any side by navigable or other waters, or by the bank or shore of such waters, the expanse in front of those lands, to the middle of such waters, including the islands and outcrops in such waters, if it is not already part of the Category I lands of a Cree community; if, however, the waters fronting those lands are wider than 3 km, jurisdiction may not be exercised beyond 1.5 km from the bank or shore without the agreement of the Government and the Cree Nation Government; and

(5) any path or road determined by agreement between the Government and the Cree Nation Government, and the agreed area of the adjacent lands.

The lands described in subparagraphs 1 to 4 of the first paragraph are delimited in conformity with the Act respecting the land regime in the James Bay and New Québec territories ([chapter R-13.1](#)).

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.7.** The regional police force shall assume a role and responsibilities in providing police services, in collaboration with the Sûreté du Québec, on the Category II and Category III lands described in paragraph 22.1.6 of the James Bay and Northern Québec Agreement approved by the Act approving the Agreement concerning James Bay and Northern Québec ([chapter C-67](#)) that are not situated within the perimeter of the Category I lands and shall do so in accordance with the arrangements to be determined by agreement between the Government and the Cree Nation Government after consultation with the police forces concerned.

An agreement under the first paragraph cannot operate to alter the jurisdiction of the Sûreté du Québec over the territories of the towns of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami, and the parts of the territory of the Eeyou Istchee James Bay Regional Government corresponding to the localities of Radisson, Valcanton and Villebois as they existed on 14 November 2007.

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2008, c. 13, s. 11; 2013, c. 19, s. 74, s. 91.

**102.8.** In order to carry out their mission, the regional police force and its members shall provide police services as set out in this Act and as determined by agreement between the Government and the Cree Nation Government.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.9.** The Cree Nation Government may, particularly if the regional police force is unable to provide the services under its jurisdiction in all or part of the territory described in section 102.6, make an agreement with the Minister to have the Sûreté du Québec provide those services.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

**102.10.** The Cree Nation Government may create a committee dedicated to public security and assign the committee the functions it determines as regards the administration of the regional police force.

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2008, c. 13, s. 11; 2013, c. 19, s. 91.

## **DIVISION VI**

### **EMERGENCY POWERS**

**103.** The Government, if it is of the opinion that public health or safety is endangered in all or part of Québec, may order that the Director General of the Sûreté du Québec assume, under the authority of the Minister and for a period not exceeding 30 days at a time, the command and direction of any municipal police force indicated by the Government.

Any order made under this section shall be published without delay in the *Gazette officielle du Québec*.

The transfer of authority takes place as soon as the order has been made. Every member of the municipal police force named in the order, including the director of police, shall come under the authority of the Director General of the Sûreté du Québec. Every member of the Sûreté du Québec or of the municipal police force named in the order is empowered to enforce the laws of Québec and the by-laws of the municipalities concerned; no member of any such police force may resign without the consent of the Director General of the Sûreté du Québec unless the member has reached retirement age.

The Government may, where necessary, designate a person to take over the command and direction of the Sûreté du Québec, under the Minister's authority, and of any municipal police force indicated by the Minister. The provisions of the preceding paragraph apply, with the necessary modifications.

This section has effect notwithstanding any inconsistent provision of this Act or of any other general or special Act.

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2000, c. 12, s. 103; 2001, c. 19, s. 15.

**104.** Any order relating to emergency powers shall be tabled in the National Assembly by the Minister not later than the third day on which the Assembly sits after the order is made or, if the Assembly is not in session, within 15 days of resumption.

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2000, c. 12, s. 104.

## **CHAPTER I.1**

### **CROSS-BORDER POWERS OF POLICE OFFICERS**

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2009, c. 59, s. 1.

## **DIVISION I**

### **POLICE OFFICERS OF ANOTHER PROVINCE OR A TERRITORY OF CANADA**

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2009, c. 59, s. 1.

#### **§ 1. — *Authorization procedure***

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2009, c. 59, s. 1.

**104.1.** A police officer of another province or a territory of Canada may be authorized to perform police duties in Québec in accordance with this division by an authorizing official designated by the Minister.

The Minister may, by directive, determine how the powers and duties of an authorizing official are to be exercised.

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2009, c. 59, s. 1.

**104.2.** A request for authorization is made by the director of the police force of which the police officer is a member or by a person designated by the director of that police force.

The request must be made in writing. In urgent circumstances, the request may be made orally and must specify the reasons why it cannot be made in writing.

In all cases, the request must include the following information:

- (1) the name, date of birth, rank, badge number and contact information of the police officer;

- (2) the name, title and contact information of the person making the request;
- (3) the duration of the requested authorization;
- (4) the reasons for the request, a general description of the police officer's duties in Québec and the area where the police officer is expected to perform those duties;
- (5) an assessment of the risks associated with the police officer's duties, including the possibility of firearms being used.

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2009, c. 59, s. 1.

**104.3.** The authorizing official shall review the request and shall, to that end, consult the director of the police force, or the officer in charge of the Sûreté du Québec police station, in the area where the police officer is expected to perform duties. The authorizing official may also require any additional information from the person making the request.

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2009, c. 59, s. 1.

**104.4.** The authorizing official must make a decision within 10 days after receiving the request for authorization or as soon as possible if the request is made in urgent circumstances.

If the authorizing official is of the opinion that it is appropriate to grant the request, he or she shall draw up a written authorization; otherwise, he or she shall advise the person who made the request that it has been denied.

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2009, c. 59, s. 1.

**104.5.** The duration of the authorization may not exceed three years.

However, if the authorization is granted in urgent circumstances, its duration may not exceed 72 hours. It may be renewed once if a request has been made in writing beforehand.

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2009, c. 59, s. 1.

**104.6.** The written authorization, in the form determined by the Minister, must include the following information:

- (1) the name, rank, badge number of the police officer and the name of the police force of which he or she is a member;
- (2) the effective date and time of the authorization and its duration;
- (3) the duties the police officer is authorized to perform;
- (4) the area where the police officer is authorized to perform those duties;
- (5) the conditions imposed on the performance of those duties, including the name of the police force under whose authority the police officer is to perform them.

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2009, c. 59, s. 1.

**104.7.** Before the effective date of the written authorization and not later than five days after drawing it up, the authorizing official shall send two copies to the person who made the request for authorization, who must give one of them to the authorized police officer. The authorizing official shall also issue proof of authorization to the police officer.

The authorizing official shall send a copy of the written authorization to the Minister and to the police force under whose authority the police officer is to perform duties.

If the authorization is granted in urgent circumstances and is to become effective before the person who made the request or the police officer receives a copy of the written authorization, the authorizing official shall orally inform that person of the information contained in the written authorization so that he or she may inform the authorized police officer.

2009, c. 59, s. 1.

§ 2. — *Authorized police officer's status and duties*

2009, c. 59, s. 1.

**104.8.** An authorized police officer, while performing duties in Québec, has all the powers and protections conferred on Québec police officers, subject to the limits set out in his or her written authorization.

2009, c. 59, s. 1.

**104.9.** An authorized police officer does not, by virtue of the authorization granted to him or her, become an employee or member of a Québec police force. The police officer continues at all times to be a member of the police force of his or her home province or territory.

However, for the purposes of section 25.1 of the Criminal Code (R.S.C. 1985, c. C-46) and section 55 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19) as they relate to justification for acts or omissions that could otherwise constitute offences, an authorized police officer is deemed to be a member of the police force under whose authority he or she performs duties in Québec.

2009, c. 59, s. 1.

**104.10.** An authorized police officer must carry proof of authorization with him or her at all times while performing duties in Québec and show it on request, unless exempted from doing so by the terms of the authorization.

2009, c. 59, s. 1.

**104.11.** An authorized police officer must provide the director of the police force or the officer in charge of the Sûreté du Québec police station under whose authority the authorized police officer performs duties, or the representative of the director or officer in charge, with any information that person requires on the duties performed by the police officer in Québec and any other information the authorized police officer considers relevant.

The authorized police officer must also comply with any directions given to him or her by that person regarding the performance of those duties.

2009, c. 59, s. 1.

§ 3. — *Termination of authorization*

2009, c. 59, s. 1.

**104.12.** An authorizing official may at any time terminate a police officer's authorization, including

- (1) if the authorized police officer has failed to comply with a condition imposed on his or her authorization or with a provision of this Act that applies to him or her;
- (2) if the authorized police officer has failed to act in a professional manner in the performance of duties in Québec.

The authorizing official must terminate the authorization on receiving a request that it be terminated from the director of the police force of which he or she is a member, or a person designated by the director of that police force.

2009, c. 59, s. 1.

**104.13.** The authorizing official shall give written notice of the termination to the police officer concerned and to the director of the police force of which he or she is a member. The termination is effective on the date and at the time specified in the notice.

The authorizing official shall also send a copy of the notice of termination to the Minister and to the police force under whose authority the police officer performed or was to perform duties.

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2009, c. 59, s. 1.

## **DIVISION II**

### **QUÉBEC POLICE OFFICERS**

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2009, c. 59, s. 1.

**104.14.** A Québec police officer may be authorized by the competent authority of another province or a territory of Canada to perform police duties in that province or territory.

Unless special provisions apply, a Québec police officer so authorized continues to be subject to this Act while performing duties in that province or territory.

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2009, c. 59, s. 1.

**104.15.** A Québec police officer authorized to perform duties in another province or a territory of Canada must cooperate in any investigation, hearing or other proceeding underway in that province or territory concerning his or her conduct or an operation in which he or she participated in that province or territory, subject to the rights and privileges a police officer of that province or territory would have in the same situation.

If a Québec police officer is the subject of such a proceeding, the police force of which he or she is a member shall, on request, provide the competent person with all the relevant information and documents in its possession, subject to the rights and privileges a police force of that province or territory would have in the same situation.

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2009, c. 59, s. 1.

**104.16.** No statement or deposition made by a Québec police officer in the course of a proceeding referred to in section 104.15 may be used without his or her consent in police ethics or discipline proceedings instituted under this Act.

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2009, c. 59, s. 1.

## **DIVISION III**

### **INDEMNIFICATION**

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2009, c. 59, s. 1.

**104.17.** The competent authority in respect of a Québec police force may enter into an agreement with the competent authority in another province or a territory of Canada regarding indemnification for costs arising out of the authorization granted a Québec police officer to perform police duties in that province or territory or the authorization granted a police officer of that province or territory to perform police duties in Québec.

Subject to such an agreement, the competent authority in respect of a Québec police force shall indemnify the competent authority in that province or territory against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred in respect of a civil, penal, criminal or administrative action or proceeding, if the police force of that province or territory is a party to the action or proceeding and the action or proceeding arises out of the duties performed in that province or territory by an authorized police officer who is a member of the Québec police force.

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2009, c. 59, s. 1.

## **CHAPTER II**

### **SPECIAL CONSTABLES**

**105.** The mission of special constables is to maintain peace, order and public security, to prevent and repress crime and, according to the jurisdiction specified in their deeds of appointment, to enforce the law and municipal by-laws, and to apprehend offenders.

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2000, c. 12, s. 105.

**106.** Special constables are peace officers within the limits set out in their deed of appointment.

For the purpose of determining civil liability toward third persons, a special constable does not cease to be an agent when the constable is acting as a peace officer.

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2000, c. 12, s. 106.

**107.** The Minister may appoint special constables having jurisdiction, under the authority of the Minister or under any other authority indicated by the Minister, to prevent and repress statutory offences. The deed of appointment shall state the power of the special constable to act as a peace officer, the conditions on which and territory in which the powers are to be exercised, and the term of the appointment.

Special constables appointed under this section shall take the oaths set out in Schedules A and B before a judge of the Court of Québec or of a municipal court.

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2000, c. 12, s. 107.

**108.** The council of any municipality may, by by-law, confer on the mayor the power to appoint special constables in emergencies for a period not exceeding seven days. The special constables shall be empowered, under the authority of the director of the police force or the officer in charge of the Sûreté du Québec police station, as the case may be, to prevent and repress offences under the municipal by-laws in all or part of the territory of the municipality.

In addition, the mayor may be authorized, by a by-law submitted to the Minister of Public Security and the Minister of Municipal Affairs, Regions and Land Occupancy for approval, and that must be passed by the council each year, to appoint special constables for a period not exceeding four months.

Special constables appointed under this section shall take the oaths set out in Schedules A and B before the mayor or the clerk or secretary-treasurer of the municipality.

A register of the special constables of the municipality shall be kept by the clerk or secretary-treasurer of the municipality.

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2000, c. 12, s. 108; 2001, c. 19, s. 15; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**109.** A copy of the deed of appointment of every special constable, and the attestation of the constable's oaths, shall be forwarded without delay to the Minister by the appointing authority.

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2000, c. 12, s. 109.

**110.** The Minister has the power to dismiss any special constable appointed by the Minister or by the mayor of a municipality.

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2000, c. 12, s. 110.

**111.** Every special constable must, in the exercise of his or her functions, wear a badge in compliance with government regulations and carry a copy of the deed of appointment or any other identity paper prescribed by government regulation, and produce it when so requested.

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2000, c. 12, s. 111.

### **CHAPTER III**

#### **OPERATING STANDARDS**

**112.** The Government may, by regulation, determine the standards applicable to deeds of appointment, badges and other identity papers, and the characteristics of the uniforms worn by police officers and special constables.

The Government may also define the characteristics and conditions of use of their equipment, and the equipment of the vehicles they use, and the characteristics and standards governing the identification of those vehicles.

2000, c. 12, s. 112.

**113.** The Government may, by regulation, determine the decorations and citations that may be awarded, the cases in which they may be awarded, the procedure for awarding them and the classes of eligible persons or bodies.

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2000, c. 12, s. 113.

**114.** The Government may, by regulation, define the documents that must be kept by police forces, police officers and special constables, the forms they must use and the information that must be recorded on forms.

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2000, c. 12, s. 114.

### **TITLE III**

## **PROFESSIONAL QUALIFICATION**

### **CHAPTER I**

#### **HIRING REQUIREMENTS**

**115.** To be hired as a police officer a person must meet the following requirements:

(1) be a Canadian citizen;

(2) be of good moral character;

(3) not have been found guilty, in any place, of an act or omission defined in the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) as an offence, or of an offence referred to in section 183 of that Code under one of the Acts listed therein;

(4) hold a diploma awarded by the École nationale de police du Québec or meet the standards of equivalence established by by-law by the school.

The requirements specified in subparagraphs 1 to 3 of the first paragraph apply also to special constables.

The Government may, by regulation, prescribe additional hiring requirements for police officers and special constables.

Municipalities may do likewise as regards members of their police forces and municipal special constables. Such additional requirements may vary depending on whether they apply to a police officer or to a special constable.

The hiring requirements do not apply to the members of police forces when police services are integrated, amalgamated or otherwise merged.

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2000, c. 12, s. 115.

**116.** The Government may, by regulation, in the cases determined in the regulation, determine the minimum qualifications required to exercise investigative or managerial functions within a police force, and to exercise a function or be promoted to a higher rank in a police force other than the Sûreté du Québec.

Municipalities may, by by-law, in the cases determined in the by-law, prescribe qualifications in addition to those determined by the Government, that apply to the members of their police forces.

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2000, c. 12, s. 116; 2001, c. 19, s. 15.

### **CHAPTER II**

#### **INCOMPATIBLE FUNCTIONS AND CONFLICTS OF INTEREST**

**117.** The function of police officer is incompatible with the functions of bailiff, collection agent or representative of a collection agent, and with functions for which a licence is required under the Private Security Act ([chapter S-3.5](#)).

