

Scheduling and Case Management Directive

"3. This Code is intended to ensure better protection of the public by developing high standards of public service and professional conscience within police departments and to ensure the respect of human rights and freedoms including those set out in the Charter of human rights and freedoms (chapter C-12)."

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

1. Context

It bears repeating that the purpose of the rules of evidence and procedure before the Tribunal administratif de déontologie policière (Tribunal) is to ensure the simple, flexible and expeditious processing of citations, in keeping with the principles of natural justice and the equality of parties.

However, too often, the scheduled duration of hearings, when compared to their actual duration, the lack of prior communication between the parties and the resulting delays in holding hearings hinder these objectives. In addition, the Tribunal is not provided with sufficient information before hearings to assess cases, which limits its ability to manage deadlines, plan the hearing and accompany parties, particularly in pre-hearing or management conferences.

2. Purpose

The purpose of this directive is to ensure the proper functioning of the scheduling and the efficient processing of cases with a view to the orderly conduct of proceedings.

Thus, after a citation has been filed, the parties will have to comply with a timetable that includes the filing of a joint declaration stating that the case is ready for trial in a **prescribed form**, in order to provide, prior to scheduling, the information necessary to:

- Identify the questions to be debated at the hearing;
- Examine the possibility of admitting certain facts;
- Examine the possibility of an agreement;
- Plan the course of the hearing.

The timetable includes, once the file is ready for trial, a calling of the roll by the clerk to schedule the hearing on the merits.

3. Legal Framework

These orientations are based on several legal and regulatory provisions, namely sections 1, 6, 7, 9, 10, 13, 14 and 31 of the *Rules of evidence, procedure and practice of the Comité de déontologie policière*¹ (Rules), sections 218, 220, 223, 225, 229 and 231 of the *Police Act*² (Act) and the *Act respecting administrative justice*³.

4. Scope

These orientations apply to all citations filed with the Tribunal starting on January 1, 2024.

5. Sequence of events

Once the Commissaire à la déontologie policière (Commissaire) files a citation, the Tribunal is seized of the matter and opens a file.

Within 7 days following the notification of the citation by the Tribunal, **the cited officer or their representative** must file with the office of the Tribunal the prescribed form “Declaration and Representation Statement” in which the alleged facts are admitted or denied, and, if applicable, the contact information for their representative is provided. The police party must also send a copy to the Commissaire.

Commissaire

No later than 15 days after the confirmation of notification of the citation or, failing such, the filing of the declaration and representation statement by the police party, the Commissaire must disclose all evidence to the police party or their representative.

¹ CQLR, chapter P-13.1, r. 2.1.

² CQLR, chapter P-13.1.

³ CQLR, chapter J-3.

No later than 30 days after the confirmation of notification of the citation or, failing such, the filing of the declaration and representation statement by the police party, the Commissaire must send to the latter the joint declaration stating that the case is ready for trial using the prescribed form with the applicable sections duly completed, including the following information:

- A brief outline of the facts, the main questions to be debated and its claims for each count of the citation;
- A list of intended witnesses, including experts, by indicating their names, the subject of their testimony and the total anticipated duration of the administration of evidence;
- A list of all documents intended to be tendered as evidence during the hearing;
- The preliminary exceptions it wishes to raise.

Police Party

No later than 30 days after receiving the joint declaration stating that the case is ready for trial filled out by the Commissaire, the police party must then send to the Commissaire the joint declaration stating that the case is ready for trial using the prescribed form with the applicable sections duly completed, including the following information:

- A reply to the Commissaire's brief outline of the facts, the main questions to be debated and its claims for each count of the citation;
- A list of intended witnesses, including experts, by indicating their names, the subject of their testimony and the total anticipated duration of the administration of evidence for the police party;
- A list of all documents intended to be tendered as evidence during the hearing;
- The preliminary exceptions it wishes to raise.

Both parties

The joint declaration stating that the case is ready for trial must be completed by the parties using the prescribed form.

No later than 70 days following the confirmation of the notification of the citation, or, failing such, the filing of the declaration and representation statement by the police party, the Commissaire must file the joint declaration stating that the case is ready for trial completed by both parties with the office of the Tribunal.

During the same timeframe, no later than 70 days following the confirmation of the notification of the citation, or, failing such, the filing of the declaration and representation statement by the police party, each party must upload a copy of all documents in its possession that it intends to tender as evidence during the hearing using Docurium. Uploading these documents to Docurium at this stage does not mean that the documents will automatically be admitted into evidence. Evidence can only be admitted during the hearing following the applicable evidentiary rules. As well, only documents admitted as evidence during the hearing become public, subject to confidentiality orders that the Tribunal may render.

If a party intends to tender an expert's report and the report is not available when the joint declaration stating that the case is ready for trial is filed, the party must send the report to the other party and file it with the Tribunal as soon as the party obtains it. No expert's report will be admitted into evidence unless it was sent beforehand to the other party and filed with the Tribunal no later than 15 days before the scheduled hearing date. The Tribunal may however shorten the delay on serious grounds.

Tribunal

Starting on the 71st day following the confirmation of the notification of the citation, or, failing such, the filing of the declaration and representation statement by the police party, the clerk convenes the parties for a calling of the roll to schedule the hearing on the merits, by sending a notice indicating the date and time during which the parties must be available.

If either party is absent during the calling of the roll, the date and duration of the hearing on the merits may be determined peremptorily by the Tribunal.

If required by special circumstances, the file may be referred to the chair or another member to hear the parties regarding the grounds justifying the deviation from the requirements of the present directive or for any other reason determined by the Tribunal.

During the hearing, the Tribunal may accept admissible testimonial or documentary evidence which, on serious grounds, could not have been announced or sent within the prescribed timeframe set out in the present directive. As well, the Tribunal may, on such grounds, hear any preliminary exception which was not previously raised.



