



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 86

Police Act

Introduction

Introduced by
Mr Serge Ménard
Minister of Public Security

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EXPLANATORY NOTES

This bill establishes a national police school which is to be designated as the École nationale de police du Québec and is to replace the Institut de police du Québec. The mission of the school is to provide basic training and skills in police patrolling, police investigation and police management.

A training and research commission is to be created within the school whose main purpose will be to advise the governing board of the school on all matters connected with police training and to keep the governing board abreast of developments in research in that field.

All police chiefs will be required to establish a professional training plan for their police force, and update it annually.

To be hired by a police force, a person will be required to hold a diploma in police patrolling awarded by the school, and additional requirements may be imposed by the Government for the exercise of investigative and management functions within a police force.

Most of the existing provisions pertaining to the organization and operation of police forces are incorporated into the new Act as are the provisions of the Act respecting police organization which concern police ethics and those of the Police Act concerning Aboriginal police forces and the police forces of Cree villages and of the Naskapi Village.

Municipalities will be required to make by-laws concerning disciplinary measures applicable to the members of their police force. As well, police officers will be obliged to inform the chief of police of reprehensible conduct on the part of other police officers and police chiefs will be obliged to inform the Minister of Public Security without delay of any allegation against a police officer concerning a criminal offence and to submit progress reports concerning such matters to the Minister. Furthermore, chiefs of police will be required to submit an annual activity report to the Minister, containing a statement of the progress of disciplinary, conduct-related and criminal matters as well as an annual report of the search warrants applied for by members of their police force.

Any police officer or special constable who is convicted of an indictable offence will be dismissed.

A board charged with supervising the activities of the Sûreté du Québec will be appointed under the authority of the Minister for a five-year period. The principal functions of the supervisory board will be to conduct analyses and advise, or submit recommendations to, the Minister concerning the activities of the Sûreté du Québec.

Lastly, this bill contains amending provisions for concordance and transitional provisions.

LEGISLATION REPLACED BY THIS BILL :

- Act respecting police organization (R.S.Q., chapter O-8.1);
- Police Act (R.S.Q., chapter P-13).

LEGISLATION AMENDED BY THIS BILL :

- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Public Protector Act (R.S.Q., chapter P-32);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

- Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 86

POLICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

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.

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.

DIVISION II

POLICE FORCE TRAINING PLANS

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

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) plan the career paths of 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.

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.

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

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.

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.

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*.

DIVISION II

MISSION AND POWERS

10. It is the exclusive responsibility of the school to provide the basic qualifying professional 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.

11. The school may, by agreement, give a mandate to a college-level or university-level educational institution, or to a municipality, to develop or teach the school's 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.

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

The school shall encourage cooperation 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.

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.

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.

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

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

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

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

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 chief of the police department of the Communauté urbaine de Montréal or the chief's representative ;

(4) the executive director of the school ;

(5) a member of the personnel of the Ministère de l'Éducation, designated by the Deputy Minister.

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

(1) the chief of a municipal police force, after consultation with the association representing Québec police force chiefs ;

(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.

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.

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.

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.

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.

23. The Government shall appoint an executive director for a term not exceeding five years and, where required, assistant directors. At the end of their terms, the executive director and assistant 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 directors.

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.

25. The members of the governing board must exercise their functions with integrity, independence and in good faith, 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.

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.

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 directors and the other members of the school's personnel.

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.

§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.

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.

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.

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.

§3. — *Composition and operation*

33. The Commission shall be composed of 14 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, representing the various divisions of law enforcement ;
- (3) four 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.

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

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.

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.

37. The governing board of the school shall make a by-law for the internal management of the Commission. The by-law must be submitted to the Minister for approval.

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.

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.

40. The Act respecting duties on transfers of immovables (R.S.Q., 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.

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.

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.

43. Every municipal authority 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 force. The Government shall pay to the school a contribution based on the total payroll 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 the development of manpower training prescribed by the Act to foster the development of manpower training (R.S.Q., chapter D-7.1).

This section does not apply to Cree and Naskapi villages, nor to the Kativik Regional Government.

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

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.

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.

