



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 397

**An Act to reinforce oversight of the
processes to select, renew a term of
or dismiss directors of municipal
police forces**

Introduction

**Introduced by
Madam Marie-Claude Nichols
Member for Vaudreuil**

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EXPLANATORY NOTES

This bill is to reinforce oversight of the processes to select, renew a term or dismiss directors of municipal police forces providing level 1 to 4 services.

To do so, the bill amends the Police Act to provide that the director of a municipal police force providing level 1 to 4 services is to be chosen from those persons declared fittest to hold the office by the selection committee formed for that purpose.

Where the position of a director of a municipal police force is vacant or soon to become vacant, the municipality publishes an invitation for applications and forms a selection committee responsible for evaluating the applications and designating the three candidates fittest to hold the office from among those met by the committee.

The bill also requires a committee formed by the Minister of Public Security at the request of the municipality to endorse dismissing or reducing the salary of a director. Provision is also made for a committee formed according to the same procedure as a selection committee to evaluate the director's performance before the end of the director's first term, which can be renewed only once.

LEGISLATION AMENDED BY THIS BILL:

- Police Act (chapter P-13.1).

Bill 397

AN ACT TO REINFORCE OVERSIGHT OF THE PROCESSES TO SELECT, RENEW A TERM OF OR DISMISS DIRECTORS OF MUNICIPAL POLICE FORCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 83 of the Police Act (chapter P-13.1) is amended by replacing the second paragraph by the following paragraph:

“Except where otherwise authorized by the Minister, the director of police shall be appointed for a term of five years and the appointment may be renewed only once. Where the appointment is not to be renewed, notice must be given at least six months before the end of the first appointment. The expectations, objectives and indicators that will be used to evaluate the director in order to decide on renewing the term must be provided to the director when the appointment is made.”

2. The Act is amended by inserting the following subdivision after section 86:

“§6.1. — *Selection of a director of a municipal police force providing level 1 to 4 services*

“**86.1.** The director of a municipal police force providing level 1 to 4 services is chosen from among the persons declared fittest to hold the office by the selection committee formed for that purpose.

“**86.2.** Where the position of director of a police force referred to in section 86.1 is vacant or soon to become vacant, the municipality shall publish a notice inviting interested persons to apply for the office of director or to propose the name of a person they consider fit to hold the office, in accordance with the procedure the municipality determines.

Following publication of the notice, the municipality shall form a selection committee composed of the following persons:

(1) a person designated by the Association des directeurs de police du Québec;

(2) a person designated by the municipality;

(3) an administrator of state within the meaning of the Public Service Act (chapter F-3.1.1) designated by the Associate Secretary-General responsible for senior positions at the Ministère du Conseil exécutif;

(4) a person who is part of the municipality's general management personnel, designated by the municipality; and

(5) a person designated by the École nationale de police du Québec.

“86.3. The selection committee shall promptly evaluate the candidates on the basis of their knowledge, particularly of the law enforcement community and the applicable law, their experience and their qualifications, according to the selection criteria determined by municipal by-law. Without delay, the committee shall present to the municipality a report in which it lists the three candidates it has met whom it considers fittest to hold the office of director. All information and documents regarding the candidates and the proceedings of the committee are confidential.

The members of the selection committee shall receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the municipality. They are, however, entitled to reimbursement of the expenses incurred in the performance of their duties, on the conditions and to the extent determined by the municipality.

“86.4. At least six months before the end of the first term of a director of a municipal police force, the municipality forms a committee according to the same procedure set out in sections 86.2 and 86.3 whose mission is to conduct an evaluation of the director's performance, which it submits to the municipality.

In the evaluation, the committee indicates whether it recommends the renewal of the director's term.”

3. Section 87 of the Act is amended by adding the following paragraph at the end:

“The dismissal of the director or reduction of the director's salary must have the prior endorsement of a committee formed by the Minister of Public Security at the request of the municipality.”

4. The appointment of a director of a municipal police force providing level 1 to 4 services who held that office before the coming into force of this Act may be renewed more than once.

5. This Act comes into force on (*insert the date of assent to this Act*).