



LE PROTECTEUR DU CITOYEN

Assemblée nationale
Québec

PRESS RELEASE

**THE QUÉBEC INVESTIGATIVE PROCEDURE FOR INCIDENTS INVOLVING POLICE OFFICERS
THE QUÉBEC OMBUDSMAN RECOMMENDS MAJOR CHANGES TO THE FRAMEWORK,
PRACTICES, AND MONITORING OF INVESTIGATIONS**

Québec City, February 16, 2010 – In a special report tabled in the National Assembly today, Québec Ombudsperson Raymonde Saint-Germain concludes that major changes are needed in the investigative procedure implemented in Québec for incidents involving police officers. She states that “the *status quo* is neither acceptable nor in the interest of citizens, police officers, or sound governance.”

The Québec Ombudsman’s report, entitled ***For a Credible, Transparent, and Impartial Process That Inspires Confidence and Respect***, makes five findings with regard to the procedure defined in the current ministerial policy:

- 1) Lack of formal rules and inadequate framework
- 2) Lack of transparency in the process and the results
- 3) Appearance of partiality in peer-conducted investigations
- 4) Doubts about the independence of the investigation process
- 5) Shortcomings in the oversight and accountability of investigations

The Québec Ombudsperson has formulated eight interrelated recommendations whose full and complete implementation will help to build public trust in the crucial and complex work of police officers and the credibility of investigations into police incidents.

Formal rules and framework

It is necessary to clarify, through legislative and regulatory provisions, the standards relating to intervention time frames, preservation of evidence, and treatment of witnesses and police officers involved. Accordingly, the Ombudsperson recommends that the *Police Act* be amended to provide a regulatory framework for the investigative process.

She also recommends that Ministère de la Sécurité publique task École nationale de police with providing training on the duties and obligations to be set out in the new legislation.

Transparency in the process and the results

Greater transparency would enhance the credibility of the investigative process and build public trust. The Ombudsperson recommends that the government adopt guidelines to ensure greater transparency and that the Director of Criminal and Penal Prosecution systematically consider releasing the detailed reasoning in support of any decision not to undertake criminal proceedings.

Impartiality of investigations

To ensure greater impartiality in the process, the Ombudsperson recommends that the Government of Québec gradually take steps to integrate qualified civilian investigators into the investigative teams, and that to this end it task École nationale de police with implementing training programs on criminal investigation techniques for designated civilians.

She also recommends promoting the representation of Québec's diversity among the civilians in charge of conducting, monitoring, and overseeing investigations into incidents involving police officers.

Independence of the investigation process

The current ministerial policy does not guarantee independence. The Ombudsperson recommends the creation of an independent body, the Special Investigations Bureau, which would be tasked with investigating serious incidents involving police officers.

Oversight and accountability of investigations

The Ombudsperson has formulated two recommendations describing how to ensure the Special Investigations Bureau's independence, autonomy, and effectiveness. The first concerns the Bureau's structure and operations, while the second addresses reporting and accountability.

The Québec Ombudsperson noted that the cost of investigations into serious incidents involving police officers is currently divided among the police departments that conduct them. She believes that the Special Investigations Bureau should be created by reallocating existing resources. As such, any additional costs would be marginal in absolute terms.

Although aware of the changes that these recommendations call for in police culture and practice, Ms. Saint-Germain believes that “their implementation is crucial to ensure public confidence in investigations into serious incidents involving police officers, who would be the first to benefit from greater public trust in an oversight mechanism that ensures credibility, accountability, and cost effectiveness.”

The Québec Ombudsman's report is available at www.protecteurducitoyen.qc.ca.

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Source: Québec Ombudsman

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