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

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 crime and, according to their respective jurisdiction, to enforce the law and municipal by-laws, and to apprehend offenders.

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 (R.S.Q., chapter A-3.001), deemed to be an agent of the Minister.

DIVISION II

SÛRETÉ DU QUÉBEC

§1. — *Jurisdiction*

50. The Sûreté du Québec, acting under the authority of the Minister of Public Security, has jurisdiction over law enforcement throughout Québec.

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.

In the public interest or where justified by a specific situation, the services of the Sûreté du Québec may also be placed at the disposal of a body, at the expense of that body, pursuant to an agreement between the body and the Minister.

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.

§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.

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

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 cadets.

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

The deputy directors and the other senior officers shall be appointed by the Government on the recommendation of the Director General.

The junior officers, constables and auxiliary constables shall be appointed by the Director General with the approval of the Minister.

57. The salary of the members of the Sûreté du Québec shall be determined by the Government. Their pay scales and classifications, except with regard to the Director General, shall be fixed by regulation of the Government.

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 ten 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.

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.

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 (R.S.Q., chapter T-16).

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.

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 (R.S.Q., chapter F-3.1.1).

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.

§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 serious cause to believe that the member's conduct may compromise the exercise 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 (R.S.Q., chapter C-37), except the power to order imprisonment.

If the investigation reveals that the suspicions of the Director General are founded, the Director General may suspend the member concerned, 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.

§4. — *Retirement and pension plan*

65. The pension plan established under the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., 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 (R.S.Q., chapter R-10), notwithstanding paragraph 5 of section 4 of that Act, if the pension plan applied to that member of the Sûreté at the time of appointment.

66. Retirement is mandatory for a member of the Sûreté after 32 years of service or 60 years of age, whichever comes first.

The Government may, however, fix a number of years of service different from the number mentioned in the first paragraph if the Government makes the pension plan referred to in the first paragraph of section 65 applicable to the Director General or to one or more deputy directors.

67. Contributions under the pension plan referred to in the first paragraph of section 65 shall be paid into the consolidated revenue fund and the amounts paid to the beneficiaries under the plan shall be taken out of the consolidated revenue fund. The administration expenses of the plan shall be paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan.

A benefit or reimbursement payable pursuant to the pension plan is untransferable and unseizable.

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 (R.S.Q., 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.

DIVISION III

MUNICIPAL POLICE FORCES

§1. — *Jurisdiction*

69. A municipal police force shall have jurisdiction to enforce municipal by-laws in the territory of the municipality to which it is attached.

§2. — *Obligation of municipalities*

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

71. Subject to the special rules applicable to the Communauté urbaine de Montréal, the Kativik Regional Government, the Native police forces, the police forces of Cree villages and the Naskapi Village and the Native police forces composed of special constables appointed under section 107 following an agreement between the Government and a Native community represented by its band council, local municipalities having a population of 5,000 inhabitants or more may

(1) establish their own police forces by way of a by-law approved by the Minister; or

(2) share police services with other municipalities pursuant to intermunicipal agreements entered into in accordance with the Acts governing the municipalities.

In exceptional cases, the Minister may authorize a municipality having a population of 5,000 inhabitants or more to be provided police services by the Sûreté du Québec subject to the same conditions as municipalities having a population under 5,000 inhabitants.

72. In local municipalities having a population under 5,000 inhabitants, subject to the special rules referred to in section 71, police services shall be provided by the Sûreté du Québec pursuant to an agreement entered into by the Minister with the regional county municipality of which the municipality is a part, subject to the conditions prescribed by section 76. Where justified by specific circumstances, the agreement may be entered into directly by a local municipality.

In exceptional cases, the Minister may authorize a municipality having a population under 5,000 inhabitants to establish its own police force or to enter into an agreement with other municipalities, in accordance with the Act governing the municipality, to share police services, subject to the conditions set out in section 74.

73. Before abolishing its police force or reducing its size, a municipality must obtain authorization from the Minister, who shall consult representative municipal organizations and the associations representing police officers, and fix the time within which they are to give their opinion.

If authorization is given under the first paragraph, 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 on which the committee makes its recommendations, or on the date occurring six months after the date on which the committee begins its examination, whichever is sooner.