The function of police officer is also incompatible with the holding of a direct or indirect interest in any business that pursues an activity mentioned in the first paragraph, an activity related to the administration of justice or an activity for which a permit issued by the Régie des alcools, des courses et des jeux for the consumption of alcohol on the premises is required, with the exception of a restaurant sales permit or a restaurant service permit described in section 28 or 28.1 of the Act respecting liquor permits ([chapter P-9.1](#)).

Any contravention of the first paragraph of this section shall entail the immediate suspension without pay of the police officer concerned. If the second paragraph of this section is contravened, and the situation is such that the impartiality or integrity of the police officer concerned may be compromised, the director of police must immediately take whatever steps are necessary with respect to that officer.

In all cases, the police officer's situation must be regularized within six months, on pain of dismissal. If the interest devolves by succession or gift, the officer must renounce or dispose of it with dispatch.

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2000, c. 12, s. 117; 2008, c. 10, s. 13; 2006, c. 23, s. 127.

**118.** Any police officer who holds other employment or receives other income from the carrying on of a business must disclose its nature, without delay, to the director of police. The police officer must also inform the director of police of any potentially incompatible situation in which the police officer is involved.

Every police officer must file a report with the director of police, not later than 1 April each year, concerning any situation declared in the last 12 months to the director of police under the preceding paragraph.

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2000, c. 12, s. 118; 2001, c. 19, s. 15.

**119.** Any police officer or special constable who is found guilty, in any place, of an act or omission referred to in subparagraph 3 of the first paragraph of section 115 that is triable only on indictment, shall, once the judgment has become *res judicata*, be automatically dismissed.

A disciplinary sanction of dismissal must, once the judgment concerned has become *res judicata*, be imposed on any police officer or special constable who is found guilty, in any place, of such an act or omission punishable on summary conviction or by indictment, unless the police officer or special constable shows that specific circumstances justify another sanction.

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2000, c. 12, s. 119; 2001, c. 19, s. 15.

**120.** Any police officer or special constable who is found guilty of an act or omission referred to in subparagraph 3 of the first paragraph of section 115 must inform the police director or competent authority of the conviction.

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2000, c. 12, s. 120; 2001, c. 19, s. 15.

**121.** Common repute shall be sufficient proof of the appointment of a police officer and of the police officer's right to act in that capacity. No police officer who institutes proceedings in that capacity under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) shall be required to prove authorization to do so.

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2000, c. 12, s. 121.

### CHAPTER III

#### RESTRICTIONS ON THE EXERCISE OF CERTAIN POLITICAL ACTIVITIES

**122.** The Director General and the deputy directors of the Sûreté du Québec, and the directors and assistant directors of other police forces cannot, on pain of disciplinary action, be candidates in a federal or provincial election or in a municipal or school election, or engage in partisan activity for or against a candidate in such an election or for or against a political party.

Police officers other than those referred to in the preceding paragraph and special constables cannot, on pain of disciplinary action, be candidates in school or municipal elections, or engage in

partisan activity for or against a candidate in such an election or for or against a political party, within the area where they habitually exercise their functions.

The exercise of the right to vote in an election, membership in a political party or attendance at a public meeting of a political nature does not constitute partisan activity.

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2000, c. 12, s. 122.

**123.** A police officer or special constable who wishes to be a candidate in an election or to engage in partisan activity on behalf of a candidate in an election or of a political party is entitled to obtain leave of absence without pay, on an application made to the highest competent authority, which must be granted as soon as practicable. If the election is a federal or provincial election, the police officer or special constable must be on full leave of absence without pay. The letter of authorization shall fix the dates on which the leave is to begin and to end, which must allow the applicant to fully engage in the political activities for which the leave is applied for.

Any person who ceases to engage in political activity before the end of the leave of absence shall notify, without delay, the authority that granted the leave. The leave of absence shall end on the fifteenth day following the date of receipt of the notice.

At the end of the leave of absence, the person to whom leave had been granted is entitled to resume employment, but must be assigned to duties that involve no incompatibility with the political activity in which the person was engaged.

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2000, c. 12, s. 123.

**124.** The provisions of Division II of Chapter IV of Title IV of the Election Act ([chapter E-3.3](#)) applicable to candidates and official agents apply, with the necessary modifications, to any police officer and to any special constable who is required to take a leave of absence by reason of any political activities other than those referred to in the preceding section.

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2000, c. 12, s. 124.

**125.** The provisions of this chapter shall apply without prejudice to the provisions of the Code of ethics of Québec police officers (chapter P-13.1, r. 1), particularly as regards the duty of political neutrality in the exercise of his or her functions, the duty of restraint in public demonstrations of political opinion, the duty of discretion, the duty of impartiality in the exercise of his or her functions, and conflicts of interest. The provisions of this chapter shall also apply without prejudice to disciplinary rules.

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2000, c. 12, s. 125.

## **TITLE IV**

### **STANDARDS OF CONDUCT**

#### **CHAPTER I**

##### **POLICE ETHICS**

**126.** This chapter applies to police officers, to peace officers within the meaning of section 14 of the Anti-Corruption Act ([chapter L-6.1](#)) and of section 6 of the Act respecting the conservation and development of wildlife ([chapter C-61.1](#)), to special constables and to them, as well as to any person having authority over them, with the necessary modifications.

However, only subdivision 4 of Division II applies to a police officer of another province or a territory of Canada who performs duties in Québec by virtue of cross-border powers.

The provisions concerning the director of a police force apply in the same manner to the Anti-Corruption Commissioner, to the immediate superior of a wildlife protection officer, to the employer of a special constable or a highway controller and to any person having authority over a highway controller, with the necessary modifications.

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2000, c. 12, s. 126; 2004, c. 2, s. 76; 2006, c. 33, s. 3; 2008, c. 10, s. 14; 2009, c. 59, s. 2; 2011, c. 17, s. 58.

## **DIVISION I**

### **CODE OF ETHICS**

**127.** 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.

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2000, c. 12, s. 127.

## **DIVISION II**

### **POLICE ETHICS COMMISSIONER**

#### **§ 1. — *Functions***

**128.** The Police Ethics Commissioner shall receive and examine any complaint lodged against a police officer by any person pursuant to section 143 or 143.1 or subdivision 4, as applicable.

In addition, the Police Ethics Commissioner shall exercise the functions provided for in subdivision 4 of Division III with respect to applications for a remission for a transgression of the Code of ethics filed by a police officer, and shall file applications for revocation of previously granted remissions.

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

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2000, c. 12, s. 128; 2006, c. 33, s. 4; 2009, c. 59, s. 3.

**129.** The Government shall appoint a Police Ethics Commissioner from among advocates who have been members of the Barreau for not less than 10 years and fix his remuneration, social benefits and other conditions of employment.

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2000, c. 12, s. 129.

**130.** The Commissioner shall be appointed for a specified term not exceeding five years. His term may be renewed.

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2000, c. 12, s. 130.

**131.** The Government may appoint a deputy commissioner and fix his remuneration, employment benefits and other conditions of employment.

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2000, c. 12, s. 131.

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

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2000, c. 12, s. 132.

**133.** Before taking office, the Commissioner and deputy commissioner shall take the oaths provided in Schedules B and D.

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

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2000, c. 12, s. 133.

**134.** Subject to the second paragraph of section 128, the Commissioner and deputy commissioner shall attend exclusively to the duties of their office.

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2000, c. 12, s. 134.

**135.** The Commissioner, the deputy commissioner and the members of their staff, the investigators and the police ethics conciliators cannot be sued by reason of any official act done in good faith in the performance of their duties.

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2000, c. 12, s. 135.

**136.** If the Commissioner is absent or unable to act, he shall be replaced by the deputy commissioner.

If the deputy commissioner is absent or unable to act, the Government shall appoint a person to replace him while he is absent or unable to act and shall determine his fees.

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2000, c. 12, s. 136.

**137.** The members of the staff of the Commissioner shall be appointed in accordance with the Public Service Act ([chapter F-3.1.1](#)).

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2000, c. 12, s. 137; 2000, c. 8, s. 242.

**138.** The Commissioner shall define the duties of the deputy commissioner and those of his public servants and employees and shall direct their work.

He may delegate, in writing, all or some of his powers to the deputy commissioner, except the powers conferred on him by sections 140, 141 and 188.

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2000, c. 12, s. 138.

**139.** Except as provided in article 61 of the Code of Penal Procedure ([chapter C-25.1](#)), the Commissioner, the deputy commissioner, the members of their staff, the investigators and the police ethics conciliators may not 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. However, the exemption does not apply to investigations before the ethics committee.

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2000, c. 12, s. 139.

**140.** The Commissioner shall, 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.

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2000, c. 12, s. 140.

**141.** 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 as well as a summary of any interventions made pursuant to section 140.

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2000, c. 12, s. 141.

**142.** 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 of resumption.

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2000, c. 12, s. 142.

## § 2. — *Complaints*

**143.** Any person may lodge a complaint with the Commissioner or with any police force 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.

The role assigned by this chapter to the director of a police force is played by

- (1) the Minister, when the complaint is lodged against the Director General of the Police Force;
- (2) the municipal council, when the complaint is lodged against the director of the police force.

Where the complaint is lodged against the director of a police force established or maintained under an agreement referred to in Division IV of Chapter I of Title II, the role is played by the director's employer.

Where the complaint is lodged against a special constable, a highway controller or a person having authority over highway controllers, the role is played by the employer.

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2000, c. 12, s. 143; 2001, c. 19, s. 15; 2000, c. 56, s. 213; 2004, c. 2, s. 77; 2008, c. 10, s. 15.

**143.1.** A complaint about the conduct of a Québec police officer, in the performance of duties in another province or a territory of Canada, that constitutes a transgression of the Code of ethics may be referred to the Commissioner even if it has been lodged in that province or territory. In the latter case, the director of the police force of which the police officer is a member, on being notified that such a complaint has been lodged, must inform the Commissioner and forward the documents received, if any, to the Commissioner.

The Commissioner shall deal with such a complaint as if the police officer's conduct had occurred in Québec.

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2009, c. 59, s. 4.

**144.** The members of the staff of the Commissioner shall assist any person who requires assistance in lodging a complaint.

They shall, in particular, assist the complainant in identifying the evidence required to substantiate his complaint.

In the case of complaints lodged with the Commissioner or a police force, the members of the staff of the Commissioner or of the police force shall see that the documents and evidence collected by the complainant are secured. They shall provide the complainant with a copy of the complaint together with a list of the documents and evidence collected by the complainant.

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2000, c. 12, s. 144.

**145.** The members of the staff of the Commissioner or of the police force who receive the complaint shall, within five days of receipt, forward a copy of the complaint to the director of the police force concerned, together with a copy of the evidence collected. Where the complaint is received by a police force, the documents shall also be sent within the same time to the Commissioner.

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2000, c. 12, s. 145.

**146.** The Commissioner shall inform the complainant of the procedure for dealing with complaints and, in particular, of the conciliation procedure.

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2000, c. 12, s. 146.

**147.** Every complaint shall be submitted to conciliation. However, a complainant may object to conciliation by stating the reasons why he believes conciliation is inappropriate in his case. He shall give a written statement of the reasons to the Commissioner within 30 days after the lodging of the complaint.

The Commissioner may reject the complaint, giving reasons, if in his opinion, the reasons stated by the complainant do not validly justify his refusal of conciliation. The Commissioner shall inform the complainant of his right to obtain a review of the decision if he submits new facts or elements to the Commissioner within 15 days. The Commissioner shall render his decision within 10 days and the decision is final.

The complainant may at any time before the final decision accept conciliation by withdrawing his objection.

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2000, c. 12, s. 147.

**148.** Every complaint relating to an event that in the opinion of the Commissioner involves the public interest, in particular, events in which death or serious bodily harm has occurred, situations potentially injurious to the public's confidence in police officers, criminal offences, repeat offences or other serious matters, shall be dealt with under his authority. Complaints which are clearly frivolous or vexatious and complaints in respect of which the Commissioner is satisfied that the complainant has valid reasons for objecting to conciliation shall also be dealt with under the Commissioner's authority.

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2000, c. 12, s. 148.

**149.** Within 40 days of receipt of a complaint or of identification of the police officer concerned, the Commissioner shall, after making a preliminary analysis of the complaint,

(1) decide whether the complaint is to be dealt with under his authority or whether he must reject the complaint;

(2) refer the complaint to the appropriate police force for the purposes of a criminal investigation if it appears to him that a criminal offence may have been committed;

(3) where applicable, designate the conciliator and transmit the file to him;

(4) inform the complainant, the police officer, the director of the police force concerned and, in the case of a complaint about the conduct of a Québec police officer in another province or a territory of Canada, the competent authority with which the complaint has been lodged in that province or territory, of his decision to refer the complaint to conciliation, to deal with it under his authority or to reject it;

(5) notify the police officer concerned in writing of the substance of the complaint and of the facts enabling the event that gave rise to the complaint to be identified.

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2000, c. 12, s. 149; 2009, c. 59, s. 5.

**150.** The right to lodge a complaint regarding police ethics is prescribed one year after the date of the event or knowledge of the event that gave rise to the complaint.

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2000, c. 12, s. 150.

**151.** Any police officer who resigns, is dismissed or retires remains subject to the jurisdiction of the Commissioner with respect to any act he committed while he was a police officer.

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2000, c. 12, s. 151.

**152.** 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.

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2000, c. 12, s. 152.

**153.** 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.

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2000, c. 12, s. 153.

**154.** The Commissioner shall designate conciliators for complaints regarding police ethics; the conciliators must not be, nor have been, police officers.

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2000, c. 12, s. 154.

**155.** The costs connected with conciliation shall be borne by the employer of the police officer concerned by the complaint in accordance with the rates established by the Minister.

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2000, c. 12, s. 155.

**156.** The object of the conciliation procedure is to resolve the complaint lodged against one or more police officers through a settlement accepted by both parties.

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2000, c. 12, s. 156.

**157.** During the conciliation proceedings, the complainant and the police officer may be accompanied by a person of their choice.

The presence of the police officer, who may not be in uniform, and of the complainant is mandatory. The conciliation proceedings take place in the presence of both parties; however, the conciliator may meet separately with each party in order to arrive at a settlement.

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2000, c. 12, s. 157.

**158.** As soon as the conciliator concludes that conciliation will not lead to a settlement, he shall report to the Commissioner, and the file shall be returned to the Commissioner to be dealt with under his authority.

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2000, c. 12, s. 158.

**159.** The conciliation proceedings must be completed within 45 days from the date on which the Commissioner refers the complaint to conciliation. The Commissioner may authorize and fix the terms and conditions of any extension.

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2000, c. 12, s. 159.

**160.** The Commissioner may terminate the conciliation proceedings if in his opinion it is in the public interest to do so. In such a case, the complaint shall be returned to the Commissioner to be dealt with under his authority.

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2000, c. 12, s. 160.

**161.** Despite an unsuccessful attempt at conciliation, if the Commissioner is of the opinion that settlement of the complaint is possible and if the police officer and the complainant consent, the Commissioner may return the complaint to conciliation.

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2000, c. 12, s. 161.

**162.** Every settlement resulting from conciliation shall be recorded in writing, approved by the Commissioner, and signed by the complainant and the police officer concerned, and the complaint shall be deemed to have been withdrawn.

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2000, c. 12, s. 162.

**163.** In case of a settlement, no reference to the complaint or to the settlement shall be made in the personal record of the police officer concerned.

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2000, c. 12, s. 163.

**164.** No answer or statement made, in the course of the conciliation, 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 the Comité de déontologie policière into an allegation that with intent to mislead the police officer gave the answer or statement knowing it to be false.

