



**1 out of 3 complaints** lead to a citation before the Comité de déontologie policière after investigation\*.

## The citation before the Comité de déontologie policière

The Commissaire investigated as a result of your police ethics complaint. After examining the outcome of this investigation, he decided that there was enough evidence to summon one or more police officers to appear before the Comité de déontologie policière (Police Ethics Committee).

### What is a citation?

A citation is a **legal document** in which the Commissaire expresses his criticisms regarding one or more police officers. It mentions certain details such as the dates, places, general circumstances, as well as the sections of the Code of ethics of Québec police officers [the Code] that were allegedly violated.

**It is not a judgment.** The Commissaire must prove the alleged elements during a hearing before the Comité.

### What is the Comité de déontologie policière?

It is an administrative tribunal specialized in police ethics. **It is independent** since it has no connection with the police forces, or with the Commissaire à la déontologie policière. It consists in hearing the cases submitted by the Commissaire and to make a decision regarding each of the allegations involving police officers.

### What is your role at this stage?

As the complainant, you are at the origin of the Commissaire's procedure before the Comité. If you were directly involved in the event, counsel for the Commissaire will contact you. At this stage, it is important to understand that this counsel represents the Commissaire, not you.

**Your testimony is mandatory.** You could receive a summons (subpoena).

The Comité's role is **to seek the truth about the situation brought before the latter**. Therefore, as a witness, your role is to present the situation you experienced and what you personally witnessed, as honestly as possible.

### How to prepare for the hearing?

Counsel for the Commissaire will give you information regarding the process and will help you adequately prepare for your testimony before the Comité. When the date of the case has been selected, counsel for the Commissaire will contact you in order to inform you. **A good way to prepare for your testimony is to review your police ethics complaint.**

\* Files of the Commissaire à la déontologie policière from 2015 à 2020.

## What to expect during and after the hearing?

On the day of the hearing before the Comité, the evidence of the Commissaire and that of the police party will be **presented before a single decision-maker**, who is one of the members of the Comité. With some exceptions, the hearing of the case is open to the public.

After hearing all the evidence from the Commissaire and the police, the hearing ends. The Comité deliberates with the aim of deciding whether, for each complaint, the Code of Ethics has been respected or not. Once these decisions have been taken, the Comité puts them in writing. **This decision will be made public and available on the Internet.**

- If the Comité decides that the Code has been complied with, it will reject the citation filed by the Commissaire.
- If the Comité decides that a police officer failed to respect his obligations set out in the Code of ethics, a new hearing will be held to discuss the appropriate penalty to be imposed on the police officer. You generally do not have to testify once again at this stage. After deliberation, the Comité will render a written decision concerning the determined penalty or penalties.

### THE PENALTIES PROVIDED FOR BY THE POLICE ACT:

- warning;
- reprimand;
- rebuke;
- suspension without salary for a period ranging from one to 60 days;
- demotion;
- dismissal;
- inability to perform peace officer duties (for a period not exceeding 5 years), when the police officer or other peace officer has resigned, has been dismissed or has retired.

Suspensions without pay of one or more days constitute the vast majority of penalties imposed by the Comité.

**The Comité de déontologie policière cannot grant any monetary compensation for damages suffered.** If this is what you are seeking, you must personally take civil action. If necessary, we invite you to consult a lawyer. Counsel for the Commissaire indeed cannot provide guidance on this subject.

Once the final decision is obtained, the Commissaire makes sure that the relevant police department adequately applies the penalties determined by the Comité.

## Can the decisions of the Comité be appealed?

**Yes, before the Court of Québec.** However, if the Comité decided that the police officers respected the Code of ethics, the right to request an appeal belongs to the Commissaire, not to you. As is the case for all of the Commissaire's decisions, public interest is what is considered. You can share your thoughts on the matter with the Commissaire.

A police officer whose conduct has been found to be derogatory may also request an appeal of the Comité's decision.



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*Average number of police officers per year whose conduct was deemed derogatory by the Comité\*.*

\* Files of the Commissaire à la déontologie policière from 2015 à 2020.

## Any questions?

We suggest that you wait until counsel for the Commissaire contacts you to discuss your case. At this stage, the counsel is the best person to give you all the relevant information and to address your concerns.

If necessary, you can contact us at our email address. A member of our staff will get back to you promptly.

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while respecting everyone's rights**

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à la déontologie  
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