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

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

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

74. Every agreement to share police services within the meaning of 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.

The agreement on the sharing of police services must include provisions to ensure that, upon termination of the agreement, all the police officers whose positions are affected by the termination of the agreement will be reassigned or reclassified within the police forces of the municipalities concerned having a population of 5,000 inhabitants or more.

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.

§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 some or all of the police services required in the territory of the municipality must include provisions relating to

- (1) the nature and scope of the police services provided to the local municipality or municipalities concerned ;
- (2) the number of police officers assigned to the provision of police 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 five years where the agreement covers all police services.

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.

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

- (1) four members of the council of the local municipality or, in the case of an agreement with a regional county municipality, four members 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 ;

(2) two representatives of the Sûreté du Québec, who are not entitled to vote, including the person in charge of the police station.

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.

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.

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

79. 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.

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.

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 basic police services to be provided by each category of municipality. The basic 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.

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.

§6. — *Organization of municipal police forces*

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

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

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

84. The chief 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 chief of police.

The chief 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.

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

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) prescribe 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 ;
- (4) determine the places where the police officers may have their residence ;
- (5) establish classes of police officers and the ranks that may be conferred upon them ;
- (6) 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.

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

87. A municipality may not dismiss or reduce the salary of the chief of its police force, whatever his or her conditions of employment, except by a resolution adopted by an absolute majority of the members of its council and served on the person to whom it applies in the same manner as a summons under the Code of Civil Procedure (R.S.Q., chapter C-25).

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 (R.S.Q., chapter C-27) and who has been employed by the municipality for at least six months.

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.

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 ten days of the date of its filing and be served on the Minister.

The rules of the Code of Civil Procedure relating to the production of evidence, hearing and judgment apply, with the necessary modifications, to an appeal brought under this division. The judges hearing the appeal are vested with the powers and immunity of commissioners appointed pursuant to the Act respecting public inquiry commissions (R.S.Q., 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.

DIVISION IV

NATIVE POLICE FORCES

(Insert here sections 90 to 93, comprising sections 79.0.1 to 79.0.4 of the Police Act (R.S.Q., chapter P-13), as provided for in section 334.)

DIVISION V

POLICE FORCE OF CREE VILLAGES AND OF THE NASKAPI VILLAGE

(Insert here sections 94 to 102, comprising sections 79.1 to 79.9 of the Police Act (R.S.Q., chapter P-13), as provided for in section 335.)

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 chief 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.

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.

CHAPTER II

SPECIAL CONSTABLES

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

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.

107. Any judge of the Court of Appeal, of the Superior Court, of the Court of Québec or of a municipal court may, with the approval of the Minister of Public Security, appoint special constables empowered, under the authority of the Minister or under any other authority indicated by the Minister, to enforce the law in Québec. The deed of appointment shall state the power of the special constable to act as a peace officer, the 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 the judge having appointed them.

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 chief of the police force or the officer in charge of the Sûreté du Québec police station, as the case may be, to enforce 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 and Greater Montréal 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.

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.

110. Any special constable appointed by a judge may be dismissed by the appointing judge.

Any judge may, at the request of the Minister, dismiss a special constable appointed by a judge or by the mayor of a municipality.

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.

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.

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.

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.

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 defined in the Criminal Code (Revised Statutes of Canada (1985), chapter C-46) as an offence;

(4) have passed a medical examination, in accordance with the conditions prescribed by regulation of the Government, performed by a physician designated by the authority responsible for the police force; and

(5) 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.

Local municipalities and regional authorities 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.

116. The Government may, by regulation, determine the 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.

CHAPTER II

INCOMPATIBLE FUNCTIONS

117. The function of police officer is, by law, incompatible with the functions of private investigator, security guard, collection agent, and detective; it is also incompatible with the holding of a direct or indirect interest in any business that pursues an activity mentioned above or an activity for which a permit issued by the Régie des alcools, des courses et des jeux is required.

Any contravention of the provisions of this section shall entail the immediate suspension without pay of the offender. The offender's situation must be regularized within six months, on pain of dismissal.

