



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 62

An Act to amend the Police Act

Introduction

**Introduced by
Mr. Jacques P. Dupuis
Minister of Public Security**

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EXPLANATORY NOTES

The purpose of this bill is, among other things, to allow municipalities, in accordance with the conditions determined by the Government and with the authorization of the Minister of Public Security, to come to an agreement, with each other or with the Sûreté du Québec, on the joint use of equipment, premises or space. It also authorizes the Minister to determine the manner in which a municipality will be served by a municipal police force, if the municipality fails to do so. In addition, it completes the list of provisions that must be included in the agreement under which the Sûreté du Québec provides its services to a municipality. It also provides that municipalities must update their police service organization plan, whenever necessary or at the Minister's request.

The bill stipulates that it is the director of a police force who assesses if a situation in which a police officer under the director's authority may be involved is compatible with the function of police officer. The bill also amends the requirement for a police officer to report the conduct of another police officer that may constitute a breach of discipline, and limits the reporting requirement to cases where the police officer has personal knowledge of the conduct. In addition, when a police officer or a special constable has been found guilty of an offence punishable on summary conviction, the bill provides that it is the competent disciplinary authority that determines whether special circumstances surrounding the commission of the offence justify a sanction other than dismissal.

The bill stipulates that any allegation against a police officer concerning a criminal offence must be submitted first to the director of police and the Director of Criminal and Penal Prosecutions who will determine whether the allegation is frivolous, made in bad faith or unfounded, or could give rise to an abuse of process. If the allegation is founded, the director of police must inform the Minister immediately.

Lastly, the bill confirms the creation of the Québec Police Services Council, made up, among others, of municipal representatives. The Council's mission is to give its opinion to the Minister on any matter relating to police services provided in Québec.

Bill 62

AN ACT TO AMEND THE POLICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 15 of the Police Act (R.S.Q., chapter P-13.1) is amended by adding the following paragraph:

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

2. Section 16 of the Act is amended

(1) by replacing “élèves” in the first paragraph in the French text by “étudiants”;

(2) by striking out the last sentence of the first paragraph;

(3) by replacing “élèves” in the second paragraph in the French text by “étudiants”.

3. Section 17 of the Act is amended by replacing “élèves” in the French text by “étudiants”.

4. Section 29 of the Act is amended by replacing “élèves” in paragraph 1 in the French text by “étudiants”.

5. Section 33 of the Act is amended

(1) by replacing “15” in the first paragraph by “11”;

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

“The executive director and the executive director’s representative are permanent members of the Commission.”;

(3) by striking out “, and may be reappointed for one term” in the portion before subparagraph 1 of the third paragraph;

(4) by replacing subparagraph 1 of the third paragraph by the following subparagraph:

“(1) three persons appointed by the executive director and working in the area of training and research within the school;”;

(5) by replacing “six persons appointed by the Minister, on the recommendation of” in subparagraph 2 of the third paragraph by “three persons appointed by”;

(6) by replacing “five” in subparagraph 3 of the third paragraph by “four”.

6. Section 37 of the Act is amended by striking out the second sentence.

7. Section 42 of the Act is amended by striking out “, with the authorization of the Minister;” in the second sentence.

8. Section 51 of the Act is amended by adding “or the person designated by the Minister” at the end of the second paragraph.

9. Section 70 of the Act is amended by adding the following paragraph after the fifth paragraph:

“Without prejudice to that obligation, the Minister may, on the conditions prescribed by regulation of the Government, authorize municipalities to come to an agreement with each other or with the Sûreté du Québec, by all appropriate means, on the joint use of equipment, premises or space by their respective police force and the Sûreté du Québec. The cessation of the joint use of those resources is subject to the Minister’s approval.”

10. Section 72 of the Act is amended by replacing “section 10” in the second paragraph by “section 5”.

11. The Act is amended by inserting the following section after section 72:

“72.1. If a municipality that is to be served by a municipal police force fails to comply with subparagraph 1 or 2 of the first paragraph of section 71, the Minister may determine which procedure provided in those subparagraphs will be followed by the municipality.”

12. Section 76 of the Act is amended

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

“(2) the nature and scope of the police services that will be provided and the other conditions applicable to those services;”;

(2) by adding the following paragraphs after paragraph 8:

“(9) the territory to be served;

“(10) the responsibilities of the public security committee, other than those set out in section 78;

“(11) the procedure for issuing statements of offence under the legislation on road safety or under municipal by-laws; and

“(12) the measures to be implemented in emergency situations.”

13. Section 78 of the Act is amended by replacing “more particularly” in the portion before subparagraph 1 of the fifth paragraph by “in addition to the responsibilities entrusted to it under the agreement”.

14. The Act is amended by inserting the following section after section 81:

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

15. Section 117 of the Act is amended

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

“Any contravention of the first paragraph or any other situation in which a police officer is involved and that, in the opinion of the police officer’s director, may compromise the police officer’s impartiality or integrity, shall entail the immediate suspension without pay of the police officer. The police officer’s situation must be regularized within six months, on pain of dismissal.”;

(2) by replacing “offender” in the third paragraph by “police officer”.

16. Section 118 of the Act is amended by adding the following sentence at the end of the first paragraph: “If, in the opinion of the director, the police officer is in an incompatible situation, the second and third paragraphs of section 117 apply.”

