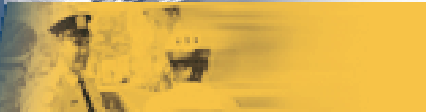


COMMISSAIRE À LA DÉONTOLOGIE POLICIÈRE

*...Prévenir,
s'entendre,
agir*





POLICE ETHICS

AND

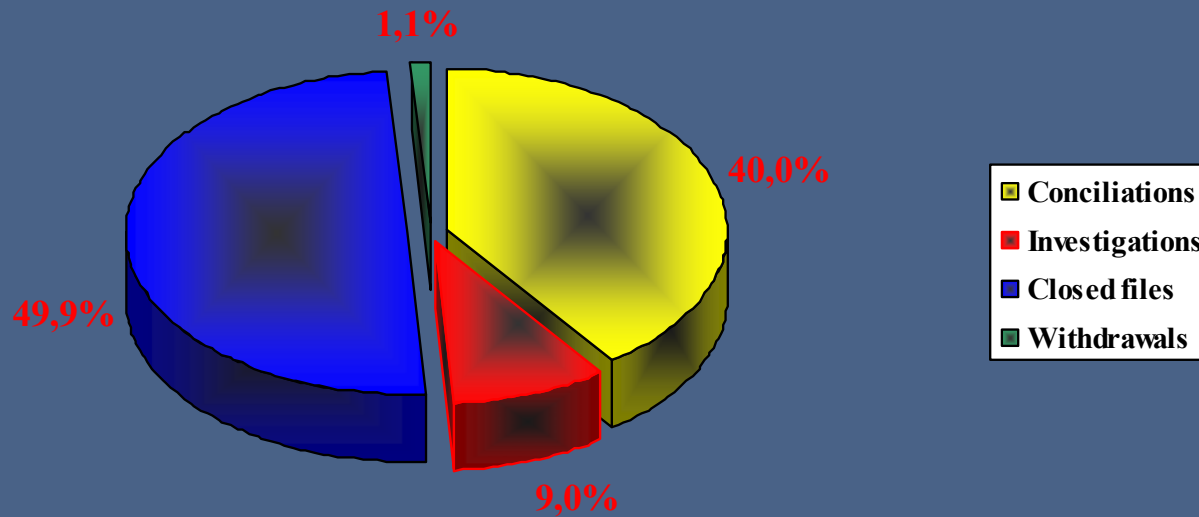
CONCILIATION

THE QUÉBEC EXPERIENCE

*2005
IN QUÉBEC*

*WHAT IS
CONCILIATION ?*

PRIVILEGED COMPLAINT MANAGEMENT MODE



*MANDATORY STEP OF THE
ETHICAL PROCESS
EXCEPT FOR
PUBLIC INTEREST*

(section 147 of the *Police Act*, R.S.Q., c. P-13.1)

***ARE EXCLUDED
FOR REASONS OF PUBLIC INTEREST***

- **Death or serious bodily harm**
- **Situations potentially harmful to the public's confidence in police officers**
- **Criminal offences**
- **Repeat offences**
- **Other serious matters**

(section 148 of the *Police Act*, R.S.Q., c. P-13.1)

VOLUME

**± 538 conciliations
each year throughout the entire
Québec territory**

CONCILIATION

WHY ?

TRADUCTION
***A FAVOURED TOOL TO ENSURE
ONE OF THE AIMS OF OUR
ETHICAL SYSTEM***

**« except where the public interest is at stake,
encourage prevention and behaviour
improvement rather than repression through
sanctions».**

(CORBO REPORT: « *In search of a police ethics system which is fair,
effective and thrifty*», 1996).

***A SOLUTION
INITIAL FAILURES
SYSTEM PROMOTING COURT ACTION***

1990 – 1997

- HIGH COSTS**
- UNACCEPTABLE DELAYS**
- AMBIGUOUS RESULTS**

(CORBO REPORT : « *In search of a police ethics system which is fair, effective and thrifty*», 1996).