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 chief of police. The police officer must also inform the chief of police of any potentially incompatible situation in which the police officer is involved.

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

119. Any police officer or special constable who is convicted, in any place, of an indictable offence shall be automatically dismissed.

A disciplinary sanction must be imposed on any police officer or special constable who is convicted, in any place, of an offence punishable on summary conviction. Where the offender is a special constable to whom disciplinary rules do not apply, the competent authority shall impose on the constable a sanction proportional to the gravity of the offence.

120. Any police officer or special constable who is convicted of an offence referred to in section 119 must inform the police chief or competent authority of the conviction.

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 shall be required to prove authorization to do so.

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 their area of jurisdiction.

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.

123. A police officer, or a special constable, who wishes to be a candidate in a federal or provincial election or who engages at the federal or provincial level in partisan activity is entitled to obtain full leave of absence without pay, on an application made to the highest competent authority, which must be granted as soon as practicable. 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.

124. The provisions of Division II of Chapter IV of Title IV of the Election Act (R.S.Q., chapter E-3.3) applicable to candidates and official agents, adapted as required, apply 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.

125. The provisions of this chapter shall apply without prejudice to the provisions of the Code of ethics of Québec police officers, 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.

TITLE IV

STANDARDS OF CONDUCT

CHAPTER I

POLICE ETHICS

126. This chapter applies to every police officer and special constable.

(Insert here sections 127 to 255, comprising sections 35 to 149 of the Act respecting police organization (R.S.Q., chapter O-8.1), as provided for in section 336.)

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 *(insert here the date occurring one year after the coming into force of this section)*, the Minister may make the by-law, and in such a case the by-law is deemed to have been made by the municipality.

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 the Communauté urbaine de Montréal, on the recommendation of the executive committee of the urban community.

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 the authority of the senior officers.

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

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, and any collective agreement within the meaning of the Labour Code.

CHAPTER III

COMPLIANCE WITH PROFESSIONAL ETHICS

260. Every police officer is required to inform the chief of police of the conduct of another police officer likely to constitute a breach of discipline or professional ethics that may infringe upon rights or compromise the safety of the public, or likely to jeopardize the bond of trust between the employer and the police officer concerned, in particular where the conduct may constitute a criminal offence.

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

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

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

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

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

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

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.

TITLE V

EXTERNAL SUPERVISION OF POLICE ACTIVITY

CHAPTER I

INFORMATION TO BE PROVIDED TO THE MINISTER OF PUBLIC SECURITY

264. The chief 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.

The Director General of the Sûreté du Québec must also transmit such an annual report to the Conseil de surveillance des activités de la Sûreté du Québec.

265. The chief 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.

The Director General of the Sûreté du Québec must also transmit the report to the Conseil de surveillance des activités de la Sûreté du Québec.

266. The Director General of the Sûreté du Québec must transmit to the Conseil de surveillance des activités de la Sûreté du Québec and to the Minister, at the latter's request, a copy of all internal verification reports and all follow-up documents.

267. The chief 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 chief or authority or on the crime rate in that territory and, where appropriate, reports on the corrective measures the police chief or authority intends to implement.

268. The employer of a police officer or of a special constable must, at the request of and in the form and manner determined by the Minister, provide information to the Minister concerning the status of the police officer or special constable.

CHAPTER II

INSPECTION AND PROVISIONAL ADMINISTRATION

DIVISION I

INSPECTION

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

270. 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.

271. 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.

272. Any inspector may, for the purposes of an inspection,

(1) enter, at any reasonable time, any police station or premises occupied by police officers, by special constables or by any person under inspection, 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.

273. 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.

274. Every inspector shall, on request, produce identification and an inspector's certificate signed by the Minister.

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

275. Following an inspection, the Minister shall transmit recommendations to the municipality and chief of the police force or, as the case may be, 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 chief of police or the competent authority in respect of the special constable must, within the time determined, report to the Minister on the action taken.

DIVISION II

PROVISIONAL ADMINISTRATION

276. If, following an inspection conducted under this chapter or the filing of a report under section 267 or 285, 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 chief of the police force, or the competent authority in respect of a special constable, be suspended for the period determined by the Minister.