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2000, c. 12, s. 164.

**165.** Failing a settlement, the Commissioner may decide to hold an investigation. The holding of an investigation shall not prevent the conciliation procedure from being resumed if the parties consent.

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2000, c. 12, s. 165.

**166.** The Commissioner shall hold an investigation in respect of the conduct of a police officer in the performance of his duties constituting a transgression of the Code of ethics, where the Minister requests that he do so. Subdivision 3 applies to such an investigation.

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2000, c. 12, s. 166.

### § 3. — *Investigations*

**167.** The purpose of an investigation is to allow the Commissioner to establish whether a citation before the Comité de déontologie policière is warranted.

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2000, c. 12, s. 167.

**168.** The Commissioner may refuse to hold an investigation or may terminate an investigation if, in his opinion,

- (1) the complaint is frivolous, vexatious or made in bad faith;
- (2) the complainant without valid reasons refuses to participate in the conciliation procedure or refuses to cooperate in the investigation;
- (3) having regard to all circumstances, investigation or further investigation is not necessary.

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2000, c. 12, s. 168.

**169.** Where the Commissioner makes a decision pursuant to section 168, he shall notify the complainant, the director of the police force concerned, the police officer whose conduct is the subject-matter of the complaint and, in the case of a complaint about the conduct of a Québec police officer in another province or a territory of Canada, the competent authority with which the complaint has been lodged in that province or territory, and state the reasons for his decision. He shall also inform the complainant of his right to obtain a review of the decision by submitting new facts or elements to the Commissioner, within 15 days. The Commissioner shall make his decision upon the review within 10 days and the decision is final.

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2000, c. 12, s. 169; 2009, c. 59, s. 6.

**170.** The Commissioner, taking all circumstances into account, including the nature and gravity of the facts alleged in the complaint, may order the holding of an investigation.

The Commissioner shall forthwith notify the complainant, the police officer whose conduct is the subject-matter of the complaint, the director of the police force of which he or she is a member and, in the case of a complaint about the conduct of a Québec police officer in another province or a territory of Canada, the competent authority with which the complaint has been lodged in that province or territory.

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2000, c. 12, s. 170; 2009, c. 59, s. 7.

**171.** Within 15 days of his decision to hold an investigation, the Commissioner shall designate a person to act as the investigator.

An investigator may not be assigned to a file involving the police force to which he belongs or has belonged.

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2000, c. 12, s. 171.

**172.** The costs connected with the investigation shall be borne by the employer of the police officer concerned by the investigation in accordance with the rates established by the Minister.

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2000, c. 12, s. 172.

**173.** Every investigator shall, on request, identify himself and produce a certificate of his capacity signed by the Commissioner.

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2000, c. 12, s. 173.

**174.** 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.

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2000, c. 12, s. 174.

**175.** Not later than 45 days after deciding to hold an investigation and as needed 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.

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2000, c. 12, s. 175.

**176.** The investigation report shall be submitted to the Commissioner within six months, except where the commissioner is satisfied that exceptional circumstances warrant otherwise.

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2000, c. 12, s. 176; 2009, c. 59, s. 8.

**177.** The Commissioner may, on receiving the investigation report, order a supplementary investigation to be conducted within the time and in the manner he determines.

If a complaint about a Québec police officer has been lodged with the competent authority of another province or a territory of Canada and the competent authority has produced a report about the officer's conduct in that province or territory, the Commissioner may ask the competent authority to conduct a supplementary investigation.

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2000, c. 12, s. 177; 2009, c. 59, s. 9.

**178.** 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 or vexatious, or that the evidence is insufficient;

(2) cite the police officer to appear before the Comité de déontologie policière if he is of the opinion that the evidence warrants such action;

(3) refer the case to the Director of Criminal and Penal Prosecutions.

The Commissioner may for cause revise any decision made pursuant to subparagraph 1 of the first paragraph.

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2000, c. 12, s. 178; 2005, c. 34, s. 85.

**179.** The Commissioner shall forthwith notify the complainant, the police officer, the director of the police force of which he or she is a member and, in the case of a complaint about the conduct of a Québec police officer in another province or a territory of Canada, the competent authority with which the complaint has been lodged in that province or territory, 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 submit the decision to review by the Comité de déontologie policière.

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2000, c. 12, s. 179; 2009, c. 59, s. 10.

**180.** Every notice the Commissioner is required to give under sections 169 and 179 shall be given in writing.

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2000, c. 12, s. 180.

**181.** The complainant may, within 30 days after notification of the decision rendered by the Commissioner pursuant to subparagraph 1 of the first paragraph of section 178, submit the decision to review by the Comité de déontologie policière.

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2000, c. 12, s. 181.

**182.** The application for review shall be made by filing in the office of the Comité de déontologie policière a written declaration containing a statement of the grounds for the application.

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2000, c. 12, s. 182.

**183.** Sections 220, 222, 229, 236, 248 and 253 apply, with the necessary modifications, to the Comité de déontologie policière in disposing of an application for review.

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2000, c. 12, s. 183.

**184.** The application for review shall be decided on the record prepared by the Commissioner.

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2000, c. 12, s. 184.

**185.** The ethics committee may confirm or quash the decision submitted to it.

Where the ethics committee quashes a decision, it may order the Commissioner to hold a new investigation, to resume the investigation within the time it indicates or to cite the police officer to appear before it within 15 days of its decision.

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2000, c. 12, s. 185.

**186.** In no case may the member of the Comité de déontologie policière who has heard an application for review under section 181 subsequently hear and dispose of a citation relating to the same facts.

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2000, c. 12, s. 186.

**187.** 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's 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.

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2000, c. 12, s. 187.

**188.** The Commissioner may, in addition to exercising his powers under section 178,

(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.

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2000, c. 12, s. 188.

**189.** The Commissioner and any person acting as an investigator for the purposes of this division may require of any person any information or document he considers necessary.

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2000, c. 12, s. 189.

**190.** No person may hinder, in any manner whatever, the Commissioner or any person acting as an investigator for the purposes of this division, deceive him through concealment or by making a false declaration, refuse to furnish him with information or a document relating to the complaint he is investigating, refuse to allow him to make a copy of such a document, or conceal or destroy such a document.

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2000, c. 12, s. 190.

**191.** The Commissioner is vested, for the purposes of this division, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions ([chapter C-37](#)), except the power to impose imprisonment.

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2000, c. 12, s. 191.

**192.** Sections 189, 190 and 191 do not apply in respect of a police officer whose conduct is the subject-matter of a complaint.

No statement made by a police officer in whose respect no complaint has been made and who cooperates with the Commissioner or the investigators during an investigation carried out following a complaint made against another police officer, may be used or held against that police officer, except in a case of perjury.

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2000, c. 12, s. 192.

**193.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure ([chapter C-25.01](#)) may be exercised, nor any other provisional remedy taken against any person acting in his official capacity for the purposes of this title.

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2000, c. 12, s. 193; I.N. 2016-01-01 (NCCP).

*§ 4. — Complaints about the conduct in Québec of police officers of another province or a territory of Canada*

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2009, c. 59, s. 11.

**193.1.** Any person may lodge a complaint with the Commissioner about the conduct of a police officer of another province or a territory of Canada in the performance of duties in Québec that were authorized under Division I of Chapter I.1 of Title II. The complaint must be in writing.

Sections 144, 150 to 154, 156 to 162, 164, 165, 171, 173, 174, 176 and 189 to 193 apply, with the necessary modifications, to such a complaint.

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2009, c. 59, s. 11.

**193.2.** The Commissioner shall inform the complainant of the procedure for dealing with complaints about the conduct in Québec of police officers of another province or a territory of Canada.

The Commissioner shall also inform the complainant that no penalty may be imposed on such a police officer under this Act and give the complainant the contact information of the authority that would normally deal with the complaint in the police officer's home province or territory.

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2009, c. 59, s. 11.

**193.3.** Within 20 days after the receipt of the complaint, a copy of the complaint and the evidence collected is forwarded to the authority that would normally deal with the complaint in the police officer's home province or territory and to the authorizing official concerned.

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2009, c. 59, s. 11.

**193.4.** The Commissioner may submit the complaint to conciliation, deal with it under the Commissioner's authority if it relates to a case described in section 148, or reject it.

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2009, c. 59, s. 11.

**193.5.** Within 60 days after the receipt of the complaint or the identification of the police officer concerned, the Commissioner must, after a preliminary analysis of the complaint,

(1) decide whether the complaint is to be dealt with under the Commissioner's authority or must be rejected;

(2) refer the complaint to the appropriate police force for the purposes of a criminal investigation if it appears to the Commissioner that a criminal offence may have been committed;

(3) where applicable, designate a conciliator and forward the file;

(4) inform the complainant, the authority that would normally deal with the complaint in the police officer's home province or territory and the authorizing official concerned of the Commissioner's decision to refer the complaint to conciliation, to deal with it under the Commissioner's authority or to reject it.

The authorizing official shall then inform the police officer concerned and the director of the police force of which he or she is a member of the substance of the complaint, of the facts enabling the event that gave rise to the complaint to be identified and of the Commissioner's decision.

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2009, c. 59, s. 11.

**193.6.** The Commissioner, taking all circumstances into account, including the nature and gravity of the facts alleged in the complaint, may order the holding of an investigation.

The Commissioner may refuse to hold an investigation or may terminate an investigation if, in the Commissioner's opinion,

(1) the complaint is frivolous, vexatious or made in bad faith;

(2) the complainant without valid reasons refuses to participate in the conciliation procedure or refuses to cooperate in the investigation;

(3) having regard to all circumstances, investigation or further investigation is not necessary.

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2009, c. 59, s. 11.

**193.7.** The Commissioner shall notify, in writing, the complainant, the authority that would normally deal with the complaint in the police officer's home province or territory and the authorizing official concerned of any decision under section 193.6, including reasons. The Commissioner shall also inform the complainant of the complainant's right to obtain a review of the decision by submitting new facts or elements to the Commissioner within 15 days. The Commissioner shall make a decision on a review within 10 days and the decision is final.

The authorizing official shall notify, in writing, the police officer and the police force of which he or she is a member of the Commissioner's decision.

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2009, c. 59, s. 11.

**193.8.** Not later than 45 days after deciding to hold an investigation, and afterwards as needed during the course of the investigation, the Commissioner shall notify, in writing, the complainant, the authority that would normally deal with the complaint in the police officer's home province or territory and the authorizing official concerned of the status of the investigation, unless, in the Commissioner's opinion, to do so might adversely affect the investigation.

The authorizing official shall send a copy of the notice to the police officer concerned and the director of the police force of which he or she is a member.

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2009, c. 59, s. 11.

**193.9.** The Commissioner shall send the investigation report to the authority that would normally deal with the complaint in the police officer's home province or territory and the authorizing official concerned. The Commissioner may conduct a supplementary investigation on the authority's request.

The Commissioner shall notify the complainant in writing that the investigation is completed and that the report has been sent to the authority.

Once the report has been sent or the supplementary investigation is completed, the Commissioner's jurisdiction over the complaint terminates.

2009, c. 59, s. 11.

**193.10.** The Commissioner shall, at the Minister's request, hold an investigation in accordance with this subdivision on the conduct in Québec of a police officer of another province or a territory of Canada.

2009, c. 59, s. 11.

### **DIVISION III**

#### **COMITÉ DE DÉONTOLOGIE POLICIÈRE**

##### **§ 1. — *Establishment, jurisdiction and organization***

**194.** An ethics committee is established under the name of "Comité de déontologie policière".

The ethics committee has exclusive jurisdiction

(1) to hear and dispose of any citation in matters of police ethics;

(2) to review any decision of the Commissioner referred to in section 181;

(3) rule, in the cases provided for in subdivision 4, on applications by a police officer for a remission for a transgression of the Code of ethics and on applications by the Commissioner for the revocation of a previously granted remission.

2000, c. 12, s. 194; 2006, c. 33, s. 5.

**195.** 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.

2000, c. 12, s. 195.

**196.** The seat of the ethics committee is located in the territory of the Communauté urbaine de Québec, at the place determined by the Government; notice of the location and any relocation of its seat shall be published in the *Gazette officielle du Québec*.

The ethics committee may hold sittings anywhere in Québec.

2000, c. 12, s. 196.

**197.** Where a sitting of the 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.

In no case may the ethics committee hold a sitting in an immovable occupied by a police force or the police ethics commissioner.

2000, c. 12, s. 197.

**198.** The ethics committee shall be composed of advocates who have been members of the Barreau for not less than 10 years in the case of full-time members, and for not less than five years in the case of part-time members.

2000, c. 12, s. 198.

**199.** The members of the ethics committee shall be appointed by the Government, in such number as the Government determines, as full-time members, for a specified term not exceeding five years. Their term may be renewed.

The Government shall also appoint, for a fixed term of not more than five years, part-time members who are members of a Native community to act where a complaint relates to a Native police officer. Their term may be renewed.

The chairman of the ethics committee may allow a member designated to hear a matter under section 205 to continue and decide the matter, despite the expiry of that member's term.

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2000, c. 12, s. 199; 2006, c. 33, s. 6.

**200.** The Government shall designate a chairman and a vice-chairman from among the full-time members.

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2000, c. 12, s. 200.

**201.** The Government shall fix the remuneration and social benefits of the full-time members and shall determine the other conditions attached to their office.

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2000, c. 12, s. 201.

**202.** The part-time members shall receive the fees determined by the Government. They are also entitled, in the cases, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their committee duties.

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2000, c. 12, s. 202.

**203.** Before taking office, the members of the ethics committee shall take the oaths provided in Schedules B and D.

They shall do so before a judge of the Court of Québec.

The writing evidencing the oath shall be transmitted to the Minister.

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2000, c. 12, s. 203.

**204.** The clerk and the other members of the staff of the ethics committee shall be appointed in accordance with the Public Service Act ([chapter F-3.1.1](#)).

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2000, c. 12, s. 204; 2000, c. 8, s. 242.

**205.** The chairman is responsible for the administration and overall management of the ethics committee. His duties include coordinating and distributing the work of the committee members, who shall comply with his orders and directives in that regard.

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2000, c. 12, s. 205.

**206.** If the chairman is absent or unable to act, he shall be replaced by the vice-chairman.

If any other member is absent or unable to act, the Government shall appoint another person to replace him while he is absent or unable to act and shall determine his fees.

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2000, c. 12, s. 206.

**207.** The sittings of the ethics committee are held by one member.

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2000, c. 12, s. 207.

**208.** The fiscal year of the ethics committee ends on 31 March.

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2000, c. 12, s. 208.

**209.** Each year, the ethics committee 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.

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2000, c. 12, s. 209.

**210.** Within four months after the end of its fiscal year, the ethics committee shall submit to the Minister its financial statements and a report of its activities for the fiscal year just ended.

The Minister shall table the report of the ethics committee 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.

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2000, c. 12, s. 210.

**211.** The books and accounts of the ethics committee are audited by the Auditor General.

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2000, c. 12, s. 211; 2008, c. 23, s. 17.

**212.** Any document or copy of a document emanating from the ethics committee or forming part of its records, certified by the chairman, the vice-chairman or the clerk, is authentic.

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2000, c. 12, s. 212.

§ 2. — *Procedure and evidence*

**213.** Sections 135, 139, 151 and 193 apply, with the necessary modifications, to the ethics committee and its members.

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2000, c. 12, s. 213.

**214.** The ethics committee is seized of a matter by the filing of a citation in the office of the committee.

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2000, c. 12, s. 214.