*A CONSENSUS
IN ALL SPHERES OF
CIVIL, CRIMINAL AND
ADMINISTRATIVE LAW
IN QUÉBEC*

*A LEVER
TO EARN THE TRUST
OF CITIZENS AND POLICE OFFICERS
THROUGH
DIRECT PARTICIPATION
BEGINNING WITH THE FIRST STEP
OF THE ETHICAL PROCESS*

***A DETERMINING FACTOR
FOR
THE PARTIES' SATISFACTION***

± 85 % of success in conciliation

**± 94 % of the parties to the agreements are
satisfied with the process, according
to surveys**

***A GAIN IN LEGITIMACY
IN THE EYES OF ALL
STAKEHOLDERS***

- **EFFICIENCY**
- **EFFECTIVENESS**
- **RESULTS**

IN FACT

**± 85 % of the complaints are resolved
in 90 days or less**

**± 35 % of our resources are sufficient
to handle this volume**

CONCILIATION

HOW ?

- ❖ **BEFOREHAND** : in-depth examination for proper orientation
- ❖ **SHORT PERIOD** : ± 45 days required for the session
- ❖ **CONCILIATORS** : independent and qualified
- ❖ **CONCILIATION** : a step in the process, not its aim
- ❖ **PARTIES' PRESENCE AT SESSION** : unless they agree in their respective interest

THE KEY

PROFESSIONNALISM

DUTIES OF CONCILIATORS

- **MAINTAIN THE TRUST OF THE PARTIES**
- **CONDUCT BUSINESS WITH SPEED AND FLEXIBILITY**
- **SEE TO THE GOOD ORDER OF THE SESSION**
- **AVOID ANY PRESSURE ON THE PARTIES**
- **SUSPEND THE SESSION IF :**
 - **good order is compromised**
 - **risk of harm to a party**
 - **misleading agreement**
 - **reasons of public interest**
- **ENSURE CONFIDENTIALITY OF EXCHANGES**

CURRENT STAFF

4 CONCILIATORS

- 2 full-time
- 2 assigned on a part-time basis

BUT IN PRACTICE

WHAT GOES ON ?

THIS

IS WHAT IT WILL

LOOK LIKE

WARNING

The script of this presentation is freely inspired by real-life experiences.

However, any resemblance between a character and a complainant, a police officer or their escorts is purely coincidental.

Our conciliator plays her own role.

CONCILIATION

WORK

CONCILIATOR : Mrs. Anne Morissette

EXPLORATORY MEETINGS

WITH EACH PARTY

THE POLICE OFFICER

THE COMPLAINT

« Dear Commissioner :

Last Sunday, while driving my car I was stuck in a traffic jam. It was the cyclists' « Tour of the Island ».

While manoeuvring to get onto the turn-off I heard « *Hey, move over* », accompanied by a violent blow on the trunk of my car. My vehicle is now damaged because of this gesture.

Surprised, I saw a police officer. He appeared, furious, at my passenger's door and asked her for identification. I vigorously objected and asked him to explain the reason for this unacceptable behaviour. He let fly « *You know it* », and left us there waiting for 20 minutes.

When he came back he handed a ticket to my wife and insulted her by saying « *What can a woman like you be doing with a man like that?* ».

I demand compensation for my damages estimated at \$850 and I ask that the ticket issued be cancelled and the police officer suspended. »

THE COMPLAINANT

THE CONCILIATION

SESSION



A HAND OF APPLAUSE FOR OUR CAST

- ❖ **COMPLAINANT** : Mr. Jean-Marc Lévesque, investigator
- ❖ **ESCORT** : Me Louise Letarte, lawyer, conciliator

- ❖ **POLICE OFFICER** : Mr. Gilles Paquet, investigator
- ❖ **ESCORT** : Me Christian Reid, lawyer

- ❖ **CONCILIATOR** : Mrs. Anne Morissette

YOUR REACTIONS

PLEASE



Pour informations :

**Me Claude Simard
Commissaire
Tél. : (418) 643-7897**

Conception : Suzanne Loiseau, bureau du Commissaire à la
déontologie policière