277. 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.

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

279. The Minister may, after examining the administrator's report,

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

(2) order that the municipality employing the chief of police, where applicable, apply the dismissal procedure referred to in section 87.

CHAPTER III

INVESTIGATIONS

DIVISION I

INVESTIGATION OF A POLICE FORCE

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

281. 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.

282. 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.

283. 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.

284. The investigator is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

285. 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.

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

DIVISION II

INVESTIGATION OF A POLICE OFFICER OR A SPECIAL CONSTABLE

287. The chief of a police force must notify the Minister, without delay, of any allegation against a police officer concerning a criminal offence.

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

288. Not later than 45 days after the date of notification and every three months thereafter, the chief 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.

289. Once the file has been completed, the chief of the police force that processed the file must submit it to the Attorney General.

290. 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.

CHAPTER IV

SUPERVISORY BOARD

DIVISION I

ESTABLISHMENT

291. A supervisory board called “Conseil de surveillance des activités de la Sûreté du Québec” is hereby established under the Minister’s authority.

DIVISION II

MANDATE

292. The supervisory board shall advise and make recommendations to the Minister.

293. The supervisory board shall

(1) make analyses and formulate recommendations in relation to the activities of the division responsible for internal affairs within the Sûreté du Québec;

(2) give its opinion on the annual reports prepared by the Sûreté in connection with the progress of disciplinary, conduct-related and criminal matters involving the members of the Sûreté du Québec;

(3) give its opinion on the annual reports prepared by the Sûreté in connection with wiretapping and searches;

(4) give its opinion on the administration of the criminal investigations conducted by the Sûreté du Québec;

(5) carry out studies and prepare opinions at the request of the Minister.

294. In executing its mandate, the supervisory board or a person designated by the board may, after agreeing with the Director General of the Sûreté du Québec on the applicable procedure,

(1) question any of the members of the Sûreté on the member's activities; and

(2) examine any document, book, register or account containing information relevant to the mandate, and take notes or make copies thereof.

Every person having the custody, possession or control of such documents, books, registers or accounts must, if so required, produce them and facilitate their examination by the supervisory board or the person designated by the board.

295. No person may hinder a member of the supervisory board or a person designated by the board in the exercise of their functions, deceive them through concealment or by making a false declaration or refuse to provide information to them.

296. A member of the supervisory board or a person designated by the board shall, on request, produce identification and a certificate signed by the Minister indicating their capacity.

DIVISION III

COMPOSITION AND OPERATION

297. The supervisory board shall be composed of five members, including the chair, appointed by the Minister. The members shall be drawn from various backgrounds on the basis of their expertise in matters relevant to the mandate of the supervisory board.

The chair shall direct the activities of the supervisory board and coordinate its work. The chair shall also act as liaison between the supervisory board and the Minister.

If the chair is unable to act, the Minister shall designate a member to replace the chair.

298. The members of the supervisory board shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government.

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

299. The supervisory board must meet at least six times each year.

The supervisory board may hold its meetings anywhere in Québec. The quorum of the supervisory board is three members, including the chair.

300. The members of the supervisory board, the members of its personnel and any person designated by the supervisory board must, before entering on their duties, take the oath set out in Schedule B.

No member of the supervisory board, no member of the personnel of the supervisory board and no person designated by the supervisory board under section 294 may be prosecuted by reason of any act performed in good faith in the exercise of their functions.

301. The secretary and the other members of the personnel of the supervisory board shall be appointed in accordance with the Public Service Act.

DIVISION IV

REPORTS

302. The supervisory board must, not later than (*insert here the date occurring one year after the date of coming into force of section 291*) and every year thereafter, submit a report to the Minister on its activities; the report must contain any other information required by the Minister.

The Minister shall table the report within 30 days in the National Assembly or, if the Assembly is not in session, within 15 days of resumption.

303. The competent committee of the National Assembly shall hear the chair of the supervisory board at least once every year in connection with the activities of the board.

304. The Minister must, not later than *(insert here the date occurring 90 days before the fifth anniversary of the coming into force of section 291)*, report to the Government on the application of this chapter. The report shall be tabled within 15 days in the National Assembly or, if the Assembly is not in session, within 15 days of resumption.