17. Section 119 of the Act is amended

(1) by replacing “triable only” in the third line of the first paragraph by “prosecuted”;

(2) by replacing “punishable on summary conviction or by indictment, unless the police officer or special constable shows that specific circumstances” at the end of the second paragraph by “prosecuted on summary conviction, unless the competent disciplinary authority, after having examined all the facts and invited the police officer or special constable concerned to submit observations, considers that special circumstances surrounding the commission of the offence”.

18. Section 241 of the Act is amended by inserting “, with leave,” after “committee may”.

19. Section 260 of the Act is amended

(1) by striking out “discipline or” in the first paragraph;

(2) by inserting the following sentence after the first sentence of the first paragraph: “The police officer is subject to the same requirement in respect of conduct that may constitute a breach of discipline, if the police officer has personal knowledge of that conduct.”

20. Section 286 of the Act is amended by adding the following at the end of the first paragraph: “, unless the director considers, after consulting the Director of Criminal and Penal Prosecutions, that the allegation is frivolous, vexatious, made in bad faith or unfounded, or that it gives rise to an abuse of process.”

21. The Act is amended by inserting the following title before Title VI:

“**TITLE V.1**

“**QUÉBEC POLICE SERVICES COUNCIL**

“**CHAPTER I**

“**ESTABLISHMENT**

“**303.1.** A Québec Police Services Council is established under the Minister’s authority.

“**CHAPTER II**

“**RESPONSIBILITIES**

“**303.2.** The Council shall give its opinion on any matter relating to police services provided in Québec, and more particularly on

(1) the needs of the general public;

(2) the policy directions of police services given the priorities of each area of police work and the development, organization, distribution and harmonization of those services;

(3) the costs of police services; and

(4) the adaptation of police services to emerging needs, new realities and standards of quality.

The Council shall also give its opinion on any matter submitted to it by the Minister, within the time specified by the Minister.

“303.3. The Council may also make recommendations within the framework of the responsibilities entrusted to it.

“303.4. The Council shall send its opinions and recommendations to the Minister.

“CHAPTER III

“COMPOSITION AND OPERATION

“303.5. The Council is composed of 21 members, including a chair and vice-chair, appointed by the Minister on the recommendation of organizations that are representative of the sector.

The following persons shall sit on the Council:

(1) two representatives of the Fédération québécoise des municipalités (FQM);

(2) two representatives of the Union des municipalités du Québec;

(3) one representative of Ville de Montréal;

(4) one representative of the First Nations;

(5) one representative of the management of the Sûreté du Québec;

(6) one representative of the management of the service de police de la Ville de Montréal;

(7) one representative of the management of the police department of Ville de Québec;

(8) two representatives of the management of municipal police forces offering level 1, 2 or 3 services;

(9) one representative of Native police forces;

(10) one representative of the Association des directeurs de police du Québec;

(11) one representative of the École nationale de police du Québec;

(12) one representative of the Association des policières et policiers provinciaux du Québec;

(13) one representative of the Fraternité des policiers et policières de Montréal (F.P.P.M.);

(14) one representative of the Fédération des policiers et policières municipaux du Québec (FPMQ); and

(15) one representative of the International Centre for the Prevention of Crime.

Three other members are chosen from among the personnel of the Ministère de la Sécurité publique.

“303.6. The Minister shall designate the chair, alternating every two years between a member of the Fédération québécoise des municipalités (FQM) and a member of the Union des municipalités du Québec.

The Minister shall also designate the vice-chair, alternating every two years among the members of the management of the various police forces.

“303.7. The chair shall preside at Council meetings and see to their smooth operation. The chair shall act as liaison between the Council and the Minister.

If the chair is absent or unable to act, the vice-chair shall assume the functions of the chair.

The secretariat of the Council is the responsibility of the Ministère de la Sécurité publique.

“303.8. The term of office of Council members must not exceed two years. Their term may be renewed.

At the end of their term, the members shall remain in office until they are replaced or reappointed.

“303.9. Any vacancy occurring during a term of office must be filled for the remainder of the term in keeping with section 303.6.

A member’s absence from three consecutive meetings of the Council entails a vacancy in the office of that member.

“303.10. The Council shall hold its meetings anywhere in Québec, at least three times a year.

“303.11. The quorum for the entire duration of a Council meeting is a majority of the Council members, including the chair or vice-chair.

Decisions of the Council are made by a majority of the members present. Dissent is recorded.

“303.12. The Council may make internal by-laws.

“303.13. Council members receive no remuneration. Each organization represented on the Council shall defray the costs related to the participation of its representative in Council meetings.”

22. Section 304 of the Act is amended by adding the following paragraph at the end:

“The Minister shall produce a guide to police practices and make it available to police organizations.”

23. Section 353.12 of the Act is amended by adding the following paragraph:

“Within one year from the coming into force of the regulation, the municipalities shall submit to the Minister for approval a police service organization plan stating, in particular, that the services of the required level are provided.”

24. The members of the Commission de formation et de recherche, in office on (*insert the date of assent to this Act*), remain in office until the end of their term.

25. This Act comes into force on (*insert the date of assent to this Act*), except section 5, which comes into force on 16 November 2009.

