

GUIDELINES – Alleged discriminatory conduct

The Police Act (RLRQ, chapter P-13.1) provides that a person may file a complaint alleging discriminatory conduct by a peace officer.

ADMISSIBILITY OF A COMPLAINT

Any complaint lodged within the one-year statutory time limit against a peace officer subject to the Code of Ethics of Québec Police Officers, in the performance of his or her duties while dealing with the public, and alleging discriminatory conduct on his or her part, will be admissible except to the extent that:

- the peace officer's discriminatory conduct is not based on one of the 14 grounds set out in the Quebec Charter of Human Rights and Freedoms (race, color, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, handicap or the use of a means to palliate a handicap);
- the citizen's perception of the peace officer's conduct is not based on objective, observable facts.
- the complaint is frivolous, vexatious, or made in bad faith.

Before refusing a complaint based on any of these criteria, a member of the Commissioner's staff will contact the complainant to obtain any additional information required to fully understand his or her allegations.

COMPLAINT HANDLING

If the complaint alleges discriminatory conduct on the part of a peace officer, the complainant will receive an e-mail informing him or her of the right to refuse conciliation.

- If the complainant decides to refuse to participate in conciliation, he or she must inform the Commissioner in writing within 30 days of filing the complaint.

- Should the complainant fail to inform the Commissioner in writing within 30 days, he or she will be presumed to have agreed to participate in the conciliation.

The conciliator appointed by the Commissioner to act in the context of a complaint alleging discriminatory conduct by a peace officer must have received training in racism and discrimination.

If the complainant refuses conciliation within 30 days of filing the complaint, the Commissioner must investigate.

The Commissioner informs the complainant, the peace officer who is the subject of the complaint and his or her manager of his or her decision and the reasons for refusal.

CONCILIATION

The purpose of conciliation is to resolve, through a settlement accepted by both parties, a complaint lodged against one or more peace officers.

During conciliation, the complainant may be accompanied by a person of his or her choice. They may also be accompanied by an Equity, Diversity, and Inclusion (EDI) advisor or an Aboriginal EDI advisor, if they so wish.

Conciliation must take place within 45 days of the decision to hold conciliation unless the Commissioner authorizes an extension.

Should the parties fail to reach a settlement, the Commissioner will investigate.

INVESTIGATION

A report is drawn up and submitted to the Commissioner within six months of the investigation being ordered.

In the event of an exceptional situation (criminal investigation, criminal trial in progress, complex investigation, etc.) where the investigation report cannot be submitted within this timeframe, the complainant, the peace officer against whom the complaint was lodged and the Director will be notified.

In addition, the complainant, the peace officer who is the subject of the complaint and the Director will receive a letter advising them of the end of the investigation.

The Commissioner may terminate an investigation that has already begun if he considers that the holding or continuation of the investigation would not make it possible to prove a breach of ethics before the Administrative Tribunal for Police Ethics. A reasoned decision will then be sent to the complainant, the peace officer against whom the complaint has been lodged, and the officer's manager.

At the end of an investigation, and within one year of the complaint, unless circumstances beyond his control arise, the Commissioner may decide to :

- summon the peace officer in question before the Administrative Tribunal for Police Ethics when he deems the evidence justifies it;

- dismiss the complaint and close the file;
- forward the investigation file to the Director of Criminal and Penal Prosecutions.

He informs the complainant, the peace officer against whom the complaint has been lodged and his director of this decision and of the reasons for rejecting the complaint.

Version of November 25th, 2024; modified on December 10th, 2024.