TITLE VI

RESPONSIBILITIES OF THE MINISTER OF PUBLIC SECURITY

305. 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.

306. 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.

307. The Minister shall advise government departments and bodies on crime prevention.

308. 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.

309. 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.

310. The Minister may conduct or commission research aimed at improving crime fighting and protection methods and at reducing the effects of crime.

TITLE VII

PENAL PROVISIONS

311. Every person who contravenes the provisions of sections 61, 111, 118, 153, 191, 273, 287, 289 and 295 is guilty of an offence and is liable to a fine of \$100 to \$1,000.

312. Every person who contravenes the provisions of sections 260 to 262 is guilty of an offence and is liable to a fine of \$200 to \$2,000.

313. 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 \$400 to \$2,000.

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.

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 (*insert here the year and chapter number of this Act*)”:

(1) section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 55 of chapter 40 of the statutes of 1999, and section 519.68 of that Code;

(2) subparagraph *b* of the third paragraph of article 294.1 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(3) sections 178 and 194 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(4) sections 371 and 376 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

CHAPTER II

SPECIFIC AMENDMENTS

316. Section 71 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out “subject to section 64 of the Police Act (chapter P-13),” in the first paragraph.

317. Section 72 of the said Act is amended by replacing “section 79 of the Police Act (chapter P-13)” in the first paragraph by “section 87 of the Police Act (*insert here the year and chapter number of this Act*)”.

318. Section 48 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 65 of chapter 40 of the statutes of 1999, is again amended by replacing “section 79 of the Police Act (chapter P-13)” in the fourth paragraph of paragraph g by “section 87 of the Police Act (*insert here the year and chapter number of this Act*)”.

319. Section 107 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing “section 79 of the Police Act (chapter P-13)” in the first paragraph by “section 87 of the Police Act (*insert here the year and chapter number of this Act*)”.

320. Section 179 of the said Act is amended by replacing “sections 181 to 183 of the Act respecting police organization (chapter O-8.1)” in the second paragraph by “sections 280 to 282 of the Police Act (*insert here the year and chapter number of this Act*)”.

321. Section 180 and the second paragraph of section 198 of the said Act are amended by replacing “section 79 of the Police Act (chapter P-13)” by “section 87 of the Police Act (*insert here the year and chapter number of this Act*)”.

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

323. Section 4 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1), amended by section 125 of chapter 40 of the statutes of 1999, is again amended by inserting the following paragraph after paragraph 2:

“(2.1) the École nationale de police du Québec;”.

324. Paragraph 2.1 of section 204, subparagraph *a* of paragraph 1 of section 236 and the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) are amended by replacing “Institut de police du Québec” by “École nationale de police du Québec”.

325. Section 14.1 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by replacing “section 39.0.1, 64.3, 64.4 or 73.1 of the Police Act (chapter P-13)” in the second paragraph by “the second paragraph of section 51 or section 71, 72, 79, 80 or 81 of the Police Act (*insert here the year and chapter number of this Act*)”.

326. Section 18 of the Public Protector Act (R.S.Q., chapter P-32) is amended by replacing “section 2 of the Police Act (chapter P-13) or in section 171 of the Act respecting police organization (chapter O-8.1)” in paragraph 4 by “section 49, 106 or 268 of the Police Act (*insert here the year and chapter number of this Act*)”.

327. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 62 of chapter 17 and section 81 of chapter 46 of the statutes of 1998, is again amended by striking out “the Institut de police du Québec” in paragraph 1 and by inserting “the École nationale de police du Québec” in alphabetical order.

328. The Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) is amended

(1) by striking out “constituted by section 38 of the Police Act (chapter P-13)” in paragraph *a* of section 1;

(2) by replacing “subparagraphs 4 and 5 of section 43 of the Police Act and in the second paragraph of the said section” in paragraph *b* of section 1 by “subparagraphs 2 and 3 of the second paragraph of section 55 of the Police Act (*insert here the year and chapter number of this Act*) and in the third paragraph of that section”.