**215.** The Commissioner may file a citation, in which case he shall act as the complainant.

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2000, c. 12, s. 215.

**216.** The citation shall contain as many counts as there are alleged transgressions. Each count of a citation must describe the conduct constituting a transgression of the Code of ethics and indicate what provision of the code has allegedly been transgressed, as well as the time and place of the alleged transgression.

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2000, c. 12, s. 216.

**217.** The clerk shall notify the citation to the police officer concerned and a copy thereof to the person who lodged the complaint under section 143, by registered mail.

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2000, c. 12, s. 217; I.N. 2016-01-01 (NCCP).

**218.** Within seven days of the notification 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.

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2000, c. 12, s. 218; I.N. 2016-01-01 (NCCP).

**219.** The Commissioner and the cited police officer are parties to the case.

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2000, c. 12, s. 219.

**220.** Upon receipt of the declaration, the chairman shall fix the date and place of the sitting. The clerk shall notify the parties by registered mail not less than 30 days before the date scheduled for the sitting.

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2000, c. 12, s. 220; I.N. 2016-01-01 (NCCP).

**221.** 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 ethics committee may hear the case despite his absence and render a decision.

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2000, c. 12, s. 221.

**222.** In no case may the ethics committee adjourn a sitting unless it is of the opinion that an adjournment will not cause unreasonable delay in the proceedings or a miscarriage of justice.

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2000, c. 12, s. 222.

**223.** The ethics committee may have recourse to any legal means to ascertain the facts alleged in the citation; with the consent of the parties, the committee may also, at its discretion, admit evidence obtained outside the hearing.

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2000, c. 12, s. 223.

**224.** Each party shall summon the witnesses whose testimony may be useful and may require the production of any pertinent document.

For the purposes of this section, the cited police officer is regarded as a witness.

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2000, c. 12, s. 224.

**225.** In the performance of their duties, the members of the ethics committee are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions ([chapter C-37](#)), except the power to impose imprisonment.

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2000, c. 12, s. 225.

**226.** Depositions shall be recorded.

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2000, c. 12, s. 226.

**227.** The ethics committee may award indemnities to be paid to witnesses for expenses incurred in order to testify, according to the tariff established by the Government.

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2000, c. 12, s. 227.

**228.** Every person who appears before the ethics committee has the right to be assisted or represented by an advocate or any person he designates.

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2000, c. 12, s. 228.

**229.** 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.

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2000, c. 12, s. 229.

**230.** The Commissioner shall submit to the committee, by way of a citation, every final decision of a Canadian court convicting a police officer of a criminal offence constituting a transgression of the Code of ethics, except if a sanction of dismissal under the first paragraph of section 119 is imposed on the police officer.

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 a criminal offence which would have entailed the application of the first paragraph had it been committed in Canada.

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2000, c. 12, s. 230; 2008, c. 10, s. 16.

**231.** The member presiding at the sitting may convene the parties to a preparatory conference, in particular, to allow or order the presentation of any documentary evidence or report before the sitting.

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2000, c. 12, s. 231.

**232.** Any of the counts in the citation may be amended at any time, subject to the conditions necessary to safeguard the rights of the parties.

However, the committee shall not, except with the consent of the parties, allow any amendment to a count that would result in a new count unrelated to the original count. In such a case, the Commissioner shall file a new citation.

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2000, c. 12, s. 232.

**233.** 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 to be heard in respect of the penalty.

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2000, c. 12, s. 233.

**234.** Where the 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 on the police officer, for each count, one of the following penalties which may, where applicable, be consecutive:

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

In addition, where a penalty cannot be imposed on a police officer because he has resigned, has been dismissed or has retired, the police officer may be declared disqualified from exercising the functions of a peace officer for a period of not more than five years.

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2000, c. 12, s. 234.

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

In fixing the duration of the suspension without salary of a police officer, the committee shall also take into account any period during which the police officer was, in respect of the same facts, provisionally relieved of his duties without salary by the director of the police force to which he belongs. Where applicable, the committee may order that the police officer be paid the salary and other benefits attaching to the position that he did not receive for the period during which he was provisionally relieved of his duties which exceeds the duration of the suspension without salary imposed on him by the committee. Upon its filing in the office of the competent court by any interested person, a decision ordering the back payment of salary becomes executory as if it were a judgment of that court and has all the effects thereof.

2000, c. 12, s. 235.

**236.** Every decision of the ethics committee shall be in writing and state the reasons therefor. Within 10 days after it is rendered, it shall be notified by the clerk to the parties, to the director of the police force of which the police officer is a member and to the person who lodged the complaint under section 143, by registered mail.

If the decision pertains to the conduct of a Québec police officer in another province or a territory of Canada, the Commissioner shall send a copy of the decision as soon as possible to the authority with which the complaint was lodged in that province or territory.

2000, c. 12, s. 236; 2006, c. 33, s. 7; 2009, c. 59, s. 12; I.N. 2016-01-01 (NCCP).

**237.** The ethics committee, by a by-law adopted by a majority vote of its members, may establish rules of evidence, procedure and practice for the conduct of hearings.

Every by-law adopted under this section shall be submitted to the Government for approval.

2000, c. 12, s. 237.

**238.** An appeal may be brought before a judge of the Court of Québec from a final decision of the ethics committee subsequent to the filing of a citation. However, where a penalty is to be imposed under the decision, the decision shall not be appealed from until the penalty has been imposed.

2000, c. 12, s. 238.

**239.** The decision of the ethics committee cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code ([chapter C-27](#)) or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec ([chapter R-14](#)).

Notwithstanding any contrary Act or agreement, the decision of the ethics committee becomes executory upon the expiry of the time allowed for appeal.

The director of the police force of which the police officer is a member shall inform the Commissioner of the imposition of the penalty decided by the ethics committee.

2000, c. 12, s. 239; 2006, c. 33, s. 8.

### § 3. — *Appeal from a decision of the committee*

**240.** Within 20 days after notification of the decision of the ethics committee, the person who lodged the complaint under section 143 may transmit in writing to the Commissioner his views as to the advisability of appealing from the decision.

2000, c. 12, s. 240.

**241.** Any person who is a party to proceedings before the ethics committee may bring an appeal from any final decision of the committee before a judge of the Court of Québec.

2000, c. 12, s. 241.

**242.** The jurisdiction conferred by this chapter on a judge of the Court of Québec shall be exercised by those judges of that Court who are so designated by the chief judge.

2000, c. 12, s. 242.

**243.** An appeal is brought by filing a notice of appeal, within 30 days after the appellant receives the decision of the ethics committee, in the office of the Court of Québec in the judicial district where the ethics committee heard the matter in first instance.

The notice of appeal shall contain a statement of the grounds for the appeal and be accompanied with a copy of the decision rendered by the ethics committee.

2000, c. 12, s. 243.

**244.** The notice of appeal shall be notified, within the time limit fixed in section 243, to the parties, the director of the police force of which the police officer is a member, the ethics committee and the person who lodged the complaint.

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2000, c. 12, s. 244; 2006, c. 33, s. 9; I.N. 2016-01-01 (NCCP).

**245.** Upon service of the notice of appeal, the clerk of the ethics committee shall transmit to the clerk of the Court of Québec the record of the case and all documents relating thereto.

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2000, c. 12, s. 245.

**246.** The appeal suspends the execution of the decision of the ethics committee.

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2000, c. 12, s. 246.

**247.** A judge of the Court of Québec may, on an application served and filed at the clerk's office within 10 days after service of the notice of appeal, summarily dismiss an appeal he deems improper or dilatory, or subject it to the conditions he determines.

The matter may also be raised, on the initiative of the Court, at the hearing it holds on the appeal.

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2000, c. 12, s. 247; I.N. 2016-01-01 (NCCP).

**248.** The appeal shall be heard and decided by preference.

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2000, c. 12, s. 248.

**249.** Subject to any new relevant and useful evidence the judge may admit, he shall render his decision on the basis of the record transmitted to the Court, after allowing the parties to be heard.

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2000, c. 12, s. 249.

**250.** The judge has all the necessary powers for the exercise of his jurisdiction. He may, in particular, render any order he deems expedient for the protection of the rights of the parties.

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2000, c. 12, s. 250.

**251.** Sections 151 and 229, the second paragraph of section 233 and sections 235 and 236, apply, with the necessary modifications, to appeals heard pursuant to this chapter.

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2000, c. 12, s. 251.

**252.** The judge may confirm the decision submitted to him; conversely, he may quash the decision and render the decision which, in his judgment, should have been rendered in the first instance.

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2000, c. 12, s. 252.

**253.** The decision of the judge is final and without appeal and cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code ([chapter C-27](#)) or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec ([chapter R-14](#)). It is executory notwithstanding any contrary Act or agreement.

The director of the police force of which the police officer is a member shall inform the Commissioner of the imposition of the penalty decided by the judge.

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2000, c. 12, s. 253; 2006, c. 33, s. 10.

**254.** The judge may revise or revoke any decision he has made where a new fact is discovered which, if it had been known in due time, might have justified a different decision.

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2000, c. 12, s. 254.

**255.** The Court of Québec may, in the manner set out in the Courts of Justice Act ([chapter T-16](#)), adopt such regulations as are necessary for the carrying out of this chapter.

2000, c. 12, s. 255; I.N. 2016-01-01 (NCCP).

§ 4. — *Procedures relating to a remission for a transgression of the Code of ethics*

2006, c. 33, s. 11.

**255.1.** A police officer, even if no longer in active service, who was imposed a penalty for a transgression of the Code of ethics may apply for a remission, subject to the following restrictions.

No application may be made for a transgression that led to a discharge or dismissal.

An application is inadmissible if

(1) the applicable waiting period, according to the rules set out in section 255.2, has not been observed;

(2) it is incomplete;

(3) the police officer was found guilty of an offence referred to in subparagraph 3 of the first paragraph of section 115, is under criminal prosecution or, in the year before the application, was the subject of an allegation concerning a criminal offence;

(4) at the time of the application, an ethics proceeding involving the police officer, including a complaint, is before the Commissioner, the ethics committee, the Court of Québec or any other higher court;

(5) at the time of the application, the police officer is under another ethics penalty.

2006, c. 33, s. 11.

**255.2.** A remission may be applied for, in the case of a warning, reprimand or rebuke, two years after the penalty is enforced and, in the case of a suspension or demotion, three years after the penalty is enforced.

A police officer who, having resigned or retired, could not be imposed a penalty but was declared disqualified from acting as a peace officer may apply for a remission three years after the end of the disqualification period.

A police officer having been granted a remission who is imposed a penalty for a new transgression may apply for a remission three years after the penalty for that transgression is enforced.

A new application with respect to the same transgression may be filed three years after the decision of the ethics committee to dismiss the first application.

2006, c. 33, s. 11.

**255.3.** If two or more penalties were imposed on the police officer simultaneously, the waiting period for applying for a remission is the one applicable for the most serious penalty.

2006, c. 33, s. 11.

**255.4.** The application for a remission identifies all the transgressions for which the police officer was imposed a penalty, the penalty imposed for each transgression, the director of the police force that imposed the penalty and the director of the police force of which the police officer is a member on the day the application is filed. It also specifies the authority that rendered the final decision and the reference number of the decision.

2006, c. 33, s. 11.

**255.5.** The duly completed application for a remission is filed at the office of the ethics committee.

The clerk shall acknowledge receipt of the application and shall send a copy of the application to the director of the police force that imposed the penalty for the transgression for which a remission is requested.

A copy of the application is also sent to the director of the police force of which the police officer is a member on the day the application is filed so that the director may check whether the police officer was found guilty of an offence referred to in subparagraph 3 of the first paragraph of section 115, is under criminal prosecution or, in the year before the application, was the subject of an allegation concerning a criminal offence. If the check is done by an employer to which this chapter applies, the Sûreté du Québec shall provide the employer with the required information on request. The director of the police force shall answer the clerk in writing not later than 30 days after the date the application is filed.

A copy of the application is also sent to the Commissioner to check whether a complaint with respect to the police officer is pending before the Commissioner. The Commissioner shall also record the date on which the penalty for the transgression for which the remission is applied for was imposed. The Commissioner shall answer the clerk in writing not later than 15 days after the date the application is filed, and may include observations.

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2006, c. 33, s. 11.

**255.6.** In the case of a first application which meets all the admissibility conditions, the remission is granted of right if the penalty was a warning, reprimand or rebuke, and the Commissioner raises no objection. If the penalty was a suspension or demotion, or the Commissioner raises an objection, the clerk shall send the application to the ethics committee for assessment.

Any new application filed by a police officer who has already been granted or denied a remission is also sent to the ethics committee for assessment.

If the application does not meet all the admissibility conditions, the clerk shall inform the police officer in writing, giving reasons. As soon as the application has been corrected or completed, the police officer may file it again with supporting evidence.

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2006, c. 33, s. 11.

**255.7.** When assessing an application, the ethics committee shall consider, among other factors, the seriousness of the transgression and the conduct of the police officer since the resulting penalty was handed down.

The ethics committee invites the police officer concerned and, if it considers it necessary in order to weigh the merits of the application, the director of the police force that imposed the penalty for the transgression, the director of the police force of which the police officer was a member on the day the application was filed and the Commissioner to submit observations either in writing within a specified period or verbally at a sitting convened when and where the ethics committee determines. The ethics committee is required to gather such observations in the case of a new application for the same transgression or in the case of an application filed by a police officer who, after being granted a remission for a transgression, is imposed a penalty for a new transgression of the Code of ethics.

The ethics committee may also require any information or documents it considers necessary.

The clerk shall send the persons concerned a notice containing the relevant information.

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2006, c. 33, s. 11.

**255.8.** The rules for the hearing of applications under this subdivision are prescribed by a by-law of the ethics committee submitted to the Government for approval.

Subdivision 2 does not apply to the hearing of such applications.

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2006, c. 33, s. 11; I.N. 2016-01-01 (NCCP).

**255.9.** If an application is granted, the clerk shall issue a certificate which attests that the police officer concerned is granted a remission and lists all the transgressions for which the police officer was imposed a penalty.

The issue of the certificate is recorded in the register kept for that purpose at the office of the ethics committee.

The clerk shall send a copy of the certificate to the director of the police force that imposed the penalty, to the director of the police force of which the police officer was a member on the day the application was filed, to the Commissioner and, if applicable, to the Court of Québec.

The remission granted is noted in the record of the police officer.

These provisions also apply to the revocation of a previously granted remission.

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2006, c. 33, s. 11.

**255.10.** Once an application is granted, the transgression for which the remission is granted may no longer be invoked against the police officer concerned, except if the remission is revoked or if the ethics committee imposes a penalty for a new transgression committed by the police officer.

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2006, c. 33, s. 11.

**255.11.** Decisions of the ethics committee with respect to remissions are without appeal.

However, if a new fact is discovered that could have warranted a favourable decision, a police officer who has been denied a remission may apply for a review of the decision. If the new fact warrants the revocation of a previously granted remission, a review may be requested by the Commissioner.

In those cases, the persons referred to in the second paragraph of section 255.7 must be invited to submit observations under the conditions provided for in that paragraph.

The admissibility conditions and processing procedure provided for in this subdivision apply to such applications or requests.

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2006, c. 33, s. 11.

## **CHAPTER II**

### **INTERNAL DISCIPLINE**

**256.** Every municipality must make a by-law concerning the internal discipline of the members of its police force. The clerk or secretary-treasurer shall transmit a certified copy of the by-law to the Minister.

If a municipality fails to make such a by-law before 16 June 2001, the Minister may make the by-law, and in such a case the by-law is deemed to have been made by the municipality.

