

Changes in the police ethics process

Bill 14 - *Act to amend various provisions relating to public security and to enact the Act to assist in locating missing persons* came into effect on October 5, 2023, on the day it was assented to. As a result, certain provisions affecting the police ethics process are now in effect:

- Until October 5, 2024, a complainant who is not involved in an event may file a complaint with the Commissaire, and the complaint will continue to be handled according to the same process as a complainant who was personally involved in the event.
- The Comité de déontologie policière (Police Ethics Committee) becomes the Tribunal administratif de déontologie policière (Administrative Tribunal for Police Ethics).
- An appeal as of right to the Court of Québec from any final decision rendered by the Tribunal administratif de déontologie policière is replaced by an appeal by permission.
- The Act acknowledges the importance of prevention and education in matters of police ethics. To this end, it mandates the Commissaire to develop and implement prevention and information programs relating to these matters.
- It will be possible to hold remote conciliations when the situation or context justifies it.
- In the interest of efficiency, the conciliator may meet with each of the parties to reach an agreement.

However, several other provisions will not take effect until October 5, 2024. These include:

- Reporting and anonymous reporting: This amendment to the Act enables anyone who is not present during an event to file a report. This report may be anonymous.
- By October 5, 2024, the Commissaire must develop and publish on its website a procedure that determines, among other things, the conditions under which a report may be filed and the type of follow-up that must be given to the person who filed the report. It should be noted that a complaint filed by a person reporting an event will be handled with the same rigour and according to the same analytical framework as a complaint filed by a person directly involved in the event. Only the follow-up will be tailored to the personal knowledge of the person reporting the specific event.

This procedure will also be aimed at determining the measures required to enable anonymous reporting.

Unless otherwise provided by law, conciliation is a mandatory step in the police ethics process. However, complainants alleging discriminatory conduct by a police officer may choose not to engage in conciliation. In order to do so, complainants must inform the Commissaire of their refusal to participate. If they fail to respect the deadline, they will be presumed to have accepted conciliation. The Commissaire must hold an investigation when the complainant alleging discriminatory conduct likely to constitute a derogatory act has refused conciliation.

- The conciliator appointed by the Commissaire à la déontologie policière (Police Ethics Commissioner) to act on a complaint alleging discriminatory conduct by a police officer must have received training in matters of racism and discrimination.
- As part of the conciliation process, an officer responsible for equity, diversity and inclusion will be available to accompany any complainant who so wishes.
- The Commissaire may personally handle complaints concerning the conduct of police officers which may constitute a breach of the Code. This will ensure better protection of the public, since the Commissaire may be able to assess events that might not otherwise have been subject to his scrutiny.

Next steps

The Commissaire's team is currently preparing for the implementation of all these legislative changes. New information and various tools will be available online over the coming weeks to help you understand these new features.