329. Section 370 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing “within the meaning of the Police Act (chapter P-13) and of the Act respecting police organization (chapter O-8.1)” by “for the purposes of the Police Act (*insert here the year and chapter number of this Act*)”.

330. Section 371 of the said Act is amended by replacing “section 81 of the said Act” by “section 108 of the said Act”.

331. Section 372 of the said Act is amended by replacing “Subparagraphs 4 and 5 of the first paragraph of section 3 of the Police Act (chapter P-13)” by “Subparagraphs 4 and 5 of the first paragraph and the third paragraph of section 115 of the Police Act (*insert here the year and chapter number of this Act*)”.

332. Section 373 and the second paragraph of section 374 of the said Act are amended by replacing “section 4 of the Police Act (chapter P-13)” by “Schedules A and B of the Police Act (*insert here the year and chapter number of this Act*)”.

333. Section 375 of the said Act is amended

(1) by replacing “section 79 of the Police Act (chapter P-13)” by “section 87 of the Police Act (*insert here the year and chapter number of this Act*)”;

(2) by replacing “section 80 of the said Act” by “section 107 of the said Act”.

TITLE IX

INCORPORATION INTO THIS ACT OF PROVISIONS FROM OTHER ACTS

CHAPTER I

INCORPORATION INTO THIS ACT OF SECTIONS 79.0.1 TO 79.9 OF THE POLICE ACT

334. Sections 79.0.1 to 79.0.4 of the Police Act become sections 90 to 93, respectively, of this Act, with the following modifications to section 79.0.2 :

(1) the words “the Act respecting police organization (chapter O-8.1)” are replaced by “this Act”;

(2) the words “established by regulation of the Government under this Act” are replaced by “prescribed by this Act or the regulations under it”.

335. Sections 79.1 to 79.9 of the Police Act become sections 94 to 102 of this Act, respectively, with the following modifications :

(1) in section 79.1, the reference to sections 68 and 80 becomes a reference to sections 83 and 107 ;

(2) in section 79.4, the reference to sections 67 and 75 to 78 becomes a reference to section 48 and to the third paragraph of section 49 ;

(3) in section 79.5, the reference to section 39 becomes a reference to section 50 ;

(4) in section 79.6, the reference to sections 67 and 75 to 78 becomes a reference to section 48 and to the third paragraph of section 49 ;

(5) in section 79.7, the reference to sections 74 and 73 becomes a reference to sections 71, 72 and 74.

CHAPTER II

INCORPORATION INTO THIS ACT OF THE PROVISIONS OF SECTIONS 35 TO 149 OF THE ACT RESPECTING POLICE ORGANIZATION

336. Sections 35 to 149 of the Act respecting police organization become sections 127 to 255, respectively, of this Act, with the following modifications :

(1) Chapter I of Title II of the Act respecting police organization becomes Division I of Chapter I of Title IV of this Act under the heading “CODE OF ETHICS” ;

(2) Chapter II of Title II becomes Division II of Chapter I, under the same heading;

(3) Division I of Chapter II becomes subdivision 1 of Division II, under the same heading;

(4) in section 35, the reference to section 51 becomes a reference to section 143;

(5) in section 41, the reference to Schedules I and II becomes a reference to Schedules B and D;

(6) in section 42, the reference to section 36 becomes a reference to section 128;

(7) in section 46, the reference to sections 48, 49 and 83 becomes a reference to sections 140, 141 and 188;

(8) in section 49, the reference to section 48 becomes a reference to section 140;

(9) Division II of Chapter II becomes subdivision 2 of Division II, under the same heading;

(10) in section 51, which becomes section 143, the following is added:

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

(1) the Minister of Public Security, when the complaint is lodged against the Director General of the Police Force;

(2) the executive committee of the Communauté urbaine de Montréal, when the complaint is lodged against the chief of the police department.

Where the complaint is lodged against the chief of a municipal police force, the role is played by the council of another municipality.

Where the complaint is lodged against the chief 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 chief’s employer.