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2000, c. 12, s. 256.

**257.** The Government shall make a regulation concerning the internal discipline of the members of the Sûreté du Québec, on the recommendation of the Director General.

The Government shall also make a regulation concerning the internal discipline of the members of the police force of Ville de Montréal, on the recommendation of the council of that city.

In addition, the Government shall make a regulation concerning the internal discipline of the members of the Bureau des enquêtes indépendantes established under section 289.5, on the recommendation of the director of the Bureau.

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2000, c. 12, s. 257; 2000, c. 56, s. 214; 2013, c. 6, s. 2.

**258.** An internal discipline by-law shall determine the duties and standards of conduct of police officers to ensure the effectiveness and quality of the services provided, and respect for the authorities over them.

The by-law must determine the types of behaviour that constitute breaches of discipline, establish a disciplinary procedure, determine the powers of the authorities with regard to discipline and establish sanctions.

The by-law must establish sanctions, including dismissal and fines, for any police officer who, directly or indirectly, exerts undue influence or obtains or attempts to obtain a sum of money or any

other benefit in return for a favour.

The by-law must also prohibit all police officers from wearing their uniforms, badges or service weapons or from using other items belonging to their employer when, while on duty, they engage in activities that are not part of the duties of a police officer.

Subject to section 119, a police officer on whom a sanction has been imposed pursuant to the provisions of Chapter I of this Title may not receive an additional sanction under a discipline by-law for similar derogatory conduct at the time of the same event.

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2000, c. 12, s. 258.

**259.** The by-law shall apply subject to the provisions of any labour contract within the meaning of the Act respecting the Syndical Plan of the Sûreté du Québec ([chapter R-14](#)), and any collective agreement within the meaning of the Labour Code ([chapter C-27](#)).

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2000, c. 12, s. 259.

### **CHAPTER III**

#### **COMPLIANCE WITH PROFESSIONAL ETHICS**

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2000, c. 12, s. 260.

**260.** Every police officer is required to inform the director of police of conduct by another police officer that may constitute a criminal offence. The police officer is also required to inform the director of police of conduct by another police officer that may constitute a breach of professional ethics affecting the enforcement of rights or the safety of the public, if the police officer has a personal knowledge of that conduct. The requirements do not apply to a police officer who is informed of such conduct when acting in the capacity of a union representative.

Likewise, every police officer is required to take part or cooperate in any investigation concerning such conduct.

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2000, c. 12, s. 260; 2001, c. 19, s. 15; 2008, c. 10, s. 17.

**261.** No person may harass or intimidate a police officer, exercise or threaten to exercise retaliatory measures against a police officer, or attempt or conspire to do so because

(1) the police officer has informed or intends to inform the director of police of conduct referred to in section 260; or

(2) the police officer has participated or cooperated in or intends to participate or cooperate in an investigation concerning such conduct.

Nor may any person attempt to dissuade a police officer from fulfilling the duty incumbent upon him or her under that section.

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2000, c. 12, s. 261; 2001, c. 19, s. 15.

**262.** A police officer must, when interviewed as a witness in connection with a complaint against another police officer, provide a complete written statement and sign the statement. The police officer may be assisted by an advocate if the officer wishes.

No such statement may be used or held against that police officer, except in a case of perjury.

The police officer must also provide a copy of all personal notes and reports relevant to the examination of the complaint.

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2000, c. 12, s. 262; 2008, c. 10, s. 19.

**263.** When questioning or taking a statement from a police officer against whom a complaint has been made in connection with an alleged criminal offence, the investigator must

(1) advise the police officer that a complaint has been made in his or her respect;

(2) give the police officer the customary warnings;

(3) inform the police officer that he or she is not required to make a statement in relation to the complaint.

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2000, c. 12, s. 263.

## **TITLE V**

### **EXTERNAL SUPERVISION OF POLICE ACTIVITY**

#### **CHAPTER I**

##### **INFORMATION TO BE PROVIDED TO THE MINISTER OF PUBLIC SECURITY**

**264.** The director of a police force must transmit to the Minister, before 1 April each year, a report of activities concerning, in particular, the progress of all disciplinary, conduct-related and criminal investigations involving the members of the force and the corrective measures that have been implemented, if any.

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2000, c. 12, s. 264; 2001, c. 19, s. 15; 2005, c. 44, s. 13.

**265.** The director of a police force must transmit to the Minister, before 1 April each year, an annual report in the form determined by the Minister concerning all the search warrants applied for during the year.

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2000, c. 12, s. 265; 2001, c. 19, s. 15; 2005, c. 44, s. 14.

**266.** The Director General of the Sûreté du Québec must, on request, transmit to the Minister a copy of all internal verification reports and all follow-up documents.

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2000, c. 12, s. 266; 2005, c. 44, s. 15.

**267.** The director of a police force or the competent authority in respect of special constables, as the case may be, must submit to the Minister, at the request of and within the time prescribed by the Minister,

(1) a report on the administration and activities of the police force or the special constables, as the case may be;

(2) a detailed report on all disturbances of the peace, order or public security in the territory under the jurisdiction of the police director or authority or on the crime rate in that territory and, where appropriate, reports on the corrective measures the police director or authority intends to implement.

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2000, c. 12, s. 267; 2001, c. 19, s. 15.

#### **CHAPTER II**

##### **INSPECTION AND PROVISIONAL ADMINISTRATION**

#### **DIVISION I**

##### **INSPECTION**

**268.** An inspection service shall be established by the Minister for the inspection of all police forces. The inspection service shall also monitor special constables.

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2000, c. 12, s. 268.

**269.** The Minister shall order an inspection of police forces every five years.

In addition, the Minister may order an inspection at any time on the Minister's own initiative or on the application of a municipality, a group of citizens or an association representing police officers.

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2000, c. 12, s. 269.

**270.** The Minister may authorize in writing a person other than a member of the Minister's personnel to conduct an inspection and report to the Minister.

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2000, c. 12, s. 270.

**271.** Any inspector may, for the purposes of an inspection,

(1) enter, at any reasonable time, any police station or premises occupied by police officers or by special constables, or any vehicle used by them;

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

(3) require any information or explanation needed for the purposes of the inspection.

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 inspector and facilitate the inspector's examination of them.

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2000, c. 12, s. 271.

**272.** No person may hinder an inspector or deceive him or her through concealment or false declarations, refuse to furnish information or documents the inspector is entitled to require or examine under this Act, or conceal or destroy a document or thing which is relevant to the inspection.

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2000, c. 12, s. 272.

**273.** Every inspector shall, on request, produce identification and a certificate signed by the Minister indicating the inspector's capacity.

No inspector may be prosecuted by reason of any act performed in good faith in the course of an inspection.

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2000, c. 12, s. 273.

**274.** Following an inspection, the Minister shall transmit recommendations either to the director of the police force and, if the police force is a municipal police force, to the municipality, or to the competent authority in respect of the special constable, and request that action be taken in response to the recommendations within the time determined by the Minister.

The director of police, the municipality or the competent authority in respect of the special constable must, once that time has elapsed, report to the Minister on the action taken.

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2000, c. 12, s. 274; 2001, c. 19, s. 15.

## **DIVISION II**

### **PROVISIONAL ADMINISTRATION**

**275.** If, following an inspection conducted under this chapter or the filing of a report under section 267 or 284, the Minister considers that a situation exists within the police force that compromises its proper operation, the Minister may appoint a person for the time determined by the Minister, to remedy the situation.

If the Minister considers it warranted in the public interest, for public security or for the sound administration of justice, the Minister may also order that the director of the police force, or the competent authority in respect of a special constable, be suspended for the period determined by the Minister; the conditions of the suspension of the director of police shall be determined by the employer.

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2000, c. 12, s. 275; 2001, c. 19, s. 15.

**276.** The administrator must, as soon as practicable, file a detailed report with the Minister setting out his or her observations and recommendations.

The administrator must, on the expiry of his or her mandate, make a full report to the Minister on the provisional administration.

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2000, c. 12, s. 276.

**277.** All the costs, fees and disbursements relating to the provisional administration shall be charged to the employer of the director of police, unless otherwise decided by the Minister.

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2000, c. 12, s. 277; 2001, c. 19, s. 15.

**278.** The Minister may, after examining a report from the administrator,

(1) lift the suspension of the director of the police force on the conditions determined by the Minister; or

(2) order that the municipality employing the director of police, where applicable, apply the dismissal procedure referred to in section 87 or, in the case of the chief of the police department of Ville de Montréal, recommend to the Government that the chief of the police department be dismissed, in accordance with section 110 of the Charter of Ville de Montréal ([chapter C-11.4](#)).

In such a case, the Minister may terminate the administrator's appointment.

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2000, c. 12, s. 278; 2001, c. 19, s. 15; 2000, c. 56, s. 215.

## **CHAPTER III**

### **INVESTIGATIONS**

#### **DIVISION I**

#### **INVESTIGATION OF A POLICE FORCE**

**279.** The Minister, or a person designated by the Minister, may investigate any police force.

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2000, c. 12, s. 279.

**280.** At the request of a municipality served by a police force or a group of citizens in that municipality, the Minister may commission a person to investigate a municipal police force.

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2000, c. 12, s. 280.

**281.** The Minister, on the Minister's initiative or at the request of an association representing police officers or a group of citizens of the municipality concerned, may commission a person to conduct an investigation for the purpose of ascertaining whether a municipality is providing adequate police services.

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2000, c. 12, s. 281.

**282.** If the Minister refuses to conduct an investigation, the Minister shall advise the municipality, group of citizens or association of police officers concerned in writing and give the reasons for the refusal.

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2000, c. 12, s. 282.

**283.** The investigator is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions ([chapter C-37](#)), except the power to order imprisonment.

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2000, c. 12, s. 283.

**284.** The investigation report shall be remitted to the Minister and, where applicable, to the municipality that requested the investigation. The report shall set out the observations and recommendations of the investigator.

The investigation report shall neither blame nor recommend sanctions against any person.

2000, c. 12, s. 284.

**285.** Where expedient, the Minister shall direct the municipality to remedy the situation within a reasonable time.

2000, c. 12, s. 285.

## **DIVISION II**

### **INVESTIGATION OF A POLICE OFFICER OR A SPECIAL CONSTABLE**

**286.** The director of a police force must notify the Minister, without delay, of any allegation against a police officer concerning a criminal offence, unless the director considers, after consulting the Director of Criminal and Penal Prosecutions, that the allegation is frivolous or unfounded.

The same obligation applies to the competent authority in respect of a special constable.

2000, c. 12, s. 286; 2001, c. 19, s. 15; 2008, c. 10, s. 20.

**287.** Not later than 45 days after the date of notification and every three months thereafter, the director of police or, as the case may be, the competent authority in respect of the special constable shall advise the Minister, in writing, of the progress of the file.

2000, c. 12, s. 287; 2001, c. 19, s. 15.

**288.** Once the file has been completed, the director of the police force that processed the file must submit it to the Director of Criminal and Penal Prosecutions.

2000, c. 12, s. 288; 2001, c. 19, s. 15; 2005, c. 34, s. 85.

**289.** The Minister may, at any time, order that an investigation be conducted or, where expedient, be re-opened by the police force or peace officer designated by the Minister in order to examine an allegation against a police officer or a special constable concerning a criminal offence.

The cost of the investigation shall be charged to the police force of which the police officer under investigation is a member or the competent authority in respect of a special constable, unless the police forces concerned decide otherwise.

2000, c. 12, s. 289.

## **CHAPTER III.1**

### **INDEPENDENT INVESTIGATIONS**

2013, c. 6, s. 3.

## **DIVISION I**

### **CONDUCT OF AN INDEPENDENT INVESTIGATION**

2013, c. 6, s. 3.

**289.1.** An independent investigation must be conducted if a person, other than an on-duty police officer, dies, sustains a serious injury or is injured by a firearm used by a police officer during a police intervention or while the person is in police custody.

A government regulation shall determine what constitutes a serious injury within the meaning of the first paragraph.

2013, c. 6, s. 3.

**289.2.** The director of the police force involved must inform the Minister without delay of any occurrence described in section 289.1. The director must also inform the internal affairs of the police force.

The Minister shall, upon being informed of such an occurrence, charge the Bureau des enquêtes indépendantes established under section 289.5 with conducting the investigation in order to ensure

the impartiality of the investigation.

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2013, c. 6, s. 3.

**289.3.** The Minister may also, in exceptional cases, charge the Bureau des enquêtes indépendantes with conducting an investigation on any occurrence involving a peace officer and related to the peace officer's functions, other than an occurrence described in section 289.1.

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2013, c. 6, s. 3.

**289.4.** A government regulation shall be made to establish rules concerning the investigations the Bureau is charged with conducting under section 289.2. The regulation shall determine, among other things, the obligations of the police officers involved in an occurrence described in section 289.1, the police officers who witnessed the occurrence and the director of the police force involved.

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2013, c. 6, s. 3.

## **DIVISION II**

### **BUREAU DES ENQUÊTES INDÉPENDANTES**

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2013, c. 6, s. 3.

#### **§ 1. — *Establishment, composition, mission and operation***

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2013, c. 6, s. 3.

**289.5.** An investigation bureau to be known as the "Bureau des enquêtes indépendantes" is established.

The Bureau is composed of the following members appointed by the Government:

- (1) a director;
- (2) an assistant director; and
- (3) investigators.

The Government may designate investigation supervisors from among the investigators.

The Bureau is a police force for the purposes of the pursuit of its mission.

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2013, c. 6, s. 3.

**289.6.** The mission of the Bureau is to conduct any investigation the Minister has charged it with under Division II of Chapter III or Division I of this chapter. To that end, the Bureau shall have jurisdiction to prevent and repress statutory offences throughout Québec.

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2013, c. 6, s. 3.

**289.7.** The director of the Bureau is chosen from a list of at least three persons declared fit to hold that office by a selection committee formed by the Minister for that purpose.

The committee is composed of the Deputy Minister of Justice or the Deputy Minister's representative, an advocate recommended by the Barreau du Québec, a former director of a police force who is not a peace officer, recommended by the board of directors of the Association des directeurs de police du Québec, the secretary of the Conseil du trésor or the secretary's representative and the executive director of the École nationale de police du Québec. If the executive director of the École nationale de police is unable to participate in the committee, he or she shall designate and be represented by a member of the school's executive committee, subject to the Minister's approval.

The committee shall evaluate the candidates' fitness for the office of director of the Bureau according to the selection criteria it has established, on the basis of their knowledge, including knowledge of criminal and penal law, their experience, including investigative experience, and their qualifications.

The committee shall present a report to the Minister listing the candidates met by the committee whom it considers fit to hold the office of director of the Bureau. All information and documents regarding the candidates are confidential.

The members of the committee shall receive no remuneration except in the cases, and on the conditions and to the extent that may be determined by the Government. They are, however, entitled to reimbursement, on the conditions and to the extent determined by the Government, of expenses they incur in the exercise of their functions.

The selection process does not apply to a director of the Bureau whose term is renewed.

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2013, c. 6, s. 3.

**289.8.** After consultation with the director of the Bureau, the assistant director is chosen from among a list of at least three persons declared fit to hold that office by a selection committee formed by the Minister for that purpose.

The committee is composed of the director of the Bureau, an advocate recommended by the Barreau du Québec, a former director of a police force who is not a peace officer, recommended by the board of directors of the Association des directeurs de police du Québec, the secretary of the Conseil du trésor or the secretary's representative and the executive director of the École nationale de police du Québec. If the executive director of the École nationale de police is unable to participate in the committee, he or she shall designate and be represented by a member of the school's executive committee, subject to the Minister's approval.

The third, fourth and fifth paragraphs of section 289.7, with the necessary modifications, apply in the case of the assistant director.

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2013, c. 6, s. 3.

**289.9.** The minimum requirements for the offices of director and assistant director are the following:

- (1) be either a retired judge, or an advocate who has been a member of the Barreau du Québec for at least 15 years;
- (2) meet the conditions set out in the first paragraph of section 115, except subparagraph 4; and
- (3) never have been a peace officer, otherwise than as a director, assistant director or investigator of the Bureau.

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2013, c. 6, s. 3.

**289.10.** The investigators are appointed on the recommendation of the director of the Bureau. When making a recommendation, the director must encourage parity between investigators who have never been peace officers and those who have.

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2013, c. 6, s. 3.

**289.11.** The minimum requirements for the position of investigator are the following:

- (1) those referred to in paragraph 2 of section 289.9; and
- (2) not be a peace officer, otherwise than as an investigator of the Bureau.

A government regulation shall determine the selection criteria and process applicable to investigators.

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2013, c. 6, s. 3.

**289.12.** The director, the assistant director and the investigators shall be appointed for a fixed term of five years or less. At the expiry of their terms, they shall remain in office until reappointed or replaced.

The Government shall determine their remuneration, employee benefits and other conditions of employment.

The director, the assistant director and the investigators shall exercise their functions on a full-time basis.

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2013, c. 6, s. 3.

**289.13.** The director shall take the oaths provided in Schedules A and B before a judge of the Court of Québec, and the assistant director and the investigators, before the director.

The director, in exercising the functions of office, is authorized to administer throughout Québec the same oaths as a commissioner for oaths appointed under the Courts of Justice Act ([chapter T-16](#)).

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2013, c. 6, s. 3.

**289.14.** A government regulation shall determine the training the members of the Bureau must undergo.

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2013, c. 6, s. 3.

**289.15.** The employees of the Bureau shall be appointed in accordance with the Public Service Act ([chapter F-3.1.1](#)).

The minimum requirements for a position as an employee of the Bureau are set out in paragraphs 2 and 3 of section 289.9.

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2013, c. 6, s. 3.

**289.16.** The director shall direct the activities of the Bureau and coordinate its work. The director shall define the duties and the responsibilities of the other members and the employees of the Bureau. The director is assisted by the assistant director.

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2013, c. 6, s. 3.

**289.17.** If the director is absent or unable to act, the assistant director shall act as interim director.

If the office of director is vacant following a resignation or otherwise, the assistant director shall act as interim director for a period which cannot exceed 18 months.

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2013, c. 6, s. 3.

**289.18.** An act, document or writing is binding on or may be attributed to the Bureau only if it is signed by the director or the assistant director or, to the extent provided in the delegation of signature instrument, by an investigator or an employee of the Bureau. The delegation of signature instrument must be published in the *Gazette officielle du Québec* but takes effect upon its signing by the director.

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2013, c. 6, s. 3.

**289.19.** The director, or a member of the Bureau designated by the director, shall designate a principal investigator to conduct each investigation.

An investigator may not be designated as the principal investigator if the investigation concerns a police force of which the investigator has at any time been a member or an employee.

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2013, c. 6, s. 3.

**289.20.** The director of a police force that provides level 4 services or services of a higher level must make available to the Bureau the support services and police officers requested by the director of the Bureau or any member of the Bureau designated by the director. To that end, the director and any other member or employee of the police force must cooperate with the Bureau.

A government regulation shall determine the terms governing the provision of support services mentioned in the first paragraph.

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2013, c. 6, s. 3.

**289.21.** Once the investigation under Division I of this chapter is completed, the director of the Bureau shall send the investigation record to the Director of Criminal and Penal Prosecutions and, if a death is involved, to the coroner.

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2013, c. 6, s. 3.

## § 2. — *Communications*

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2013, c. 6, s. 3.

**289.22.** The director of the Bureau shall report to the public on the status of the Bureau's activities at least twice yearly and within an interval of not more than eight months.

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2013, c. 6, s. 3.

**289.23.** The government regulation made under section 289.4 may provide rules relating to the director's communications with the public and the family members of a person described in section 289.1.

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2013, c. 6, s. 3.

## § 3. — *Financial provisions, recommendations and report*

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2013, c. 6, s. 3.

**289.24.** The fiscal year of the Bureau ends on 31 March.

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2013, c. 6, s. 3.

**289.25.** Each year, the director of the Bureau shall submit budgetary estimates for the following fiscal year to the Minister, in accordance with the form and content and the schedule determined by the Minister.

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2013, c. 6, s. 3.

**289.26.** The Bureau may, at any time, give written advice or make written recommendations to the Minister on any subject that it considers appropriate and that is related to the pursuit of its mission.

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2013, c. 6, s. 3.

**289.27.** Not later than 31 July each year, the Bureau shall submit an annual management report to the Minister, who shall table it in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.

The report must include the following information:

- (1) the number of investigations it has been charged with;
- (2) the number of investigations in progress;
- (3) the number of investigations completed;
- (4) the number of investigators, specifying how many of them had never been peace officers before their appointment; and
- (5) the support services the Bureau requested under section 289.20 and the cost of each such service furnished by police forces that provide level 4 or 5 services.

The report must contain any other information required by the Minister.

Every year before 1 April, the director of a police force that provides level 4 or 5 services must submit a report to the director of the Bureau, in the form determined by the latter, which states the cost of each of the support services the police force furnished to the Bureau in the previous fiscal year.

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2013, c. 6, s. 3.

## **CHAPTER IV**

*Repealed, 2005, c. 44, s. 16.*

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2005, c. 44, s. 16.

## **DIVISION I**

*Repealed, 2005, c. 44, s. 16.*

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2005, c. 44, s. 16.

**290.** *(Repealed).*

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2000, c. 12, s. 290; 2005, c. 44, s. 16.

## **DIVISION II**

*Repealed, 2005, c. 44, s. 16.*

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2005, c. 44, s. 16.

**291.** *(Repealed).*

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2000, c. 12, s. 291; 2005, c. 44, s. 16.

**292.** *(Repealed).*

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2000, c. 12, s. 292; 2005, c. 44, s. 16.

**293.** *(Repealed).*

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2000, c. 12, s. 293; 2005, c. 44, s. 16.

**294.** *(Repealed).*

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2000, c. 12, s. 294; 2005, c. 44, s. 16.

**295.** *(Repealed).*

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2000, c. 12, s. 295; 2005, c. 44, s. 16.

## **DIVISION III**

*Repealed, 2005, c. 44, s. 16.*

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2005, c. 44, s. 16.

**296.** *(Repealed).*

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2000, c. 12, s. 296; 2005, c. 44, s. 16.

**297.** *(Repealed).*

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2000, c. 12, s. 297; 2005, c. 44, s. 16.

**298.** *(Repealed).*

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2000, c. 12, s. 298; 2005, c. 44, s. 16.

**299.** *(Repealed).*

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2000, c. 12, s. 299; 2005, c. 44, s. 16.

**300.** *(Repealed).*

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2000, c. 12, s. 300; 2005, c. 44, s. 16.

**DIVISION IV**

*Repealed, 2005, c. 44, s. 16.*

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2005, c. 44, s. 16.

**301.** *(Repealed).*

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2000, c. 12, s. 301; 2005, c. 44, s. 16.

**302.** *(Repealed).*

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2000, c. 12, s. 302; 2005, c. 44, s. 16.

**303.** *(Repealed).*

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2000, c. 12, s. 303; 2005, c. 44, s. 16.

**TITLE V.1****QUÉBEC POLICE SERVICES COUNCIL**

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2008, c. 10, s. 21.

**CHAPTER I****ESTABLISHMENT**

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2008, c. 10, s. 21.

**303.1.** A Québec Police Services Council is established under the Minister's authority.

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2008, c. 10, s. 21.

**CHAPTER II****RESPONSIBILITIES**

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2008, c. 10, s. 21.

**303.2.** The Council shall give its opinion on any matter relating to police services provided in Québec, and more particularly on

(1) the needs of the general public;

(2) the policy directions of police services given the priorities of each area of police work and the development, organization, distribution and harmonization of those services;

(3) the costs of police services; and

(4) the adaptation of police services to emerging needs, new realities and standards of quality.

The Council shall also give its opinion on any matter submitted to it by the Minister, within the time specified by the Minister.

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2008, c. 10, s. 21.

**303.3.** The Council may also make recommendations within the framework of the responsibilities entrusted to it.

2008, c. 10, s. 21.

**303.4.** The Council shall send its opinions and recommendations to the Minister.

2008, c. 10, s. 21.

### **CHAPTER III**

#### **COMPOSITION AND OPERATION**

2008, c. 10, s. 21.

**303.5.** The Council is composed of 21 members, including a chair and vice-chair.

On the recommendation of the organizations that are representative of the sector, the Minister appoints

- (1) two representatives of the Fédération québécoise des municipalités (FQM);
- (2) two representatives of the Union des municipalités du Québec;
- (3) one representative of Ville de Montréal;
- (4) one representative of the aboriginal nations of Québec;
- (5) one representative of the management of the Sûreté du Québec;
- (6) one representative of the management of the service de police de la Ville de Montréal;
- (7) one representative of the management of the police department of Ville de Québec;
- (8) two representatives of the management of municipal police forces offering level 1, 2 or 3 services;
- (9) one representative of the First Nations Chiefs of Police Association of Quebec;
- (10) one representative of the Association des directeurs de police du Québec;
- (11) one representative of the École nationale de police du Québec;
- (12) one representative of the Association des policières et policiers provinciaux du Québec;
- (13) one representative of the Fraternité des policiers et policières de Montréal (F.P.P.M.);
- (14) one representative of the Fédération des policiers et policières municipaux du Québec (FPMQ); and
- (15) one representative of the International Centre for the Prevention of Crime.

Three other members are chosen from among the personnel of the Ministère de la Sécurité publique. Those members do not have the right to vote.

2008, c. 10, s. 21.

**303.6.** The Minister shall designate the chair, alternating every two years between a member of the Fédération québécoise des municipalités (FQM) and a member of the Union des municipalités du Québec.

The Minister shall also designate the vice-chair, alternating every two years among the members of the management of the various police forces.

2008, c. 10, s. 21.

**303.7.** The chair shall preside at Council meetings and see to their smooth operation. The chair shall act as liaison between the Council and the Minister.

If the chair is absent or unable to act, the vice-chair shall assume the functions of the chair.

The secretariat of the Council is the responsibility of the Ministère de la Sécurité publique.

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2008, c. 10, s. 21.

**303.8.** The term of office of Council members must not exceed two years. Their term may be renewed.

At the end of their term, the members shall remain in office until they are replaced or reappointed.

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2008, c. 10, s. 21.

**303.9.** Any vacancy occurring during a term of office must be filled for the remainder of the term in keeping with section 303.6.

A member's absence from three consecutive meetings of the Council entails a vacancy in the office of that member.

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2008, c. 10, s. 21.

**303.10.** The Council shall hold its meetings anywhere in Québec, at least three times a year.

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2008, c. 10, s. 21.

**303.11.** The quorum for the entire duration of a Council meeting is a majority of the Council members, including the chair or vice-chair.

Decisions of the Council are made by a majority of the voting members present. In the event of a tie, the chair has a casting vote. Dissent is recorded.

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2008, c. 10, s. 21.

**303.12.** The Council may make internal by-laws.

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2008, c. 10, s. 21.

**303.13.** Council members receive no remuneration. Each organization represented on the Council shall defray the costs related to the participation of its representative in Council meetings.

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2008, c. 10, s. 21.

## **TITLE VI**

### **RESPONSIBILITIES OF THE MINISTER OF PUBLIC SECURITY**

**304.** The Minister of Public Security is responsible for determining general policy concerning police organization and crime prevention.

More specifically, the Minister is responsible for preparing and proposing strategic plans and policies in such matters.

The Minister shall produce a guide to police practices and make it available to police organizations.

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2000, c. 12, s. 304; 2008, c. 10, s. 22.

**305.** The Minister shall see to it that the applicable standards are complied with in the law enforcement community and shall foster the coordination of crime suppression and crime prevention activities.

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2000, c. 12, s. 305.

**306.** The Minister shall advise government departments and bodies on crime prevention.

The Minister shall propose criminal information management procedures to the Government.

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2000, c. 12, s. 306.

**307.** The Minister shall advise and supervise local and regional authorities as regards the implementation of the measures provided for in this Act and shall verify the effectiveness of the police services they provide.

To that end, the Minister shall send their police forces guidelines on any matter coming under this Act or the regulations and shall request all relevant information concerning their policies, projects and achievements.

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2000, c. 12, s. 307.

**308.** The Minister shall, as regards the prevention of crime and other offences, instigate or encourage initiatives by local or regional authorities or other social stakeholders and, in particular, the establishment of associations devoted to crime prevention. The Minister shall disseminate information aimed at the general public in order to involve citizens in the pursuit of the objectives of this Act.

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2000, c. 12, s. 308.

**309.** The Minister may conduct or commission research aimed at improving crime fighting and protection methods and at reducing the effects of crime.

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2000, c. 12, s. 309.

## **TITLE VII**

### **PENAL PROVISIONS**

**310.** Every person who contravenes the provisions of any of sections 61, 111, 118, 120 and 152 is guilty of an offence and is liable to a fine of \$250 to \$2,500.

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2000, c. 12, s. 310; 2013, c. 6, s. 4.

**311.** Every person who contravenes the provisions of any of sections 190, 260 to 262, 272, 286, 288 and 289.20 and the first paragraph of section 289.2 is guilty of an offence and is liable to a fine of \$500 to \$10,000.

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2000, c. 12, s. 311; 2013, c. 6, s. 5.

**312.** Every person who deceives others into believing that the person is a member of the Sûreté du Québec or a municipal police force, or a special constable, in particular by wearing a uniform or a badge, is guilty of an offence and is liable to a fine of \$500 to \$3,000.

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2000, c. 12, s. 312.

**313.** Every police officer or special constable who wears his or her uniform, badge or service weapon or uses other items belonging to his or her employer when not on duty or authorized by the director of police or, in the case of a special constable, the competent authority, is guilty of an offence and is liable to a fine of \$500 to \$3,000.

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2000, c. 12, s. 313; 2001, c. 19, s. 15.

**314.** Every person who assists or who incites, advises, encourages, allows, authorizes or orders another person to commit an offence under this Act, is guilty of an offence. Any person found guilty under this section is liable to the same penalty as is prescribed for the offence committed by the other person.

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2000, c. 12, s. 314.

## **TITLE VIII**

### **AMENDING PROVISIONS**

## **CHAPTER I**

### **GENERAL AMENDMENT**

**315.** The words “Act respecting police organization ([chapter O-8.1](#))” and “Police Act ([chapter P-13](#))” wherever they appear in the following provisions are replaced by the words “Police Act ([chapter P-13.1](#))”:

- (1) *(amendment integrated into c. C-24.2, ss. 4, 519.68);*
- (2) *(amendment integrated into c. C-24.2, s. 597);*
- (3) *(amendment integrated into c. C-25, a. 294.1);*
- (4) *(amendment integrated into c. C-37.2, ss. 178, 194);*
- (5) *(amendment integrated into c. V-6.1, ss. 371, 376).*

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2000, c. 12, s. 315.

## **CHAPTER II**

### **SPECIFIC AMENDMENTS**

**316.** *(Amendment integrated into c. C-19, s. 71).*

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2000, c. 12, s. 316.