Where the complaint is lodged against a special constable, the role is played by the constable’s employer.”;

(11) in section 63, the reference to Division III becomes a reference to subdivision 3;

(12) Division III of Chapter II becomes subdivision 3 of Division II, under the same heading;

(13) in section 66, the reference to section 65 becomes a reference to section 168;

(14) in section 75.1, the reference to sections 66 and 75 becomes a reference to sections 169 and 179;

(15) in section 76, the reference to subparagraph 1 of the first paragraph of section 74 becomes a reference to subparagraph 1 of the first paragraph of section 178;

(16) in section 78, the reference to sections 115, 117, 124, 132, 142 and 147 becomes a reference to sections 220, 222, 229, 236, 248 and 253;

(17) in section 81, the reference to section 76 becomes a reference to section 182;

(18) in section 83, the reference to section 74 becomes a reference to section 178;

(19) in section 87, the reference to sections 84, 85 and 86 becomes a reference to sections 189, 190 and 191;

(20) Chapter III of Title II becomes Division III of Chapter I, under the same heading;

(21) Division I of Chapter III becomes subdivision 1 of Division III, under the heading “*Establishment, jurisdiction and organization*”;

(22) in section 89, the reference to section 76 becomes a reference to section 181;

(23) in section 102, the reference to Schedules I and II becomes a reference to Schedules B and D;

(24) Division II of Chapter III becomes subdivision 2 of Division III, under the same heading;

(25) in section 108, the reference to sections 43, 47, 53 and 88 becomes a reference to sections 135, 139, 151 and 193;

(26) in section 112, the reference to section 51 becomes a reference to section 143;

(27) in section 132, the reference to section 51 becomes a reference to section 143;

(28) Chapter IV of Title II becomes subdivision 3 of Division III, under the heading “*Appeal from a decision of the committee*”;

(29) in section 139, the reference to section 138 becomes a reference to section 243;

(30) in section 145, the reference to sections 53, 124, 129, 131 and 132 becomes a reference to sections 151, 229, 233, 235 and 236.

TITLE X

TRANSITIONAL PROVISIONS

337. 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 or the Police Act 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.

338. The École nationale de police du Québec succeeds the Institut de police du Québec. It has the rights and obligations of the institute.

339. The Director General and the assistant director of the Institut de police du Québec, in office on *(insert here the date immediately preceding the date of coming into force of section 338)*, 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 *(insert here the date of coming into force of section 338)*.

340. The members of the personnel of the Institut de police du Québec, in office on *(insert here the date immediately preceding the date of coming into force of section 338)*, become, without other formality, the personnel members of the École nationale de police du Québec.

341. The appropriations granted to the Institut de police du Québec, as well as the contributions paid for the fiscal year *(insert here the fiscal year during which section 338 comes into force)*, are transferred to the École nationale de police du Québec.

342. The Regulation respecting the ethics and discipline of the policemen of the Communauté urbaine de Montréal is deemed to be a regulation made under section 257.

343. This Act replaces the Act respecting police organization (R.S.Q., chapter O-8.1) and the Police Act (R.S.Q., chapter P-13).

TITLE XI

FINAL PROVISIONS

344. In any Act, proclamation, order in council, contract or document, the expressions “constable”, “peace officer”, “policeman”, “police officer”, “officer of the peace” and any other similar expression mean, unless the context indicates otherwise, a member of the Sûreté du Québec, 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 or a special constable, according to the powers and authority conferred upon them respectively by this Act.

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 a Native police force or its members, with the necessary modifications.

345. This Act shall not be construed as restricting the administrative power of an employer or, of the chief 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 chief 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.

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

347. The Conseil de surveillance des activités de la Sûreté du Québec shall cease its activities on (*insert here the date occurring five years after the coming into force of section 291*) or on any later date determined by the Government to allow the Conseil to close any file in progress.

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

SCHEDULE A

OATH OF OFFICE

(Sections 60, 84, 107 and 108)

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 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*).

SCHEDULE B

OATH OF DISCRETION

(Sections 60, 84, 107, 108, 133, 203 and 300)

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.

SCHEDULE C

POLICE SERVICES IN TERRITORIES NOT UNDER THE JURISDICTION OF A POLICE FORCE

(*Section 81*)

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.

SCHEDULE D

OATH

(Sections 133 and 203)

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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