**317.** *(Amendment integrated into c. C-19, s. 72).*

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2000, c. 12, s. 317.

**318.** *(Amendment integrated into c. C-24.2, s. 597).*

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2000, c. 12, s. 318.

**319.** *(Amendment integrated into c. C-35, s. 48).*

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2000, c. 12, s. 319.

**320.** *(Amendment integrated into c. C-37.2, s. 107).*

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2000, c. 12, s. 320.

**321.** *(Amendment integrated into c. C-37.2, s. 179).*

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2000, c. 12, s. 321.

**322.** *(Amendment integrated into c. C-37.2, ss. 180, 198).*

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2000, c. 12, s. 322.

**323.** *(Amendment integrated into c. C-37.2, s. 187).*

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2000, c. 12, s. 323.

**324.** *(Amendment integrated into c. E-14.1, s. 4).*

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2000, c. 12, s. 324.

**325.** *(Amendment integrated into c. F-2.1, ss. 204, 236, 255).*

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2000, c. 12, s. 325.

**326.** *(Amendment integrated into c. M-19.3, s. 14.1).*

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2000, c. 12, s. 326.

**327.** *(Amendment integrated into c. P-32, s. 18).*

2000, c. 12, s. 327.

**328.** *(Amendment integrated into c. R-12, Schedule II).*

2000, c. 12, s. 328.

**329.** *(Amendment integrated into c. R-14, s. 1).*

2000, c. 12, s. 329.

**330.** *(Amendment integrated into c. V-6.1, s. 370).*

2000, c. 12, s. 330.

**331.** *(Amendment integrated into c. V-6.1, s. 371).*

2000, c. 12, s. 331.

**332.** *(Amendment integrated into c. V-6.1, s. 372).*

2000, c. 12, s. 332.

**333.** *(Amendment integrated into c. V-6.1, s. 373).*

2000, c. 12, s. 333.

**334.** *(Amendment integrated into c. V-6.1, s. 374).*

2000, c. 12, s. 334.

**335.** *(Amendment integrated into c. V-6.1, s. 375).*

2000, c. 12, s. 335.

**336.** *(Amendment integrated into c. V-6.1, s. 376).*

2000, c. 12, s. 336.

## TITLE IX

**337.** *(Omitted).*

2000, c. 12, s. 337.

**338.** *(Omitted).*

2000, c. 12, s. 338.

**339.** *(Omitted).*

2000, c. 12, s. 339.

## TITLE X

### TRANSITIONAL PROVISIONS

## CHAPTER I

### GENERAL PROVISIONS

2001, c. 19, s. 11.

**340.** Unless the context indicates otherwise, in every text or document, whatever the nature or the medium,

(1) a reference to the Act respecting police organization ([chapter O-8.1](#)) or the Police Act ([chapter P-13](#)) or to any of their provisions is a reference to this Act or to the corresponding provision of this

Act;

(2) a reference to the Institut de police du Québec is a reference to the École nationale de police du Québec.

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2000, c. 12, s. 340.

**341.** The École nationale de police du Québec succeeds the Institut de police du Québec. It has the rights and obligations of the institute.

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2000, c. 12, s. 341.

**342.** The Director General and the assistant director of the Institut de police du Québec, in office on 31 August 2000, shall remain in office until the expiry of their term.

The terms of the members of the board of directors, other than the Director General, shall end on 1 September 2000.

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2000, c. 12, s. 342.

**343.** The members of the personnel of the Institut de police du Québec, in office on 31 August 2000, become, without other formality, the personnel members of the École nationale de police du Québec.

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2000, c. 12, s. 343.

**344.** The appropriations granted to the Institut de police du Québec, as well as the contributions paid for the fiscal year 2000-2001, are transferred to the École nationale de police du Québec.

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2000, c. 12, s. 344.

**345.** Special constables referred to in section 79.1 of the Police Act ([chapter P-13](#)) employed as such on 15 June 2000 shall acquire the status of police officers, with no further formality, from 16 June 2000.

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2000, c. 12, s. 345.

**346.** Police officers employed as such on 15 June 2000 and persons holding an attestation of basic police training from the Institut de police du Québec on that date are deemed to meet the condition set out in subparagraph 4 of the first paragraph of section 115 from 1 October 2000.

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2000, c. 12, s. 346.

**347.** A regulation made under section 116 may contain transitional provisions applicable to police officers employed as such on the date of coming into force of the regulation made pursuant to that section.

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2000, c. 12, s. 347.

**348.** A police officer who, on 16 June 2000, is in an incompatible situation, must regularize that situation as soon as possible.

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2000, c. 12, s. 348.

**349.** The regulation made by the Government under subparagraph *a* of the first paragraph of section 57 of the Police Act ([chapter P-13](#)) shall remain in force until an order is made by the Government under section 57 of this Act.

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2000, c. 12, s. 349.

**350.** Every by-law made by the École nationale de police du Québec pursuant to section 24 shall be submitted to the Government for approval, and the Government's approval shall stand in place of the conditions defined by the Government under that section until 20 June 2001.

2000, c. 12, s. 350.

**351.** The provisions of sections 79.1 to 79.9 and 99 of the Police Act ([chapter P-13](#)), as they read on 15 June 2000, continue to apply to a police force that the Naskapi Village is authorized to establish until the provisions of Division V of Chapter I of Title II and of section 354 of this Act are made applicable to it by government order.

2000, c. 12, s. 351.

**352.** The provisions of sections 251 to 254 and the provisions of sections 262 to 262.2 of the Act respecting police organization ([chapter O-8.1](#)) continue to apply.

2000, c. 12, s. 352.

**353.** (*Omitted*).

2000, c. 12, s. 353.

## CHAPTER II

### SPECIAL PROVISIONS CONCERNING THE ORGANIZATION OF POLICE SERVICES

2001, c. 19, s. 12.

**353.1.** Local municipalities having a population of less than 50,000 inhabitants that do not form part of a metropolitan community or a census metropolitan area and that on 21 June 2001 were being served by a municipal police force shall be governed by the following provisions.

Every municipality that had its own police force may continue to be served by that police force to the extent that the police force provides level 1 services at the latest on 1 June 2002. In such a case, the agreements requiring the municipality to provide police services to other municipalities shall be maintained, subject to the right of each municipality so served to withdraw from the agreement and be served by the Sûreté du Québec. Where the municipality that offered the services of its police force chooses to be henceforth served by the Sûreté du Québec, the agreements are terminated by operation of law.

Police services intermunicipal boards shall be maintained, subject to a unanimous decision of the parties to the contrary. Where an intermunicipal board is dissolved, every service agreement entered into between the intermunicipal board and municipalities that are not party to the agreement establishing the intermunicipal board is terminated by operation of law. Where an intermunicipal board is to continue to exist, any such service agreement is maintained, subject to the right of each municipality so served to withdraw from the agreement and be served by the Sûreté du Québec. Where one of the municipalities party to the agreement establishing the intermunicipal board wishes to be served by the Sûreté du Québec, the municipality must obtain the consent of the other municipalities party to that agreement.

All the municipalities forming part of a census agglomeration described in Schedule F may, provided that at least one of the municipalities was, on 21 June 2001, served by a municipal police force, agree to share, in accordance with the terms and conditions provided for in section 71, the services of the same police force. Such police force will, at the latest on 1 June 2002, be required to provide the services of the level prescribed by section 70. The Minister may, however, subject to the conditions the Minister determines, allow that only some of the municipalities forming part of the same census agglomeration share the services of a single police force.

The municipalities that elect to be served by a municipal police force must establish, in an organization plan, that the police force will meet the conditions set out above. The plan must be submitted to the Minister for approval within 30 days from publication in the *Gazette officielle du Québec* of the regulation replacing Schedule I to the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec, enacted by Order in Council 326-92 (1992, G.O. 2, 1115). Every municipality that fails to do so is deemed to have elected to be served by the Sûreté du Québec.

2001, c. 19, s. 12.

**353.2.** The municipalities that are to be served by a municipal police force pursuant to sections 71 and 72 must submit to the Minister for approval, at the latest on 1 January 2002, a police service organization plan stating, in particular, that the services of the required level will be provided at the latest on 1 June 2002. However, if a municipality resulting from a municipal merger and referred to in the first paragraph of section 71 has a population of 100,000 or more on 1 June 2002, the municipality will not be required to submit such a plan before 1 July 2002 and the services of the required level will not be required to be provided before 1 January 2003. In both cases, if a municipality fails to meet the requirements, the Minister may establish the terms and conditions according to which the police services are to be shared by the municipalities concerned.

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2001, c. 19, s. 12.

**353.3.** A police officer who is the holder of a permanent position or holds a managerial position within a municipal police force that is abolished because the services in the territory served by the officer are to be provided by the Sûreté du Québec becomes a member of the Sûreté du Québec, subject to the police officer not having reached 65 years of age and subject to the officer's right of refusal. A police officer so transferred shall be reclassified within the Sûreté du Québec according to the officer's accumulated years of service and, where applicable, according to the officer's former responsibilities, with the remuneration attaching thereto.

If the remuneration received by the police officer exceeds the remuneration payable within the Sûreté du Québec, it shall be maintained until the salary scale applicable to the police officer progresses to attain the level of the officer's remuneration.

The other conditions of employment applicable to the transferred police officer, including employment benefits, shall be the same, taking into account the officer's recognized seniority, as those applicable to the members of the Sûreté du Québec.

A police officer who is not the holder of a permanent position within a municipal police force becomes an auxiliary member of the Sûreté du Québec, subject to the officer's right of refusal, and shall be subject to the conditions that apply to auxiliary members.

The transfer of police officers from a municipal police force to the Sûreté du Québec shall be made according to staffing requirements, the level of responsibilities and the number of managerial positions existing within the municipal police force at the time it is abolished.

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2001, c. 19, s. 12; 2006, c. 55, s. 61; 2012, c. 13, s. 5.

**353.4.** Notwithstanding any provision to the contrary, the following shall be recognized as regards a police officer transferred pursuant to section 353.3 for the sole purposes of eligibility for any benefit under the Pension Plan of the members of the Sûreté du Québec, established under the Act respecting the Syndical Plan of the Sûreté du Québec ([chapter R-14](#)):

- (1) the years of service accumulated in a permanent position within a municipal police force;
- (2) the hours of service accumulated in a non-permanent position, up to the maximum of hours, for a year, provided for in the conditions of employment applicable to the members of the Sûreté and insofar as the police officer's employer was contributing to his or her pension plan.

Every police officer so transferred shall not be required to retire before 65 years of age.

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2001, c. 19, s. 12; 2006, c. 55, s. 62.

**353.5.** Before a municipal police force may be abolished, a municipality or an intermunicipal board must ensure that the body that administers a pension plan, other than a defined contribution plan, of which a person referred to in section 353.3 or 353.7 is a member has entered into, with the Commission administrative des régimes de retraite et d'assurances, a general agreement for the transfer of the person's rights under the plan to the Pension Plan of the members of the Sûreté du Québec, the Government and Public Employees Retirement Plan or another pension plan applicable to employees of the State. The Commission may enter into such an agreement with the authorization of the Government.

The conditions set out in such an agreement apply to the group constituted by the persons who are referred to in the first paragraph and who come under the same employer, subject to their individual

right to opt for another plan in accordance with section 98 of the Supplemental Pension Plans Act ([chapter R-15.1](#)).

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2001, c. 19, s. 12.

**353.6.** A police officer who, after the integration of municipal police officers under section 353.3, becomes a member of the Sûreté du Québec, may not receive concomitantly his or her remuneration in that capacity and, as the case may be, a pension under the Pension Plan of the members of the Sûreté du Québec or the pension plan applicable to the police officer as member of the municipal police force that was abolished because police services are henceforth to be provided by the Sûreté.

The regulation under section 17 of the Act concerning the organization of police services (2001, chapter 19) may pertain to the terms and conditions relating to the drawing of both a pension and remuneration, including those applicable in the event of non-compliance with the provisions of the first paragraph.

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2001, c. 19, s. 12.

**353.7.** A member of the non-police personnel of a municipality who, at the time the police force is abolished, has a permanent position and exercises functions considered necessary to the activities of the municipal police force abolished because the services provided in the territory it served will be provided by the Sûreté du Québec becomes an employee of the Gouvernement du Québec insofar as the personnel member is referred to in a decision of the Conseil du trésor and subject to the conditions determined in the decision. An employee so transferred is deemed to have been appointed in accordance with the Public Service Act ([chapter F-3.1.1](#)).

The Conseil du trésor may determine the classification, the remuneration and any other employment condition applicable to an employee so transferred.

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2001, c. 19, s. 12; 2012, c. 13, s. 6.

**353.8.** Any police officer of the Sûreté du Québec whose position is affected because the territory in which the officer ordinarily exercised his or her functions will henceforth be under the jurisdiction of a municipal police force may ask to be integrated into that police force. The police force must integrate the police officer before it may proceed with any hiring.

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2001, c. 19, s. 12.

**353.9.** The police records, documents and archives belonging to an abolished municipal police force become those of the new police force.

The same applies to investigations and any other police matter in progress.

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2001, c. 19, s. 12.

**353.10.** The first regulation made under section 77 in relation to the costs of police services provided by the Sûreté du Québec is not subject to the publication requirement under section 8 of the Regulations Act ([chapter R-18.1](#)) and, notwithstanding section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

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2001, c. 19, s. 12.

**353.11.** Schedules E and F may, if need be, be amended by order of the Government.

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2001, c. 19, s. 12.

**353.12.** Until a regulation made pursuant to section 81 comes into force, the various levels of services are those provided for in Schedule G.

Within one year from the coming into force of the regulation, the municipalities shall submit to the Minister for approval a police service organization plan stating, in particular, that the services of the required level are provided.

2001, c. 19, s. 12; 2008, c. 10, s. 23.

**NOTE**

*The Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction came into force on 24 July 2008 (Order in Council 695-2008 dated 25 June 2008, (2008) 140 G.O. 2, 2918; chapter P-13.1, r. 6).*

**TITLE XI****INTERPRETATION AND FINAL PROVISIONS**

2008, c. 13, s. 12.

**354.** In any Act, regulation, order in council, contract or other document, unless the context indicates otherwise, the terms “constable”, “peace officer”, “policeman”, “police officer”, “officer of the peace” and any other similar terms mean a member of the Sûreté du Québec, a member of the police department of Ville de Montréal, a member of a municipal police force, a member of a Native police force referred to in Division IV of Chapter I of Title II, a member of the Naskapi Village, Cree Regional Authority or Kativik Regional Government police force, a special constable or a member of the Bureau des enquêtes indépendantes, according to their respective powers and authority under the law.

In all such documents, any provision applicable to a municipal police force or to a municipal police officer is, unless the context indicates otherwise, a provision applicable to the police department of Ville de Montréal, a Native police force or the Naskapi Village, Cree Regional Authority or Kativik Regional Government police force or to a member of such a police department or force, with the necessary modifications.

Until the Cree Regional Authority establishes a regional police force, references in this section to the Cree Regional Authority police force are presumed to be references to the police forces of the Cree villages.

2000, c. 12, s. 354; 2000, c. 56, s. 216; 2008, c. 13, s. 13; 2013, c. 6, s. 6.

**355.** This Act shall not be construed as restricting the administrative power of an employer or, of the director of a police force, to provisionally relieve a police officer or special constable of his or her duties, with or without pay, if the employer or director of police has reasonable cause to believe that the police officer or special constable has infringed the Code of ethics and committed an indictable or penal offence or a gross fault likely to compromise the exercise of the functions of the officer or constable.

Nothing in this section affects in any way the right of the police officer or special constable to contest the decision by way of a grievance or otherwise.

2000, c. 12, s. 355; 2001, c. 19, s. 15.

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

2000, c. 12, s. 356.

**357.** *(Repealed).*

2000, c. 12, s. 357; 2005, c. 44, s. 17.

**358.** *(Omitted).*

2000, c. 12, s. 358.

**SCHEDULE A**

*(Sections 60, 84, 107 and 108)*

**OATH OF OFFICE**

I swear that I will be loyal and bear true allegiance to constituted authority, and that I will fulfill the duties of my office of ....., honestly and fairly and in compliance with the Code of ethics of Québec police officers (chapter P-13.1, r. 1) and that I will not receive any sum of money or consideration for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of anything whatsoever by or with (*the Government, the municipality or the employer of the special constable*), other than my salary or what may be allowed me by law or by (*an order of the Government or a by-law or resolution of the council, as the case may be*).

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2000, c. 12, Schedule A.

## **SCHEDULE B**

(Sections 60, 84, 107, 108, 133, 203 and 299)

### **OATH OF DISCRETION**

I swear that I will not reveal or make known, without being duly authorized, anything whatsoever of which I have learned in the performance of my duties.

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2000, c. 12, Schedule B.

## **SCHEDULE C**

(Section 81)

### **POLICE SERVICES IN TERRITORIES NOT UNDER THE JURISDICTION OF A POLICE FORCE**

(1) The Sûreté du Québec shall provide the basic police services prescribed by regulation under section 81.

(2) The Sûreté shall provide such services, within the territory of the regional county municipality that includes the local municipality, in accordance with its usual administrative and operating practices.

(3) The implementation of this schedule shall be placed under the authority of a public security committee composed of the following members:

(a) four members of the council of the local municipality or, in the case of an agreement with a regional county municipality, of the councils of the local municipalities to which the agreement applies, designated by the local municipality or the regional county municipality, as the case may be, or failing such designation, by the Minister;

(b) two representatives of the Sûreté, designated by the Sûreté, who are not entitled to vote, including the person in charge of the police station.

(4) The committee may examine any question pertaining to the provision of police services and make to the Sûreté such recommendations as it considers expedient.

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2000, c. 12, Schedule C.

## **SCHEDULE D**

(Sections 133 and 203)

### **OATH**

I swear that I will perform the duties of my office honestly, impartially and fairly, and that I will not receive any sum of money or benefit for what I will do in the discharge of the duties of my office other than what may be allowed me by law.

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2000, c. 12, Schedule D.

## **SCHEDULE E**

(Section 71)

### **THE CENSUS METROPOLITAN AREAS OF CHICOUTIMI, HULL, SHERBROOKE AND TROIS-RIVIÈRES**

I. The census metropolitan area of Chicoutimi includes the territories of the following municipalities:

- Chicoutimi
- Jonquière
- La Baie
- Lac-Kénogami
- Larouche
- Laterrière
- Saint-Fulgence
- Saint-Honoré
- Shipshaw
- Tremblay

II. The census metropolitan area of Hull includes the territories of the following municipalities :

- Aylmer
- Buckingham
- Cantley
- Chelsea
- Gatineau
- Hull
- La Pêche
- Masson-Angers
- Pontiac
- Val-des-Monts

III. The census metropolitan area of Sherbrooke includes the territories of the following municipalities :

- Ascot
- Ascot Corner
- Bromptonville
- Compton
- Deauville
- Fleurimont
- Hatley
- Lennoxville
- North Hatley
- Rock Forest
- Saint-Denis-de-Brompton

- Saint-Élie-d'Orford
- Sherbrooke
- Stocke
- Waterville

IV. The census metropolitan area of Trois-Rivières includes the territories of the following municipalities :

- Bécancour
- Cap-de-la-Madeleine
- Champlain
- Pointe-du-Lac
- Sainte-Marthe-du-Cap
- Saint-Louis-de-France
- Saint-Maurice
- Trois-Rivières
- Trois-Rivières-Ouest

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2001, c. 19, s. 13.

## **SCHEDULE F**

*(Section 353.1)*

### **CENSUS AGGLOMERATIONS**

I. The census agglomeration of Alma includes the territories of the following municipalities:

- Alma
- Delisle

II. The census agglomeration of Baie-Comeau includes the territories of the following municipalities:

- Baie-Comeau
- Chute-aux-Outardes
- Franquelin
- Pointe-Lebel
- Ragueneau

III. The census agglomeration of Cowansville includes the territory of the following municipality:

- Cowansville

IV. The census agglomeration of Dolbeau includes the territory of the following municipality:

- Dolbeau-Mistassini

V. The census agglomeration of Drummondville includes the territories of the following municipalities:

- Drummondville
- Saint-Charles-de-Drummond

- Saint-Cyrille-de-Wendover
- Saint-Lucien
- Saint-Majorique-de-Grantham
- Saint-Nicéphore

VI. The census agglomeration of Granby includes the territories of the following municipalities:

- Bromont
- Granby
- Granby (Township)

VII. The census agglomeration of Joliette includes the territories of the following municipalities:

- Joliette
- Notre-Dame-des-Prairies
- Saint-Charles-Borromée

VIII. The census agglomeration of Lachute includes the territory of the following municipality:

- Lachute

IX. The census agglomeration of La Tuque includes the territories of the following municipalities:

- La Bostonnais
- La Croche
- La Tuque

X. The census agglomeration of Magog includes the territories of the following municipalities:

- Magog
- Magog (Township)
- Omerville

XI. The census agglomeration of Matane includes the territories of the following municipalities:

- Matane
- Petit-Matane
- Sainte-Félicité
- Saint-Luc-de-Matane
- Saint-Jérôme-de-Matane

XII. The census agglomeration of Rimouski includes the territories of the following municipalities:

- Le Bic
- Pointe-au-Père
- Rimouski
- Rimouski-Est
- Saint-Anaclet-de-Lessard
- Sainte-Blandine

— Sainte-Odile-sur-Rimouski

— Saint-Narcisse-de-Rimouski

XIII. The census agglomeration of Rivière-du-Loup includes the territories of the following municipalities:

— Notre-Dame-du-Portage

— Rivière-du-Loup

— Saint-Antonin

XIV. The census agglomeration of Rouyn-Noranda includes the territories of the following municipalities:

— Arntfield

— Bellecombe

— Cloutier

— D'Alembert

— Évain

— McWatters

— Rouyn-Noranda

XV. The census agglomeration of Saint-Georges includes the territories of the following municipalities:

— Aubert-Gallion

— Saint-Georges

— Saint-Georges-Est

— Saint-Jean-de-la-Lande

XVI. The census agglomeration of Saint-Hyacinthe includes the territories of the following municipalities:

— Sainte-Rosalie

— Sainte-Rosalie (Parish)

— Saint-Hyacinthe

— Saint-Hyacinthe-le-Confesseur

— Saint-Thomas-d'Aquin

XVII. The census agglomeration of Saint-Jean-sur-Richelieu includes the territories of the following municipalities:

— Iberville

— L'Acadie

— Saint-Athanase

— Saint-Jean-sur-Richelieu

— Saint-Luc

XVIII. The census agglomeration of Saint-Jérôme includes the territories of the following municipalities:

- Bellefeuille
- Lafontaine
- Saint-Antoine
- Saint-Jérôme

XIX. The census agglomeration of Salaberry-de-Valleyfield includes the territories of the following municipalities:

- Grande-Île
- Saint-Timothée
- Salaberry-de-Valleyfield

XX. The census agglomeration of Sept-Rivières includes the territories of the following municipalities:

- Lac-Walker
- Maliotenam
- Moisie
- Sept-Îles
- Uashat

XXI. The census agglomeration of Shawinigan includes the territories of the following municipalities:

- Grand-Mère
- Lac-à-la-Tortue
- Saint-Boniface-de-Shawinigan
- Saint-Georges
- Saint-Gérard-des-Laurentides
- Saint-Jean-des-Piles
- Saint-Mathieu-du-Parc
- Shawinigan
- Shawinigan-Sud

XXII. The census agglomeration of Sorel includes the territories of the following municipalities:

- Sainte-Anne-de-Sorel
- Sainte-Victoire-de-Sorel
- Saint-Joseph-de-Sorel
- Sorel-Tracy

XXIII. The census agglomeration of Thetford Mines includes the territories of the following municipalities:

- Black Lake
- Pontbriand
- Robertsonville

— Thetford Mines

— Thetford-Partie-Sud

XXIV. The census agglomeration of Val-d'Or includes the territories of the following municipalities:

— Dubuisson

— Sullivan

— Val-d'Or

— Val-Senneville

— Vassan

XXV. The census agglomeration of Victoriaville includes the territories of the following municipalities:

— Saint-Christophe-d'Arthabaska

— Victoriaville

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2001, c. 19, s. 13.

## **SCHEDULE G**

### **POLICE SERVICES ACCORDING TO THE LEVELS ESTABLISHED BY SECTION 70**

To be able to fully achieve their missions, as defined in section 48 of the Police Act, and integrating the community police approach into their operational and management practices, police forces must provide the police services enumerated below, which correspond to their respective levels.

I. Level 1 includes the following services:

#### **POLICING**

- Round-the-clock patrol
- Response within a reasonable time to any request for help from a citizen
- Road patrolling
- Enforcement of the Act respecting off-highway vehicles and off-road vehicle and snowmobile trail patrol
- Recreational boating safety except on St. Lawrence River
- Escort for outsized vehicles
- Transportation of accused persons
- Hit and run incidents
- Prevention programs
- Crime scene securing
- Hostage taking or sniper (preliminary validation and sealed-off zone)

#### **INVESTIGATIONS**

- Subject to the obligations corresponding to higher levels, any criminal or penal offence under their jurisdiction, in particular those relating to
- Kidnapping
  - Sexual assault
  - Assault (any type)
  - Robbery
  - Breaking and entering
  - Fire
  - Auto theft
  - Production, trafficking and possession of illicit drugs at local or street level
  - Bawdy-houses and street prostitution
  - Bad cheques, credit card or debit card fraud
  - Scams (false pretence or false statement)
  - Theft and possession of stolen goods
  - Offence-related property
  - Motor vehicle accidents
  - Mischief
  - Reckless driving
  - Impaired driving

Any investigation relating to incidents

such as:

- Human deaths (drowning, suicide, etc.)
- Disappearances
- Runaways

#### **EMERGENCY MEASURES**

- Peaceful crowd control
- Rescue operations
- Forest search and rescue
- Emergency response to local disaster

#### **SUPPORT SERVICES**

- Crime analysis
- Crime scene dusting and photography
- Criminal intelligence relating to persons, groups or phenomena located in their territory and control of sources
- Routine contribution to the Violent Crime Linkage Analysis System (ViCLAS) and to the Service de renseignement criminel du Québec (SRCQ)
- Detention
- Custody of exhibits
- Court liaison
- DNA sample collecting
- Warrant management and tracking of individuals
- Records management
- Public affairs
- Québec Police Intelligence Centre (QPIC) input and retrieval
- Internal affairs
- Telecommunications
- Technical equipment and use of force instructor
- Breath analysis expert

II. Level 2 includes, in addition to the services listed for Level 1, the following services:

#### **INVESTIGATIONS**

- Intrafamilial murder
- Criminal negligence causing death
- Attempted murder
- Aggravated sexual assault or sexual assault with a weapon
- Fatal work injury
- Financial institution or armoured car service robbery
- Street gang crime
- Fire involving fatality or injury
- Series of fires
- Major industrial or commercial fire
- Commercial or real estate fraud
- Illegal lottery
- Production, trafficking and possession of illicit drugs involving supplier of local or street dealers
- Freight theft
- Auto theft ring

#### **EMERGENCY MEASURES**

#### **SUPPORT SERVICES**

- Intervention involving armed and barricaded suspect (no shots fired, no hostages)
- Crowd control involving risk of disturbance
- Special unit (barricaded suspect or potentially dangerous search or arrest)
- Infiltration at bottom level of criminal organization
- Crime scene and criminal identification expert
- Fire scene expert
- Reconstructionist (collision investigation)
- Motor vehicle serial number identification

III. Level 3 includes, in addition to the services listed for Level 2, the following services:

#### **INVESTIGATIONS**

- Murder
- Infanticide
- Life-threatening kidnapping
- Extortion
- Fatal aircraft accident
- Proceeds of crime
- Production, trafficking and possession of illicit drugs involving high-level suppliers
- Gang crime corresponding to service level
- Child pornography
- Death during intervention of other police force anywhere in Québec

#### **SUPPORT SERVICES**

- Physical surveillance
- Database retrieval
- Infiltration at middle level of criminal organization
- Forensic accounting
- Analysis of pure version statements
- Video interrogation support
- Dog team (drugs, guarding and tracking)

IV. Level 4 includes, in addition to the services listed for Level 3, the following services:

#### **INVESTIGATIONS**

- In cooperation with the Sûreté du Québec, any offence committed by criminal organizations operating on a minimal scale throughout Québec

#### **EMERGENCY MEASURES**

- Crowd control involving high risk of disturbance or riot in cooperation with the Sûreté du Québec

#### **SUPPORT SERVICES**

- Witness protection
- Repentant witness control
- Electronic surveillance

V. Level 5 includes, in addition to the services listed for Level 4, the following services:

**POLICING**

- Recreational boating safety, including St. Lawrence River
- Air surveillance

**INVESTIGATIONS**

- Terrorist incident management
- Importation of illicit drugs into Québec
- Weapons trafficking
- Computer data mischief or theft
- Extraprovincial kidnapping
- Pyramid selling
- Betting, bookmaking

**EMERGENCY MEASURES**

- Helicopter operations
- Crowd control involving high risk of disturbance or riot
- Intervention involving hostage(s) or barricaded and armed suspect (shot fired)

**SUPPORT SERVICES**

- Underwater diving
- Defusing and handling of explosives (explosives experts)
- Infiltration at top level of criminal organization
- Special weapons and tactics team
- Polygraph and hypnosis
- Dog team (explosives)
- Composite sketching
- Operations security intelligence

VI. Level 6 includes, in addition to the services listed for Level 5, the following services:

**INVESTIGATIONS**

- Unusual criminal phenomena
- Murder or assault by predator
- Police cooperation to counter organized crime
- Crime relating to state revenues, security or integrity
- Series of fires at inter-regional level
- Inter-regional, provincial or extra-provincial auto theft ring
- Judicial, government or municipal civil servant corruption
- Misappropriation of funds
- Inter-regional, provincial or extra-provincial fraud ring
- Fraudulent securities transactions
- Crime within provincial or federal detention centres
- Cybersurveillance
- International judicial cooperation

**EMERGENCY MEASURES**

- Coordination of recovery operations and maintenance of order during emergencies or civil disturbances of provincial scope

**SUPPORT SERVICES**

- Protection of international VIPs
- Protection of National Assembly
- State security investigations and intelligence
- Security and integrity of government computer systems
- ViCLAS coordination
- Behaviourism (profiling of criminals)

- Specialized criminal identification
- Centralized fingerprint database
- Interpol liaison
- QPIC management
- Permanent emergency service unit.

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2001, c. 19, s. 13.

**NOTE**

*As of 24 July 2008, the levels of police services are determined in the Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction (chapter P-13.1, r. 6).*

**REPEAL SCHEDULE**

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations ([chapter R-3](#)), chapter 12 of the statutes of 2000, in force on 1 April 2001, is repealed, except section 358, effective from the coming into force of chapter P-13.1 of the Revised Statutes.